

# COUNCIL MEETING

Municipal Building  
175-5<sup>th</sup> Street North  
Second Floor Council Chamber

CITY OF ST. PETERSBURG

**April 18, 2013  
3:00 PM**

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, 1<sup>st</sup> 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](http://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. Awards and Presentations**

1. [Presentation by Martha Boden, CEO, Society for Prevention of Cruelty to Animals \(SPCA\) for Tampa Bay, on their new initiative, Community Animal Connections.](#)

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

Setting May 2, 2013 as the public hearing date for the following proposed Ordinance(s):

1. [An Ordinance of the City of St. Petersburg adding a new subsection to Section 2-237 and a new subsection to Section 2-241 of the St. Petersburg City Code; providing for an exception to the Procurement Code for the purchase of hardware and software that meet certain criteria; and establishing the process for a design build project delivery method.](#)

**F. Reports**

1. [Resolution authorizing the Mayor to enter into an agreement with the Urban Land Institute to convene an Advisory Service Panel concerning the downtown waterfront. \[DELETED\]](#)
2. [Referral from the Community Preservation Commission \(CPC\) regarding a 30 business day temporary hold on a partial demolition application to the Bishop Hotel located at 256 - 1st Avenue North.](#)
3. [Approving the selection of Brown and Caldwell \(Corporation\) to provide design services related to the new Biosolids and Waste to Energy Project in the amount not to exceed \\$2,921,138; authorizing the Mayor or his designee to execute an Architect/Engineering](#)

Agreement; approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Project Fund (4003) in the amount of \$1,850,000 from the SAN 34th S/S & Roser Park Lining FY13 Project (13818); and approving a supplemental appropriation in the amount of \$1,038,380 from the unappropriated balance of the Water Resources Capital Project Fund (4003), resulting from the rescission, to the WRF SW Digesters FY13 Project (13830). (Engineering Project No.13057-111, Oracle No.13830)

4. Tourist Development Council. (Councilmember Curran) (Oral)
5. Awarding a contract to Precision Paving of Tampa, Inc. dba A R General Contractors, Inc., in the amount of \$481,750 for the construction of the Mirror Lake Park Improvements Project; rescinding unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund (3029); \$100,000 from the Demen's Landing Improvements FY12 Project (13739) and \$125,000 from the Park Lighting Improvements FY 13 (13749); and approving a supplemental appropriation in the amount of \$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), partially resulting from these rescissions, to the Mirror Lake Park Improvements Project (13245). (Engineering & CID No. 12204-017; Oracle No. 13245) [DELETED]
6. Authorizing the Mayor or his designee to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35th Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, for a period of thirty-six (36) months, at a rent of \$10.00 for the entire term. (Requires affirmative vote of at least six (6) members of City Council.)

#### **G. New Business**

1. Requesting the Mayor and City Council delay the closing of the Pier until after the Primary Election on August 27, 2013. (Councilmember Newton)

#### **H. Council Committee Reports**

1. Budget, Finance & Taxation Committee. (4/11/13)
2. Public Services & Infrastructure Committee. (4/11/13)
3. Committee of the Whole. (4/11/13)
4. Youth Services Committee. (4/18/13) (Oral)

#### **I. Legal**

#### **J. Public Hearings and Quasi-Judicial Proceedings - 6:00 P.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. Confirming the preliminary assessment for Lot Clearing Number 1516.

2. [Confirming the preliminary assessment for Building Securing Number 1175.](#)
3. [Confirming the preliminary assessment for Building Demolition Number 402.](#)
4. [Ordinance 1047-V approving the vacation of 16th Avenue South between 3rd and 4th Streets South and the remaining segment of the east-west alley lying west of 3rd Street South in between 15th and 16th Avenues South. \(City File 13-33000002\)](#)
5. [Ordinance 70-H 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, within Albert Whitted Park located at 480 Bayshore Drive Southeast, St. Petersburg; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this ordinance.](#)
6. [Ordinance 71-H amending Section 22-206 of the St. Petersburg City Code relating to the Supplemental Firefighter's Retirement System \("Plan"\) to increase the maximum number of months an employee may participate in the Deferred Retirement Option Plan \(DROP\).](#)

### **Quasi-Judicial Proceedings**

*Swearing in of witnesses.* Representatives of City Administration, the applicant/appellant, opponents, and members of the public who wish to speak at the public hearing must declare that he or she will testify truthfully by taking an oath or affirmation in the following form:

*"Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?"*

*The oath or affirmation will be administered prior to the presentation of testimony and will be administered in mass to those who wish to speak. Persons who submit cards to speak after the administration of the oath, who have not been previously sworn, will be sworn prior to speaking. For detailed procedures to be followed for Quasi-Judicial Proceedings, please see yellow sheet attached to this agenda.*

7. [Appeal of Suspension of Extended Hours Permit for the Scene Premium Nighclub. \[DELETED\]](#)

### **K. Open Forum**

1. [Open Forum](#)

### **L. Adjournment**



**Consent Agenda A  
April 18, 2013**

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 replacement aerial trucks from Altec Industries, Inc. for the Fleet Management Department at a total cost of \\$542,679.](#)

**(City Development)**

2. [Approving disbursement of up to \\$719,000 from the Capital Repair, Renewal and Replacement Sinking Fund Account for Tropicana Field Capital Projects; and approving a supplemental appropriation in the amount of \\$719,000 from the unappropriated balance of the Tropicana Field Capital Projects Fund \(3081\) to the Tropicana Field FY13 Improvements Project \(13845\)](#)

# CONSENT



# AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

## Consent Agenda B April 18, 2013

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. [Awarding a contract to Precision Paving of Tampa, Inc. dba A R General Contractors, Inc., in the amount of \\$481,750 for the construction of the Mirror Lake Park Improvements Project; rescinding unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund \(3029\); \\$100,000 from the Demen's Landing Improvements FY12 Project \(13739\) and \\$125,000 from the Park Lighting Improvements FY 13 \(13749\); and approving a supplemental appropriation in the amount of \\$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund \(3029\), partially resulting from these rescissions, to the Mirror Lake Park Improvements Project \(13245\). \(Engineering & CID No. 12204-017; Oracle No. 13245\) \[MOVED to Reports as F-5\]](#)

### **(City Development)**

2. [Approving the plat of St. Petersburg Housing Authority Headquarters Subdivision, generally located at 2001 Gandy Boulevard North. \(City File 11-20000008\)](#)
3. [Approving the 2012 Annual Report for the Intown Areawide Development of Regional Impact \(IADRI\).](#)
4. [Approving the 2012 Annual Report for the Gateway Areawide Development of Regional Impact \(GADRI\).](#)
5. [Authorizing the Mayor or his designee to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35th Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, for a period of thirty-six \(36\) months, at a rent of \\$10.00 for the entire term. \(Requires affirmative vote of at least six \(6\) members of City Council.\) \[MOVED to Reports as F-6\]](#)

### **(Miscellaneous)**

6. [Authorizing the Mayor or his designee to accept a Walmart Foundation grant in the amount of \\$1,000 for the enhancement of life safety programs managed by St. Petersburg Fire & Rescue; and 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, April 11, 2013, 8:00 a.m., Room 100*

**Public Services & Infrastructure Committee**

*Thursday, April 11, 2013, 9:15 a.m., Room 100*

**Committee of the Whole**

*Thursday, April 11, 2013, 10:30 a.m., Room 100*

*Use of Weeki Wachee Funds for ballfield shade structures*

**CRA/Agenda Review & Administrative Updates**

*Thursday, April 11, 2013, 1:30 p.m., Room 100*

**City Council Meeting**

*Thursday, April 11, 2013, 3:00 p.m., Council Chamber*

**Youth Services Committee**

*Thursday, April 18, 2013, 8:30 a.m., Room 100*

**City Council Workshop - Transportation**

*Thursday, April 18, 2013, 10:00 a.m., Room 100*

**City Council Pier Workshop**

*Thursday, April 18, 2013, 1:00 p.m., Council Chamber*

**Fiscal Year 2014 Public Budget Public Summits**

*Wednesday, April 24 – Willis S. Johns Center – 6635 Dr. M.L. King Jr. St. N., 6:00 p.m.*

*Wednesday, May 15 – J.W. Cate Center – 5801 - 22nd Ave. N., 6:00 p.m.*

*Wednesday, June 12 – Enoch Davis Center – 1111 - 18th Ave. S., 6:00 p.m.*

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CITY OF ST. PETERSBURG  
**Board and Commission Vacancies**

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## 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 Presentation by Martha Boden, CEO, Society for Prevention of Cruelty to Animals (SPCA) for Tampa Bay, on their new initiative, Community Animal Connections.

**CITY COUNCIL AGENDA**  
**AWARDS & PRESENTATIONS**

**April 2, 2013**

**TO:** The Mayor and Members of City Council

**SUBJECT:**

*Presentation by Martha Boden, CEO, SPCA Tampa Bay*

**PRESENTER:**

Karl Nurse, Chair  
City Council

**SCHEDULE FOR COUNCIL ON:**

April 18, 2013

# SPCA TAMPA BAY



## Our Mission:

*Be the community leader in animal advocacy by preventing cruelty, promoting humane care and reducing pet overpopulation.*

Presentation - Nurse (chair)  
4/18/13 cc mtg.  
(D-1)



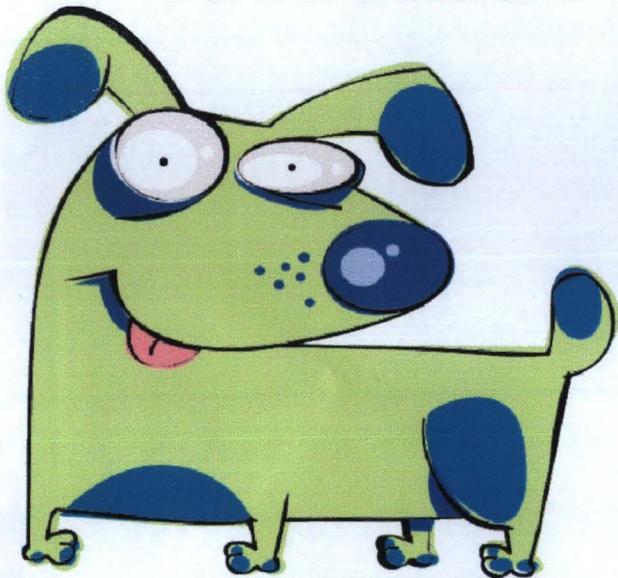
## Services

- More than 3,000 admissions from and 800 adoptions to St. Petersburg (2012)
- 24-Hour Cruelty Investigation Team
- Animal Ambulance
- Pebble's Food Bank
- Behavioral Training for Pets
- Community Events: Birthday parties, summer camps for kids, 3K Petwalk



## Community Animal Connections

- Open a general practice veterinary clinic coupled with various payment options and high volume spay/neuter
- Change to appointment-based admissions to counsel owners before they arrive at the Largo facility





## Community Animal Connections

- Develop a centralized system for owners seeking lost pets
- Create better solutions for special segments of the Pinellas County animal community: wildlife, livestock and exotic species





## Animal Services & SPCA Tampa Bay

- Monthly meetings with senior staff
- “Staff swaps” to help build teamwork between organizations
- Developed shared methodology for tracking animal statistics



- Creating education seminar for local law enforcement on animal cruelty investigation

Attached documents for item An Ordinance of the City of St. Petersburg adding a new subsection to Section 2-237 and a new subsection to Section 2-241 of the St. Petersburg City Code; providing for an exception to the Procurement Code for the purchase of hardware and software that me

## MEMORANDUM

TO: The Honorable Karl Nurse, Chair, and Members of City Council

FROM: Macall Dyer, Assistant City Attorney 

DATE: Meeting of April 18, 2013

SUBJECT: Ordinance adding subsection (c) to Section 2-237 and subsection (h) to Section 2-241 of the St. Petersburg City Code

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The attached proposed ordinance adds subsection (c) to Section 2-237 and subsection (h) to Section 2-241 of the St. Petersburg City Code.

The proposed subsection (c) to Section 2-237 adds an exception to the procurement code for the purchase of computer hardware and software that meet certain criteria. The total cost of any purchase pursuant to this proposed subsection (c) shall not exceed \$250,000. The criteria will help ensure successful implementation and use of new software and hardware by requiring integration with existing City hardware and software. Additionally, any purchase pursuant to this proposed section (c) requires demonstration of successful pilot testing in a City specific environment. As required by administrative policy, all purchases over \$100,000 pursuant to this proposed subsection (c) shall be approved by City Council.

The proposed subsection (h) to Section 2-241 adds a source selection and contracting for design-build services. The award of any design-build contract shall be made by using one of the following processes: (1) the competitive sealed proposals/competitive negotiations process set forth in Chapter 2 of the St. Petersburg City Code; (2) the Florida Department of Transportation's Low Bid Design-Build (LBDB) process; or (3) any other process permitted by City administrative policy.

This proposed ordinance addresses the immediate needs of City Administration. City Administration and the City Attorney's Office are in process of reviewing and revising the City's entire procurement code (e.g., Chapter 2, Article V, Division 3 of the St. Petersburg City Code), which we hope to finalize by late summer.

AN ORDINANCE OF THE CITY OF ST. PETERSBURG ADDING A NEW SUBSECTION TO SECTION 2-237 AND A NEW SUBSECTION TO SECTION 2-241 OF THE ST. PETERSBURG CITY CODE; PROVIDING FOR AN EXCEPTION TO THE PROCUREMENT CODE FOR THE PURCHASE OF HARDWARE AND SOFTWARE THAT MEET CERTAIN CRITERIA; ESTABLISHING THE PROCESS FOR A DESIGN BUILD PROJECT DELIVERY METHOD; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The St. Petersburg City Code is hereby amended by adding a new Section 2-237 (c) to read as follows:

Sec. 2-237 – Exceptions.

- (c) The provisions of this division shall not apply to the purchase of computer hardware and software that meets following criteria:
- (1) The total cost of the purchase does not exceed \$250,000; and
  - (2) The hardware or software being purchased must integrate with existing City hardware or software; and
  - (3) The hardware or software being purchased must have been successfully pilot tested by the POD and the methodology and results of the testing must be documented; and
  - (4) The hardware or software being purchased must be a cost effective solution for the City; and
  - (5) The hardware or software being purchased has been approved by the POD.

SECTION 2. The St. Petersburg City Code is hereby amended by adding a new Section 2-241 (h) to read as follows:

Sec. 2-241 – Source selection and contracting.

- (h) Design-build services. The POD shall award design-build contracts by using one of the following processes:
- (1) The competitive sealed proposals/competitive negotiations process set forth in this section; or
  - (2) The Florida Department of Transportation's Low Bid Design-Build (LBDB) process; or
  - (3) Any other process permitted by City administrative policy.

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:

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City Attorney (designee)

Document number 173032

**From:** Macall Dyer  
**To:** Andujar, Eva; Beneby, Pat  
**Date:** 4/11/2013 3:54 PM  
**Subject:** 00173537 - minor change to Ordinance adding new subsection to Sec 2-237 and Sec 2-241  
**Attachments:** 00173537.docx

The minor change was made to Sec. 2-241 (h) (3).... and **compliant with applicable laws** was added to the end of **any other process permitted by City administrative policy.**

**Now Proposed Sec. 2-241 (h) (3) reads:**  
**Any other process permitted by City administrative policy and compliant with applicable laws.**

**Thanks,**  
**Macall**

E-1

AN ORDINANCE OF THE CITY OF ST. PETERSBURG  
ADDING A NEW SUBSECTION TO SECTION 2-237  
AND A NEW SUBSECTION TO SECTION 2-241 OF  
THE ST. PETERSBURG CITY CODE; PROVIDING  
FOR AN EXCEPTION TO THE PROCUREMENT  
CODE FOR THE PURCHASE OF HARDWARE AND  
SOFTWARE THAT MEET CERTAIN CRITERIA;  
ESTABLISHING THE PROCESS FOR A DESIGN  
BUILD PROJECT DELIVERY METHOD; AND  
PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The St. Petersburg City Code is hereby amended by adding a new Section 2-237 (c) to read as follows:

Sec. 2-237 – Exceptions.

(c) The provisions of this division shall not apply to the purchase of computer hardware and software that meets following criteria:

- (1) The total cost of the purchase does not exceed \$250,000; and
- (2) The hardware or software being purchased must integrate with existing City hardware or software; and
- (3) The hardware or software being purchased must have been successfully pilot tested by the POD and the methodology and results of the testing must be documented; and
- (4) The hardware or software being purchased must be a cost effective solution for the City; and
- (5) The hardware or software being purchased has been approved by the POD.

SECTION 2. The St. Petersburg City Code is hereby amended by adding a new Section 2-241 (h) to read as follows:

Sec. 2-241 – Source selection and contracting.

(h) Design-build services. The POD shall award design-build contracts by using one of the following processes:

- (1) The competitive sealed proposals/competitive negotiations process set forth in this section; or
- (2) The Florida Department of Transportation's Low Bid Design-Build (LBDB) process; or
- (3) Any other process permitted by City administrative policy and compliant with applicable laws.

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:

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City Attorney (designee)

Document number 173537

Attached documents for item Resolution authorizing the Mayor to enter into an agreement with the Urban Land Institute to convene an Advisory Service Panel concerning the downtown waterfront.  
[DELETED]

ST. PETERSBURG CITY COUNCIL

Meeting of April 18, 2013

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** A resolution authorizing the Mayor to enter into an agreement with the Urban Land Institute (ULI) to conduct an Advisory Service Panel (ASP) about the Downtown Waterfront in 2013; and providing an effective date.

**EXPLANATION:** As discussed at the Downtown Waterfront Master Plan Process Workshops on October 25 and December 13, 2012, the City wishes to engage the services of ULI to conduct an Advisory Service Panel (ASP) for the purpose of injecting new insights and fresh ideas into the process of creating the Charter mandated Downtown Waterfront Master Plan. The cost of engaging ULI for this purpose is \$125,000. On January 10, 2013, City Council approved a resolution appropriating \$25,000 as the City's share of the costs with the understanding that the remaining \$100,000 would be raised from the community to demonstrate broad support for a ULI Panel.

The St. Petersburg Area Chamber of Commerce formed a Downtown Waterfront Master Plan Task Force to help ensure broad community participation in the development of the Master Plan. As part of those efforts, the Chamber partnered with the City to raise the additional \$100,000 for the ULI Panel. The contributions have come from many generous sources. A complete list will be provided to Council at the April 18, 2013 Council meeting. The location and dates for the Advisory Service Panel will also be provided at the April 18, 2013 Council meeting.

The attached resolution authorizes the Mayor to enter into an agreement with ULI as a "sponsor" of the Advisory Service Panel. The Chamber, because of their diligent efforts to raise the funds and otherwise partner with the City to bring ULI to St. Petersburg, is also a "sponsor" and signatory to the agreement.

Attached to the Agreement is the "ULI Assignment" that defines the scope of work for the Panel.

**APPROVALS:**

  
Administration

DL

  
Legal

  
Budget

RESOLUTION \_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE URBAN LAND INSTITUTE (ULI) FOR THE PERFORMANCE OF A ULI ADVISORY SERVICE PANEL CONCERNING THE DOWNTOWN WATERFRONT IN 2013; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the City, pursuant to Section 1.02.g., of the City Charter of the City of St. Petersburg, is in the process of creating a Downtown Waterfront Master Plan, and

WHEREAS, the City wishes to inject new insights and fresh ideas into the development of the Downtown Waterfront Master Plan, and

WHEREAS, the Urban Land Institute (ULI) is generally recognized internationally as the preeminent non-profit planning and real estate organization, and

WHEREAS, ULI's Advisory Service Panel process is specifically designed to link experienced planning and development professionals to community planning projects, and

WHEREAS, the ULI Advisory Service Panel will identify and examine the issues and opportunities of the Downtown Waterfront and create a report that will provide a valuable resource to St. Petersburg as the community works toward the creation of the final Downtown Waterfront Master Plan, and

WHEREAS, the ULI Advisory Service Panel Report will cost \$125,000, of which the City will pay \$25,000 with the balance (\$100,000) being raised from contributions from the community, and

WHEREAS, City Council appropriated \$25,000 for the ULI Advisory Service Panel on January 10, 2013 (Resolution #2013-15), and

WHEREAS, the St. Petersburg Area Chamber of Commerce has formed a Downtown Waterfront Task Force and partnered with the City to raise the additional \$100,000 and is a Sponsor of the ULI Advisory Service Panel.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg, Florida, that the Mayor is authorized to sign the attached agreement with ULI for the performance of an Advisory Service Panel on the Downtown Waterfront.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

  
\_\_\_\_\_  
City Attorney (designee)

  
\_\_\_\_\_  
Planning and Economic Development Department



2. To arrange, insofar as possible, to have appropriate persons, including public and private officials, representatives of the relevant organizations, and others, available for the purpose of consulting with and furnishing information to the panel on specific matters relevant to the assignment as may be necessary and advisable during the period of the panel's visit.
  
3. In return for the advice and recommendations of the Institute, the Chamber and City will pay the Institute the amounts set forth below. The first installment of \$60,000 will be paid upon signing of this agreement, and shall be paid in its entirety by the Chamber. The second installment of \$60,000 will be paid upon presentation of the panel's recommendations, with \$40,000 paid by the Chamber, and \$20,000 paid by the City. The third and final payment of \$5,000 shall be paid in its entirety by the City when the Sponsors receive the final report prepared in accordance with this Agreement. In the event the Sponsors cancel the panel assignment, the initial payment is non-refundable and Sponsors may be responsible for additional costs incurred by ULI, at an amount mutually agreed upon by the parties, in no event to exceed the actual costs incurred by ULI for the cancelled panel, up to the date of cancellation. The City is not responsible for any payments required to be made by the Chamber.

It is understood that the fee paid by the Sponsors to the Institute is to be used to cover the costs of the panel assignment and to support and encourage the Institute's research and educational programs, as described in the following paragraph.

The Sponsors may make such noncommercial use of the report as it may deem desirable. It is further understood that the Institute may make such noncommercial use of the report prepared of the panel's findings and recommendations as it may deem desirable, and the Sponsors herewith specifically agrees that the Institute may publish and disseminate such report or any part thereof in conjunction with its research and educational programs.

ULI is acting in the capacity of an independent contractor hereunder and not as an employee, or agent of, or joint venturer with Sponsors.

The performance of this Agreement by either party is subject to acts of God, war or threat of war, government regulation, acts of terrorism, disaster, fire, strikes, civil disorder, public health crises, curtailment of transportation facilities or other circumstance beyond the control of the parties unreasonably delaying or making it inadvisable, illegal or impossible for either party to perform its obligations hereunder. This Agreement may be terminated without penalty for any one (1) or more of such reasons by written notice from one party to the other; provided that the party delayed or unable to perform shall promptly advise the other party of such delay or impossibility of performance, and provided further that the party so delayed or unable to perform shall take reasonable steps to mitigate the effects of any such delay or nonperformance.

Either party shall have the right to assign this Agreement to an affiliate upon prior written notice to the other party. In all other instances, neither party shall assign its rights or duties under this Agreement without prior written consent of the other party. Subject to the

foregoing, this Agreement shall bind and inure to the benefit of the respective parties and their successors and assigns.

This agreement constitutes the entire agreement between the parties regarding the services described herein and supersedes all prior agreements or understandings between the parties on this subject matter, whether written or verbal.

This Agreement may not be altered, amended or modified except by written document signed by all parties.

This Agreement shall be subject to and construed under the laws of the state of Florida.

The undersigned parties and their duly authorized representatives represent and warrant that they have authority to enter into this Agreement and hereby agree to the terms set forth above.

**ULI—the Urban Land Institute**

**City of St. Petersburg, Florida**

\_\_\_\_\_  
Patrick Phillips, CEO

\_\_\_\_\_  
Bill Foster, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gayle Berens, Senior Vice President, Education,

\_\_\_\_\_

\_\_\_\_\_  
Date

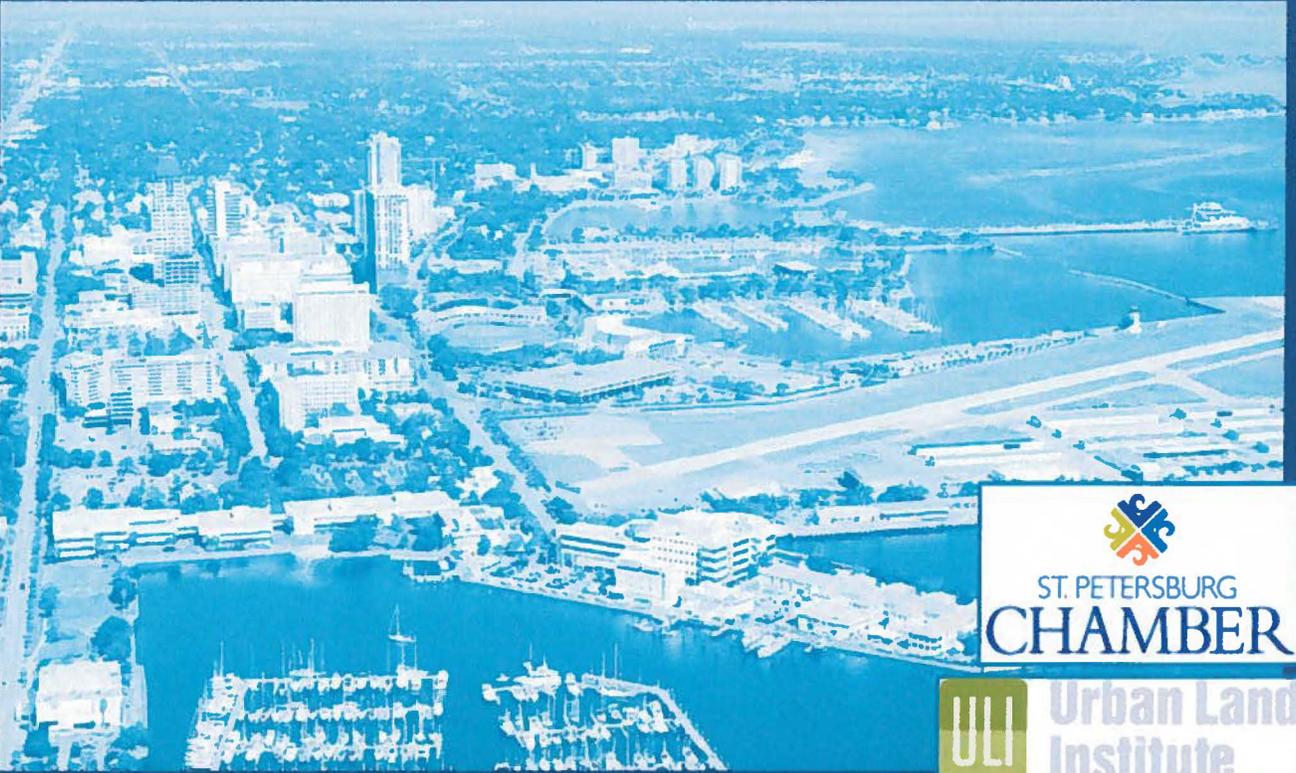
\_\_\_\_\_  
**St. Petersburg Area Chamber of Commerce**

\_\_\_\_\_  
Tom Eitler, Vice President, Advisory Services

\_\_\_\_\_  
Chris Steinocher, President and CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**URBAN LAND INSTITUTE: Advisory Panel Assignment**  
**DOWNTOWN WATERFRONT MASTER PLAN**

City of St. Petersburg, Florida  
Draft v8 Published: April 4, 2013



**St. Petersburg  
Downtown Waterfront Master Plan**

**Urban Land Institute  
Advisory Panel Assignment**

**(Draft v8)  
April 4, 2013**

### **The Assignment**

The Downtown Waterfront has long been St. Petersburg's greatest physical asset. It has grown and evolved over the decades from its creation as a visionary public asset in the early 1900s to its present day status as one of the finest urban waterfronts in the world. Its importance to St. Petersburg's quality of life, as both a community amenity and economic driver, cannot be overstated. In November of 2011, in recognition of the importance of the Downtown Waterfront, the voters of St. Petersburg approved a Charter Amendment mandating the creation of a Downtown Waterfront Master Plan (DWMP) and that it be adopted by July of 2015. Although many planning activities (most recently the planning and design of the new St. Petersburg Pier) have occurred in and around the Downtown Waterfront, there has never been a single integrated and overarching plan that encompasses the many parks, and facilities that constitute the downtown waterfront.

As a beginning step in undertaking this important venture, the community wishes to engage the Urban Land Institute (ULI) in presenting a ULI Advisory Panel to identify and examine the issues and opportunities of the Downtown Waterfront. The work of the ULI Panel will provide a resource to St. Petersburg as the community works toward the creation of the final DWMP.

### **The Study Area:**

The study area for the DWMP is the generally contiguous public waterfront beginning at Northeast Exchange Club/Coffee Pot Park to the north and Poynter Park to the south. This area includes several waterfront parks that have many different purposes and uses, the North Shore Pool complex, a softball field, a dog park, three yacht basins, the new St. Petersburg Pier, the Museum of Fine Arts, the St. Petersburg Museum of History, the St. Petersburg Yacht Club, the St. Petersburg Municipal Marina, Albert Whitted Municipal Airport, the Port of St. Petersburg, the U.S. Coast Guard Base, the soon to be decommissioned Albert Whitted Water Reclamation Facility, Al Lang Field, the Progress Energy Center for the Arts, including the Mahaffey Theater and the Dali Museum and portions of the campus of USF St. Petersburg and other stakeholders in proximity to the downtown waterfront.

### **The Panel is asked to:**

Review the existing use of downtown waterfront, including parks and facilities in the context of: the larger downtown area and its relationship to waterfront activities and the marine environment; the city and the region to identify viable enhancements; potential future uses; facility and transportation modifications that will enhance public access and enjoyment; and further the development of the downtown waterfront as an economic driver. For example:

- 1 Integration of the new Pier into the larger downtown waterfront
- 2 Review of water basin functions and water access
- 3 Improved connection to Mirror Lake and Williams Park
- 4 Spa Beach uplands uses
- 5 Future use of land made available by the decommissioning of the Albert Whitted Water Reclamation Facility
- 6 Improving investment and economic development opportunities at the Port of St. Petersburg
- 7 Future use options for the Al Lang Stadium and parking lot site to specifically include the Beach Drive extension concept and others, as the Panel may discuss
- 8 General urban design considerations with the goal of improving the functionality and beauty of the downtown waterfront

Review multimodal linkages to and within the downtown waterfront to identify desirable enhancements, including:

- 1 Pedestrian connections
- 2 Auto, including parking
- 3 Bicycle
- 4 Mass transit
- 5 Water craft, including transient docking
- 6 Conceptual consideration of extending airport runways

Review of current waterfront park functions and amenities to identify potential viable enhancements, including:

- 1 Active and passive park uses, including live performance spaces
- 2 Public art
- 3 Events
- 4 Facilities

Review of existing non-city facilities located on the waterfront for potential improved integration and function:

- 1 Museum of History (leased)
- 2 Museum of Fine Arts
- 3 Yacht Club
- 4 Sailing Center (leased)
- 5 Dali (leased)
- 6 US Coast Guard Station
- 7 USF St. Petersburg
- 8 Vinoy and Harborage Marinas (leased)

For all of these specific topics the Panel is asked to lay out a potential consolidated vision for the downtown waterfront, suggest general approaches to achieving that vision, articulate defensible best practices that support these approaches, and highlight case study examples from across North America that demonstrate the successful application of such an approach, including, where possible, specific lessons learned.

[http://www.stpete.org/downtown\\_waterfront\\_master\\_plan](http://www.stpete.org/downtown_waterfront_master_plan)

Planning and Economic Development Department  
Urban Planning and Historic Preservation  
Municipal Services Center  
One Fourth Street North, 8<sup>th</sup> Floor  
St. Petersburg, Florida 33711  
Waterfront.Plan@stpete.org  
727.893-7872



Attached documents for item Referral from the Community Preservation Commission (CPC) regarding a 30 business day temporary hold on a partial demolition application to the Bishop Hotel located at 256 - 1st Avenue North.



**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**THROUGH:** Derek Kilborn, Manager of Urban Planning and Historic Preservation

**FROM:** Kimberly Hinder, Historic Preservation Planner

**DATE:** Meeting of April 18, 2013

**SUBJECT:** Referral from the Community Preservation Commission (CPC) regarding a 30 business day temporary hold on a partial demolition application for the Bishop Hotel, 256 1st Avenue North.

**REQUEST:** The CPC is requesting that City Council grant an extension of the demolition hold to allow sufficient time for further review and study of the structure to determine if it is eligible for local landmark designation and present the results of that study to the CPC.

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**Background:**

On March 12, 2013, a demolition application was submitted for a portion of the property located at 256 1<sup>st</sup> Avenue North. Three individual buildings are located on the subject property. The proposed demolition involves the building on the southeast corner of the property (see attached site plan). This commercial property, formerly known as the Bishop Hotel, was identified as a potential historic landmark in 2006. City Code Section 16.30.070.2.11 requires a 30 business day stay of demolition for potentially eligible landmarks and notification of such to the owner, the Community Preservation Commission, and any interested individual or group. Notification was provided regarding the process along with the date of expiration for the demolition delay (April 23). At the March 15, 2013 Community Preservation Commission public meeting, the Commission requested that the matter be referred to City Council under City Code Section 16.30.070.2.8 for Emergency Actions; Nondesignated Properties with the request for an extension of the demolition delay. The extended demolition delay would provide time for City Council or an individual or group to initiate steps to designate the property or seek alternatives to demolition. The owners, Jannus Bishop Group, Inc., represented by Jack Bodziak, have expressed an interest in salvaging the historic materials which are in good condition.

Staff has prepared the following information regarding the property as additional background information.

Henry R. Binnie purchased the southeast corner of 3<sup>rd</sup> Street and 1<sup>st</sup> Avenue North for \$500 soon after his arrival in St. Petersburg in 1900. He traded parcels with businessman Ed Lewis, who owned the adjacent lot. Trained as a blacksmith by his step-father, Binnie established a blacksmith and wheelwright shop on the northeast corner of the parcel. It appears that Binnie built the two-story brick building on the southeast corner of the parcel as a fire break and extension of his blacksmith shop in 1912. This is the structure that is the subject of the demolition request.

Binnie also built a new two-story brick commercial building on the adjacent lot from which he had moved his shop (the western half of the property). Constructed by contractors Allen & Dubois, this building was built as a garage on the first floor with hotel rooms above. The first floor was soon leased by the local dairymen association as a milk depot for bottling and distributing. As the Northern Hotel operated the rooms on the second floor, the proprietor opened a restaurant and tea room on the first floor in 1913.

With the success of his first brick commercial building and the onset of the Florida land boom, Binnie decided to demolish his old wood frame blacksmith shop and build a new three-story brick building in its place in 1921. Binnie retained the rear two-story brick building, the subject of this demolition application, as his blacksmith shop. The new three-story brick building on the front of the lot was incorporated into the existing hotel and Binnie took over the management of the hotel, renaming it the Binnie Hotel. After Binnie died, Roy Bishop purchased the property and renamed it the Bishop Hotel in 1948. Bishop owned the hotel until 1977. The building was identified as potentially eligible in 2006 as an intact example of pioneer commercial architecture from the establishment of the city and as an early hotel.

At the time of publication in 1977, newspaper accounts reported evidence of burn marks from the blacksmith shop, but they were not visible during a physical investigation by staff in March 2013. The first floor has been subdivided and no longer represents the original layout. The second floor retains much of the original layout, door openings, and transoms. Although not condemned, the north wall especially is in poor condition. On the exterior, some openings on the alley have been enclosed, but are still identifiable. Original windows and doors remain on the east elevation along with a wrench. The owner intends to demolish the building to create a courtyard on the alley.

On March 21, 2013 the City's Building Official, Rick Dunn, visited the site with Jack Bodziak, architect for the owners of the parcel in question. Mr. Bodziak had concerns related to the condition of the building and the requirements related to rehabilitation and the application of the Florida Building, Fire and Accessibility codes. After a cursory inspection of the exterior, first floor and second floor of the structure, Mr. Dunn made the following observations;

- The building is two story, masonry brick construction on the exterior and wood frame constructed floor, interior walls and roof system.

- The exterior brick is in fair condition and will require structural repairs to the north wall and most of the mortar joints will require extensive “pointing” to maintain the structural integrity of the shell.
- The roof system appears to be compromised and signs of extensive water leaks exist in various portions resulting in plaster and wood damage along the east wall.
- The first floor and second floor system appears to be fairly solid.
- The building’s second floor appears to still be in the historic configuration as sleep rooms but include extensive wall and ceiling damage. Some windows are still in place.
- The first floor along the alley has been elevated nearly 30 inches above the brick alley and the space reconfigured for alternative uses. The north side of the first floor is still at the same grade as the alley.

The building is structurally independent of the three surrounding buildings and built at three different finished floor elevations. Adaptable uses may have some limitation due to the lack of connectivity with the public street to the north (1<sup>st</sup> Avenue North.) Additionally, adjacent buildings are constructed at varying floor levels and providing required continuous egress for fire and building codes may be a challenge. A second floor fire escape stair serving the building to the west has been constructed inside of the subject building’s southwest corner and exits to the utility alley in the rear. The same adjacent business includes a third floor fire exit along the north exterior of the subject property through a private alley way to the public alley to the south. The architect and City staff identified historic materials that could likely be reused in an adaptive re-use of the land if it is necessary to remove the structure. In the building’s present condition, it is not habitable for its intended or any other use.

All of this information, and any additional information that becomes available, will be presented and considered by the CPC at their April 19 meeting.

**RECOMMENDATION:** Staff recommends that, pursuant to Section 16.30.070.2.8 Emergency Actions; Nondesignated Properties, that City Council initiate a 120 day stop work order (to run from April 23) to allow the CPC to review the threat to this property under the following conditions. First, if, on April 19, 2013, the CPC finds that the subject structure should be considered for designation, eligible applicants, including the City Council, should be allowed until May 15, 2013 to submit an application to designate the property as a local landmark (if a complete application for local landmark designation is received on or prior to May 15, 2013, from an eligible applicant, the stop work order shall remain in place until final disposition of the application or the end of the 120 day period, whichever is sooner). Secondly, if the CPC finds that the structure should not be considered for designation on April 19, 2013, the existing hold on the demolition permit should not be extended beyond the current expiration of the demolition permit hold (April 23, 2013) and no 120 day stop work order should be initiated. Third, if a complete application for local landmark designation is not received on or prior to May 15, 2013, then the 120 day stop work order shall terminate on May 16, 2013.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, PLACING A 120 DAY STOP WORK ORDER/HOLD ON DEMOLITION PERMITS FOR THE PROPERTY LOCATED AT 256 1<sup>ST</sup> AVENUE NORTH, GENERALLY KNOWN AS THE BISHOP HOTEL, TO ALLOW THE COMMUNITY PRESERVATION COMMISSION (CPC) TO DECIDE WHETHER THE BUILDING LOCATED AT THE SOUTHEAST CORNER OF THE PROPERTY SHOULD BE CONSIDERED FOR DESIGNATION AS A HISTORIC LANDMARK AND TO ALLOW THE OPPORTUNITY FOR ELIGIBLE APPLICANTS TO SUBMIT AN APPLICATION TO DESIGNATE THE PROPERTY AS A LOCAL HISTORIC LANDMARK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 12, 2013, the owners of the property located at 256 1st Avenue North, submitted an application to demolish the two story brick structure located at the southeast corner of the property ("Structure"), and

WHEREAS, the property located at 256 1<sup>st</sup> Avenue North, per City Code Section 16.30.070.2.11, Demolition of Historic Resources, is listed as potentially eligible for individual local landmark designation and requires a 30 business day stay of demolition and notification of such to the owner, the CPC, and any interested individual or group, and

WHEREAS, notice of the 30 business day demolition permit hold was provided in accordance with Section 16.30.070.2.11 along with its expiration date (April 23, 2013), and

WHEREAS, at their March 15, 2013, public meeting, as provided in City Code Section 16.30.070.2.8, Emergency Actions; Nondesignated Properties, the CPC requested that the City Council grant an extension of the demolition permit hold to allow sufficient time for further review and study of the Structure to determine if it should be considered for local landmark designation, and

WHEREAS, Section 16.30.070.2.8 provides for up to a 120 day stop work order/hold on the demolition permit, and

WHEREAS, on April 19, 2013, the CPC will hear further information at its regular public meeting about the Structure and determine whether it should be considered for designation as a local landmark.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg that, pursuant to Section 16.30.070.2.8 Emergency Actions; Nondesignated Properties, a 120 day stop work order (to run from April 23) is hereby initiated to allow the CPC to review the threat to the Structure under the following conditions: First, if, on April 19, 2013, the CPC finds that the Structure should be considered for designation, eligible applicants should be allowed until May 15, 2013 to submit an application to designate the Structure as a local landmark [if a complete application for local landmark designation is received on or prior to May 15, 2013, from an eligible applicant, the stop work order shall remain in place until final disposition of the application or the end of the 120 day period (August 22, 2013), whichever is sooner]; Second, if the CPC finds that the Structure should not be considered for designation on April 19, 2013, the existing hold on the demolition permit should not be extended

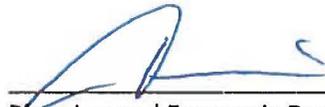
beyond the current expiration of the demolition permit hold (April 23, 2013) and no 120 day stop work order should be initiated; Third, if a complete application for local landmark designation is not received on or prior to May 15, 2013, then the 120 day stop work order shall terminate on May 16, 2013.

This resolution shall become effective immediately upon its adoption.

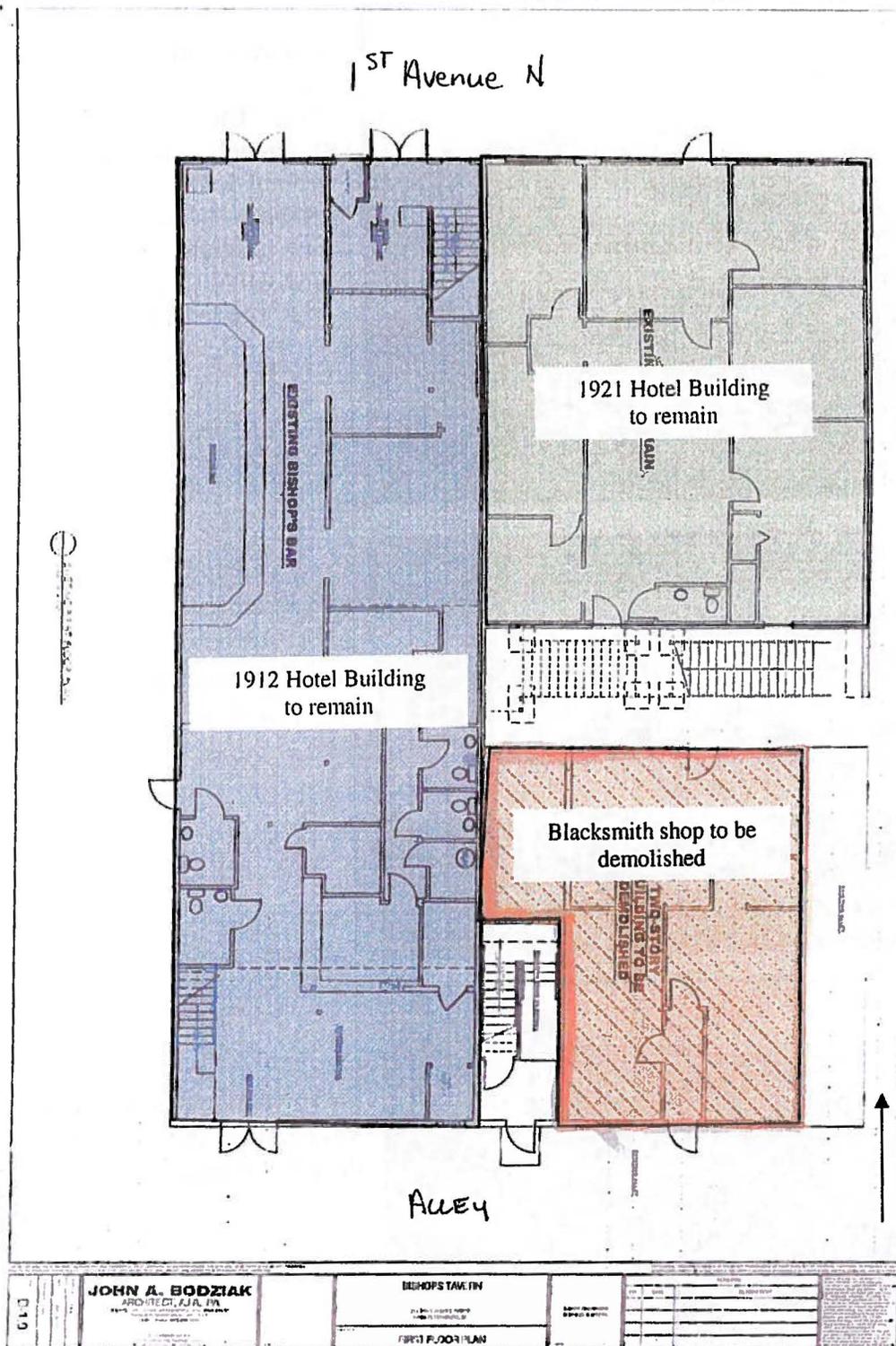
Approved as to form and content



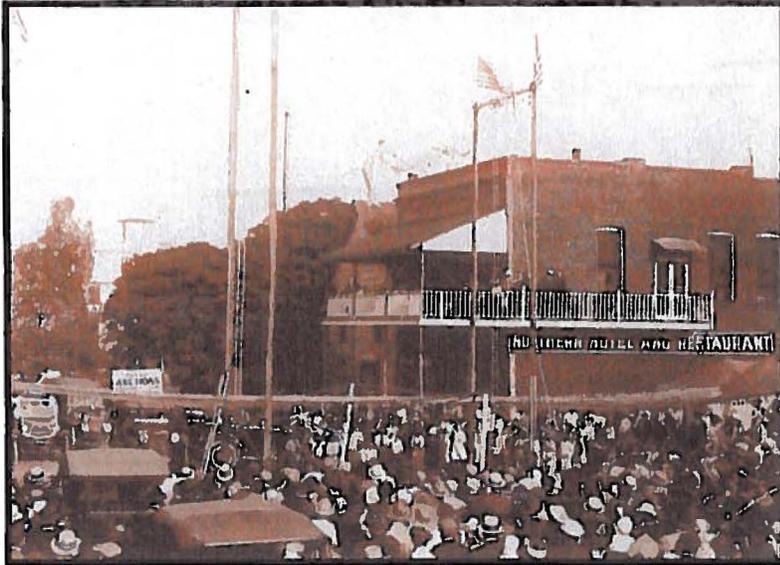
City Attorney (designee)



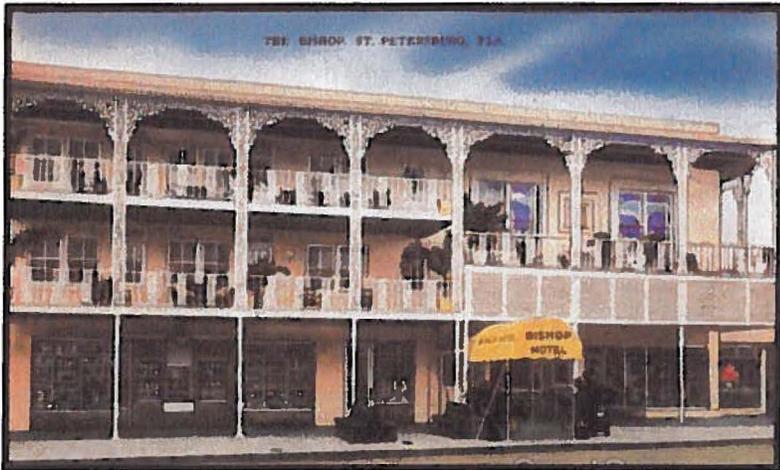
Planning and Economic Development Department



Site plan submitted with demolition application. Area in orange to be demolished.



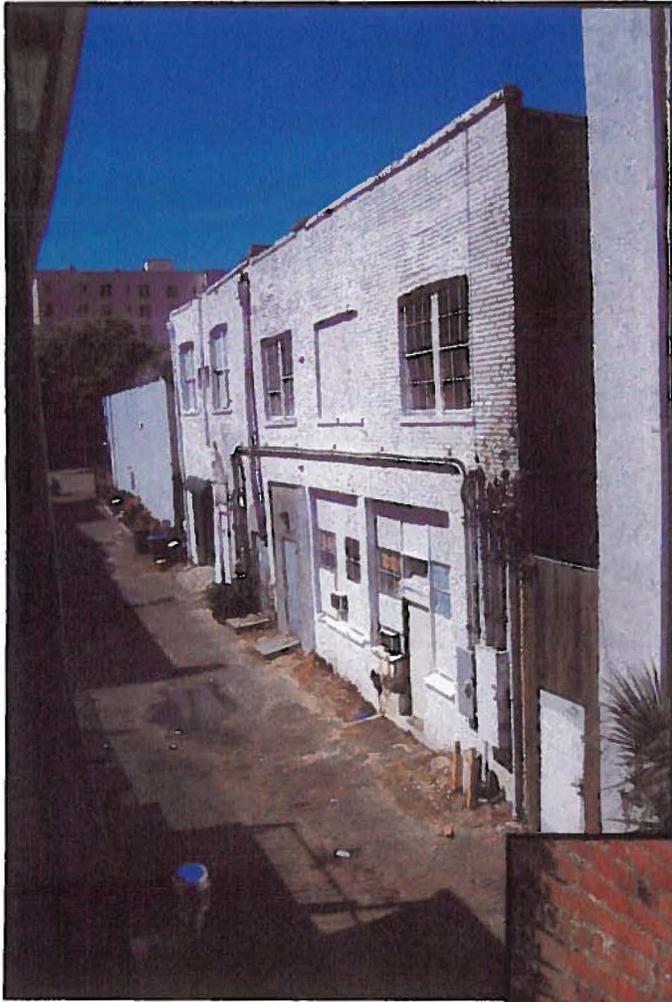
Southeast corner of 1<sup>st</sup> Avenue North and 3<sup>rd</sup> Street North, ca. 1915. The Northern Hotel and Restaurant building is the existing western portion of the Bishop Hotel and Tavern. Note the original wood frame blacksmith shop to the left of the Northern Hotel.



Postcard of the Bishop Hotel, ca. 1948 (not subject to the demolition request).



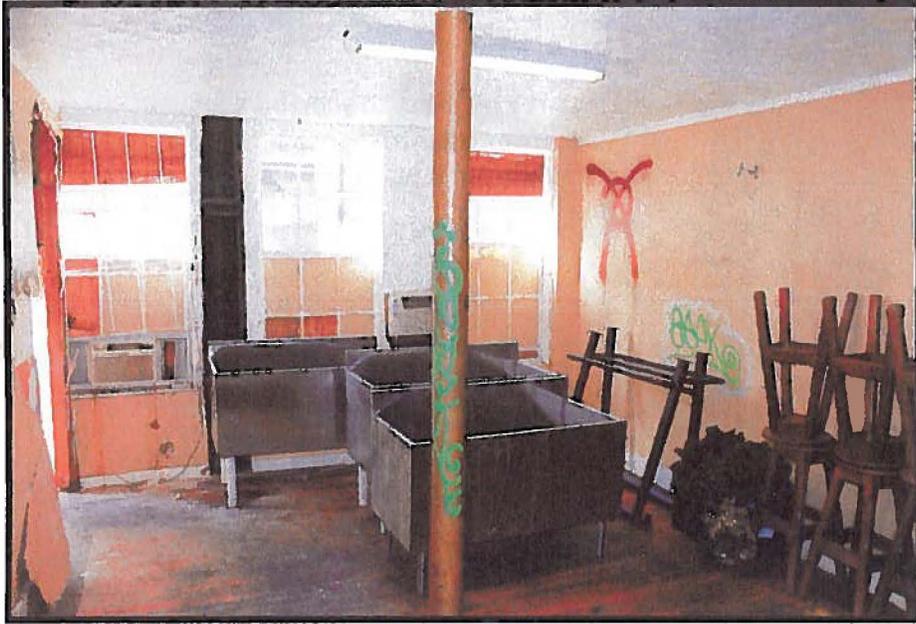
Present day Bishop Hotel and Tavern (not subject to the demolition request).



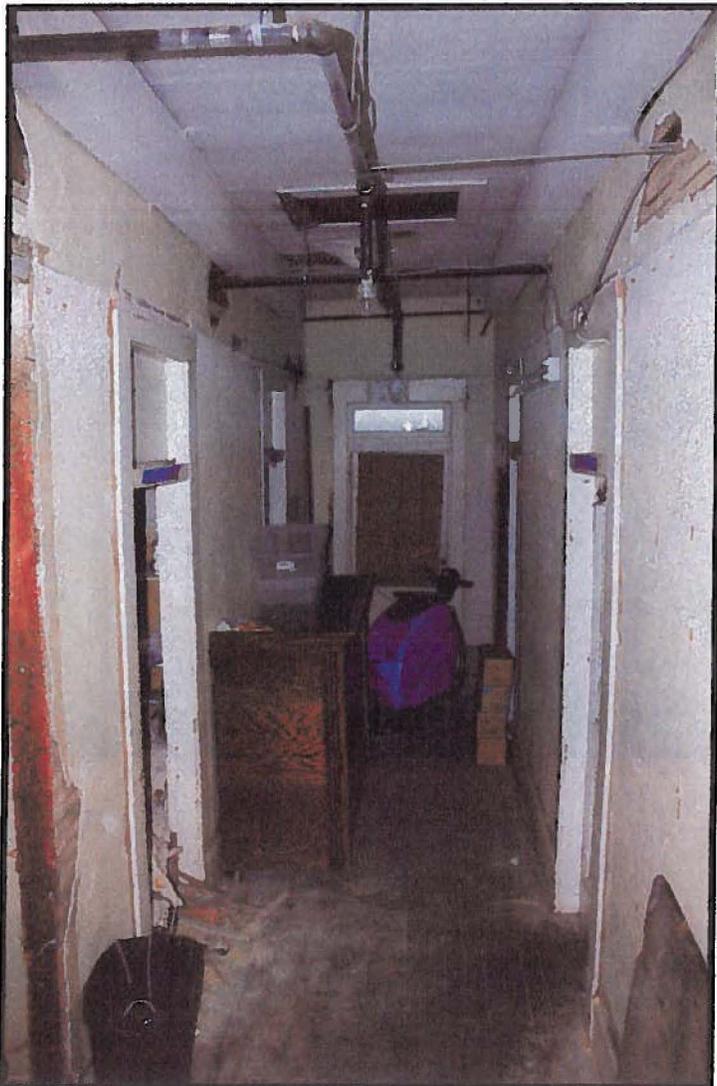
Former blacksmith shop on southeast corner of parcel proposed for demolition, South elevation.



Former blacksmith shop on southeast corner of parcel proposed for demolition, East elevation.



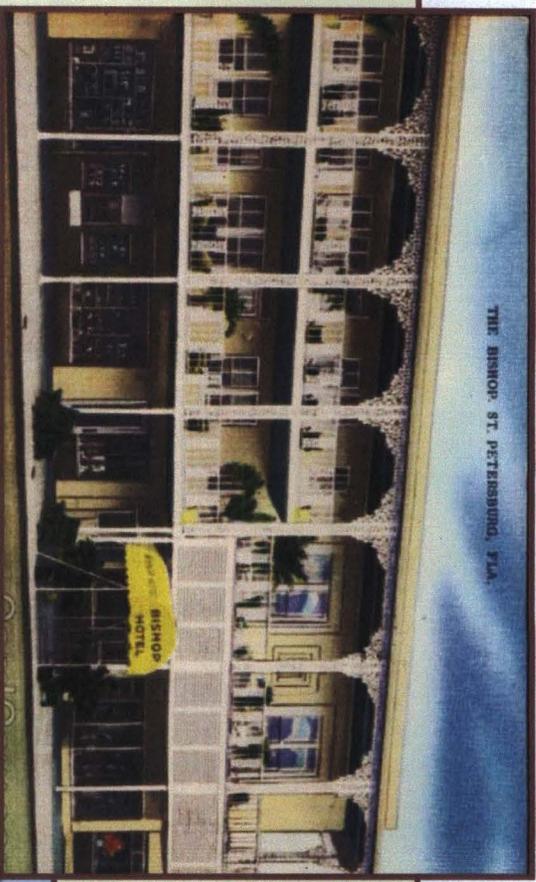
Interior, first floor



Interior, second floor

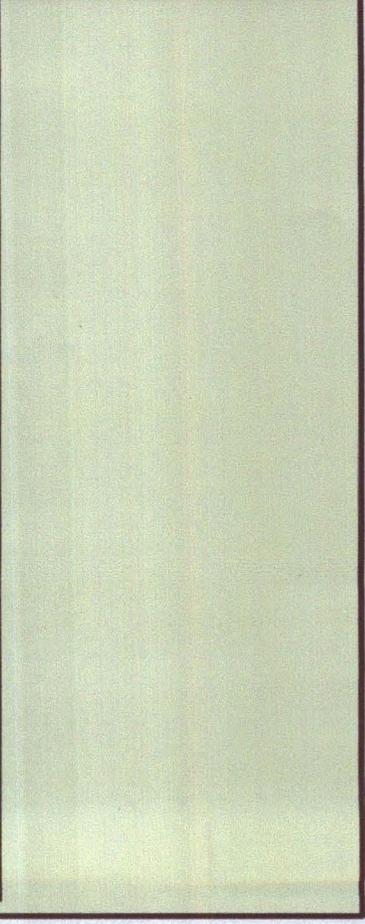


THE BISHOP, ST. PETERSBURG, FLA.

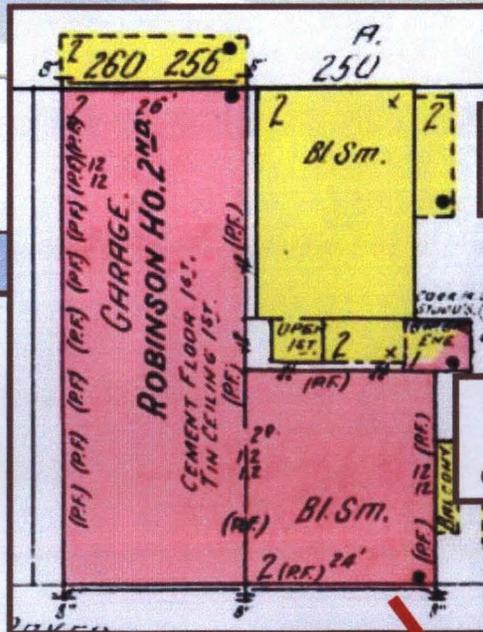


**Bishop Hotel**  
**256 1<sup>st</sup> Avenue North**

# REPORT ITEM

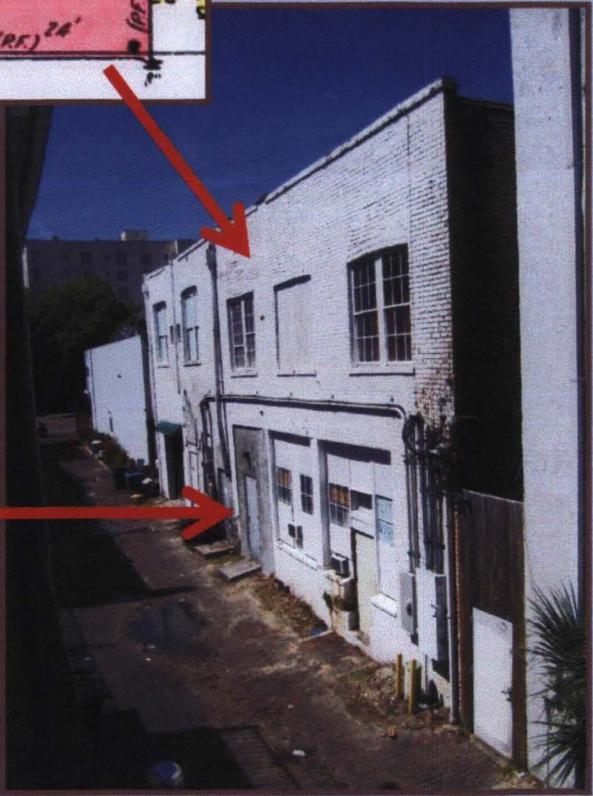
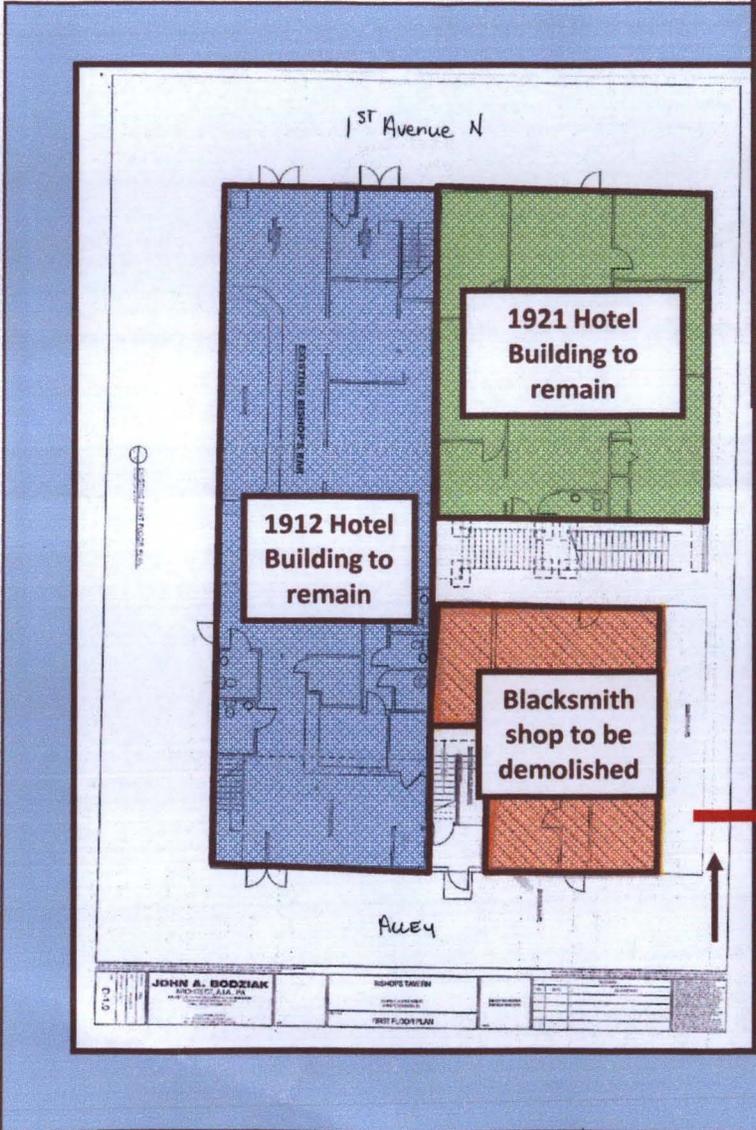


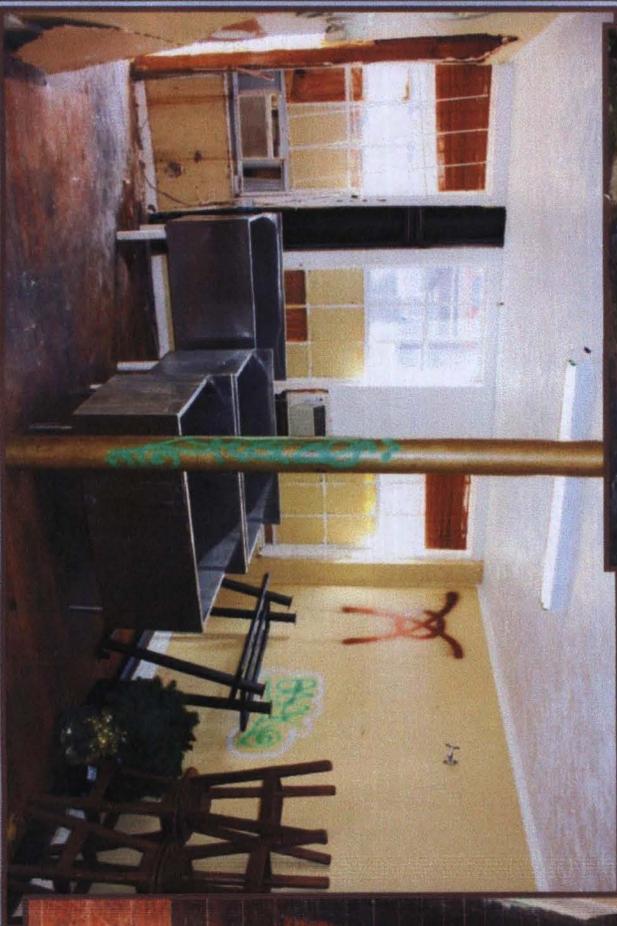
FR



1913 Sanborn Fire Insurance Map

Blacksmith shop to be demolished





# **Extend demolition delay with the following conditions:**

- 1. If, on April 19, 2013, the CPC finds that the subject structure should be considered for designation, eligible applicants, including the City Council, should be allowed until May 15, 2013 to submit an application to designate the property as a local landmark. If a complete application for local landmark designation is received on or prior to May 15, 2013, from an eligible applicant, the stop work order shall remain in place until final disposition of the application or the end of the 120 day period, whichever is sooner.**
- 2. If the CPC finds that the structure should not be considered for designation on April 19, 2013, the existing hold on the demolition permit should not be extended beyond the current expiration of the demolition permit hold (April 23, 2013) and no 120 day stop work order should be initiated.**
- 3. If a complete application for local landmark designation is not received on or prior to May 15, 2013, then the stop work order shall terminate on May 16, 2013.**

2013-158

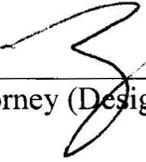
A RESOLUTION REQUESTING THE COMMUNITY PRESERVATION COMMISSION (CPC) WORK WITH STAFF TO REVIEW THE LANDMARK ELIGIBILITY FOR ALL BUILDINGS ON THE BISHOP HOTEL BLOCK NOT CURRENTLY DESIGNATED AS A HISTORIC LANDMARK; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the City Council of the City of St. Petersburg requests that the Community Preservation Commission (CPC) work with staff to review the landmark eligibility for all buildings on the Bishop Hotel block (Revised Map of St. Petersburg, Block 25) not currently locally designated as a historic landmark.

BE IT FURTHER RESOLVED that the CPC is requested to report back to City Council concerning this matter.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

F2

Attached documents for item Approving the selection of Brown and Caldwell (Corporation) to provide design services related to the new Biosolids and Waste to Energy Project in the amount not to exceed \$2,921,138; authorizing the Mayor or his designee to execute an Architect/Engineeri

## SAINT PETERSBURG CITY COUNCIL

Meeting of April 18, 2013

### Report

**TO:** The Honorable Karl Nurse, Chair and Members of City Council

**SUBJECT:** Approving the selection of Brown and Caldwell (Corporation) to provide design services related to the new Biosolids and Waste to Energy Project in the amount not to exceed \$2,921,138; authorizing the Mayor or his designee to execute an Architect/Engineering Agreement; approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Project Fund (4003) in the amount of \$1,850,000 from the SAN 34<sup>th</sup> S/S & Roser Park Lining FY13 Project (13818); approving a supplemental appropriation in the amount of \$1,038,380 from the unappropriated balance of the Water Resources Capital Project Fund (4003), resulting from the rescission, to the WRF SW Digesters FY13 Project (13830) and providing an effective date. (Engineering Project No.13057-111, Oracle No.13830).

**EXPLANATION:** On February 27, 2009, the City submitted an appropriation request for Federal funding for the St. Petersburg Sustainable Biosolids / Renewable Energy Project. The project is to investigate available technologies and processes to dispose of Biosolids and yard wastes and produce renewable thermal, electrical, or combustible gas energy to be utilized to offset energy requirements used in the water reclamation operations, and significantly reduce biomass trucking and disposal costs. Additional objectives are to reduce the City's carbon footprint, develop renewable energy credits, and greenhouse gas emission reduction credits.

On May 10, 2010, the City received a letter from the Department of Energy (DOE) stating that Phase 1 project research and development (R&D) tasks are eligible for an 80% cost grant, with a 20% minimum local cost share, and subsequent Phase 2 design and Phase 3 construction are eligible for a 50% grant with a 50% local cost share. Congressionally directed DOE funding for the project is \$2,500,000. The DOE approved the grant on August 11, 2011.

The City is working with the Department of Energy's (DOE) Office of Commercialization and Project Management Biomass Branch to evaluate various biomass, biogas, and waste-to-energy systems that might be applicable to produce useful energy from the City's biosolids and yard wastes. The City produces three waste streams of material which must be trucked to either a landfill or to a land application site for disposal. The City's four Water Reclamation Facilities (WRF's) produce approximately 36,000 tons per year of biosolids and 1,800 cubic yards of screenings material (which are mostly comprised of organic material). The City's Sanitation Department collects and disposes of approximately 35,000 tons per year of yard wastes. The disposal of these biomass materials is both very expensive and very energy intensive, primarily due to fuel used in trucking this material up to 80 miles. In addition, new State of Florida Department of Environmental Protection (FDEP) regulations will significantly increase the cost and the energy needed to process and dispose of biosolids in the future.

On May 13, 2010, pursuant to their relative experience, the consulting, engineering firm of Brown and Caldwell was utilized from the water and wastewater continuing engineering services contract to complete a Phase I feasibility study for the project. This study, as part of the DOE grant process, was to evaluate different technologies such as thermal based processes, chemical processes, and mechanical/physical based processes for energy recovery, potential facility locations, with consideration to Florida Department of Environmental Protection (FDEP)

sludge disposal regulations, FDEP and United States Environmental Protection Agency (USEPA) air quality regulations, impact of capital and operating costs, and impact on energy consumption.

On July 22, 2010, City Council approved Task Order No. 08-2-BC/W to the firm of Brown and Caldwell in the amount of \$258,217 for professional engineering services for the Phase 1 feasibility study.

The Phase 1 Feasibility Study recommends consolidation of wastewater solids handling and construction of energy production facilities at the Southwest Water Reclamation Facility. Work proposed includes expansion of biosolids dewatering, enhanced anaerobic digestion to provide renewable natural gas (methane) and Class A biosolids, and odor control for biosolids processing. Recommendations are to continue processing yard waste separately using current mulching technologies, and re-evaluate thermal processing of yard waste in 3 to 5 years.

On December 14, 2012, in accordance with the Consultant Competitive Negotiation Act the City's Consultant Selection Committee selected the firm of Brown and Caldwell to perform professional architectural/engineering services pertaining to design phase services for the City's proposed Biosolids and Waste to Energy Project. The selection took place in accordance with the Request for Proposal process. Seven (7) consultants responded with proposals. The committee shortlisted three (3) consultants for presentations and selected Brown & Caldwell based on the published criteria of experience, capability and project approach.

The scope of services includes preliminary and final design services, permitting, and the preparation of bidding documents and bidding phase services necessary for design of a new splitter box, conveyance piping, two new primary clarifiers, new odor control covers, new primary sludge pumping station, new odor control system, and the conversion of the current digestion system to a temperature-phased anaerobic digestion (TPAD; thermophilic followed by mesophilic) system to facilitate Class A sludge production. Services include all necessary general civil, architectural, structural, electrical, process-mechanical, HVAC, plumbing, fire suppression, instrumentation and controls engineering. Biosolids thickening, dewatering, and loading for disposal will occur within a new enclosed building with odor control. This building will be designed by another Consultant with more relative experience in biosolids dewatering.

The scope of services includes the design of anaerobic digesters including a new digester (#2) as a thermophilic concrete tank with a concrete submerged-fixed-cover, a new digester (#1) as a digester that is capable of functioning at thermophilic or mesophilic temperatures with gas-storage capability, modification of digester (#3) to incorporate it as a mesophilic digester, and new batch tanks. All of the digesters will be completely sealed with fixed covers so that all of the digester gas that is produced can be captured and used for energy recovery, in addition to preventing release into the atmosphere.

The scope of services includes the design of a new fats, oils, and grease (FOG) receiving and handling facility pump station, and gas treatment system. The design includes a new odor control system, and connections to recover heat from the combined heat power (CHP) engine electrical generator designed by another consultant with expertise in CHP design. The CHP engine will provide heated process water to support the TPAD process. The new digester gas treatment system will be designed to remove carbon dioxide, siloxanes, hydrogen sulfide, water, and other impurities. The gas treatment system will clean the digester gas to meet or exceed the compressed natural gas fuel standards established by the Society of Automotive Engineers (SAE J1616). The renewable natural gas will be used to fuel new boilers, an electric generator for plant electrical needs, and excess natural gas shall be compressed (CNG) and transported

by tube trailer to the City Sanitation yard where it will be used to fuel the new CNG fleet refuse trucks. Renewable natural gas is eligible for renewable energy credits through the EPA Renewable Fuel Standards Program.

**RECOMMENDATION:** Administration recommends approval of an architect/ engineering agreement between the City of St. Petersburg and Brown and Caldwell for design services related to the new Biosolids and Waste to Energy Project in the lump sum amount of \$2,826,138 plus an additional not to exceed allowance amount of \$95,000 to provide for owner directed design changes if necessary during design development for a total amount of \$2,921,138; approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Project Fund (4003) in the amount of \$1,850,000 from the SAN 34<sup>th</sup> S/S & Roser Park Lining FY13 Project (13818); approving a supplemental appropriation in the amount of \$1,038,379 from the unappropriated balance of the Water Resources Capital Project Fund (4003), resulting from the rescission, to the WRF SW Digesters FY13 Project (13830); and providing an effective date (Engineering Project No.13057-111, Oracle No.13830).

**COST/FUNDING/ASSESSMENT INFORMATION:** Funds will be available after the rescission of an unencumbered appropriation in the Water Resources Capital Project Fund (4003) in the amount of \$1,850,000 from the SAN 34<sup>th</sup> S/S & Roser Park Lining FY13 Project (13818) and the approval of a supplemental appropriation in the amount of \$1,038,380 from the unappropriated balance of the Water Resources Capital Project Fund (4003), resulting from the rescission, to the WRF SW Digesters FY13 project (13830).

**ATTACHMENT:** Resolution, A/E Agreement with Scope of Services and attachments

APPROVALS:

tbg

TBG

  
Administration

  
Budget

RESOLUTION NO. 2013-\_\_

A RESOLUTION APPROVING THE SELECTION OF BROWN AND CALDWELL (CORPORATION), TO PROVIDE PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE BIOSOLIDS AND WASTE TO ENERGY PROJECT IN AN AMOUNT NOT TO EXCEED \$2,921,138; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN ARCHITECT/ENGINEERING AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; RESCINDING AN UNENCUMBERED APPROPRIATION IN THE WATER RESOURCES CAPITAL PROJECTS FUND (4003) IN THE AMOUNT OF \$1,850,000 FROM THE SAN 34<sup>TH</sup> S/S & ROSER PARK LINING FY13 PROJECT (13818); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,038,380 FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECT FUND (4003), RESULTING FROM THE RESCISSION, TO THE WRF SW DIGESTERS FY13 PROJECT (13830); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 14, 2012, the Consultant Selection Committee selected Brown and Caldwell to provide professional architectural/engineering services pertaining to design phase and other services for the City's proposed Biosolids and Waste to Energy Project (the "Project"); and

WHEREAS, the scope of services includes preliminary and final design services, permitting, preparation of bid documents and bidding phase services for the Project; and

WHEREAS, funding of the Project requires the rescission of an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$1,850,000 from the SAN 34<sup>TH</sup> S/S & Roser Park Lining FY13 Project (13818) and a supplemental appropriation in the amount of \$1,038,380 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the rescission, to the WRF SW Digesters FY13 Project (13830).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the selection of Brown and Caldwell (Corporation) to provide design and other engineering services for the Project, in an amount not to exceed \$2,921,138 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to execute an Architect/Engineering Agreement and all other documents necessary to effectuate this transaction.

BE IT FURTHER RESOLVED, that \$1,850,000 of the unencumbered appropriation in the Water Resources Capital Projects Fund (4003) for the SAN 34<sup>TH</sup> S/S & Roser Park Lining FY13 Project (13818) is hereby rescinded; and

BE IT FURTHER RESOLVED, that there is hereby approved the following supplemental appropriation from the unappropriated balance of the Water Resources Capital Projects Fund (4003) for Fiscal Year 2013:

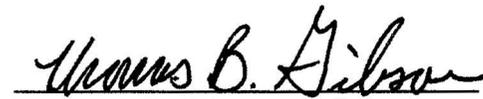
<u>Water Resources Capital Projects Fund (4003)</u>	
WRF SW Digesters FY13 Project (13830)	\$1,038,380

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

Approved by:

  
\_\_\_\_\_  
Thomas Greene  
Budget Director

## ARCHITECT/ENGINEERING AGREEMENT

THIS ARCHITECT/ENGINEERING AGREEMENT ("Agreement"), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ ("Execution Date"), by and between the City of St. Petersburg, Florida ("City") and **Brown and Caldwell Corporation** ("A/E").

NOW THEREFORE in consideration of the promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and A/E agree as follows:

### SECTION 1.0 – DEFINITIONS

- 1.1 "A/E" shall mean **Brown and Caldwell Corporation**.
- 1.2 "City" shall mean City of St. Petersburg, Florida.
- 1.3 "City's Project Manager" shall mean the individual designated in writing by the City as the City's Project Manager.
- 1.4 "Day(s)" or "day(s)" shall means calendar days, unless otherwise set forth in this Agreement.
- 1.5 "Deliverables" shall mean all data, reports, design calculations, studies, permit documents, correspondence, design documents, the construction documents, and all other materials produced and developed by the A/E pursuant to this Agreement.
- 1.6 "Force Majeure Event" shall mean an act of God, act of governmental body or military authority, fire, explosion, power failure, flood, storm, epidemic, riot or civil disturbance, war or terrorism, sabotage, insurrection, blockade, or embargo.
- 1.7 "Parties" shall mean the City and A/E.
- 1.8 "Project" shall mean the **Biosolids and Waste to Energy Project**.
- 1.9 "Scope of Services" means those services set forth in Section 4.0 that are required to be performed by A/E in accordance with the terms and conditions of this Agreement.
- 1.10 "Work" shall mean all the work to construct the Project that is required to be performed by the contractor pursuant to a construction agreement between the City and contractor.

### SECTION 2.0 – TERM OF AGREEMENT

- 2.1 The term of this Agreement shall commence on the Execution Date and shall terminate upon completion of the scope of services, ("Term"), unless this Agreement is otherwise extended or terminated as provided for herein.

## SECTION 3.0 – REPRESENTATIONS, WARRANTIES AND ACKNOWLEDGMENTS

- 3.1 The A/E is professionally qualified to provide the Scope of Services and is licensed to practice architecture or engineering in the State of Florida by all public entities having jurisdiction over the A/E and the Project.
- 3.2 The A/E shall be responsible for signing and sealing plans and specifications required by this Agreement.
- 3.3 The A/E shall maintain all necessary licenses, permits or other authorizations necessary to act as the A/E and which are required to provide the Scope of Services during the Term of this Agreement.
- 3.4 The A/E will become familiar with the Project site(s) and the local conditions under which the Project shall be designed, constructed, and operated.
- 3.5 The A/E shall exercise that degree of care and skill ordinarily exercised by members of the same profession and shall perform the Scope of Services using reasonable skill and judgment in accordance with sound business, ethical and professional standards.
- 3.6 The A/E represents that it has or will secure, at its own expense, all personnel required to perform the Scope of Services required by this Agreement.
- 3.7 The A/E warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the A/E to solicit or secure this Agreement and that A/E has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the A/E any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement.
- 3.8 The A/E assumes responsibility to the Indemnified Parties (as defined herein) for the negligent acts and omissions of itself, its consultants, subconsultants, employees, agents or representatives for performance of the Scope of Services required by this Agreement.
- 3.9 The A/E accepts the relationship of trust and confidence established between it and the City by this Agreement. The A/E covenants with the City to cooperate to furnish professional efforts during the Term of this Agreement that are consistent with reasonable professional practices and the best interest of the City.
- 3.10 The A/E shall be responsible for the professional quality, technical accuracy and the coordination of all Deliverables furnished, produced and developed by the A/E under this Agreement.
- 3.11 The A/E acknowledges that the City reserves the right to enter into agreements with other firms or entities to assist the City with its review of the Deliverables, any Project component(s), and the Work.

- 3.12 The A/E acknowledges that the A/E shall prepare design Deliverables that can be constructed within the City's budget for construction, which shall be determined by the City in its sole and absolute discretion. The A/E shall monitor costs during the design of the Project and shall advise the City's Project Manager immediately of any deviations from the City's budget for construction. If at any time a cost estimate exceeds the City's budget for construction, the A/E shall submit to the City's Project Manager a written explanation for the reasons for the overage and identify all options available to the City to bring the estimate back within the budget for construction. The City, in its sole and absolute discretion, will determine the option to be followed.

#### SECTION 4.0 – SCOPE OF SERVICES

- 4.1 The detailed services that the A/E shall perform for the City are set forth in Appendix A, which is attached hereto and made apart hereof.

#### SECTION 5.0 – CITY'S RESPONSIBILITIES

- 5.1 The City shall provide all available information regarding the Project to the A/E, and shall provide direction to the A/E consistent with the terms and conditions of this Agreement.

#### SECTION 6.0 – COMPENSATION; INVOICE

- 6.1 Provided that the A/E faithfully performs its obligations contained in this Agreement, the City hereby agrees to pay the A/E a lump sum amount of **\$2,826,132 plus an additional not to exceed allowance amount of \$95,000 to provide for owner directed design changes if necessary in accordance with the terms of the Scope of Services** ("Payment"). The Payment shall be inclusive of all out-of-pocket expenses, including but not limited to transportation, lodging, meals, materials, and documents required by this Agreement. The Payment shall only be increased in strict accordance with this Agreement.
- 6.2 The A/E shall invoice the City on a monthly basis and the City shall pay the A/E within forty-five (45) days of receipt of such invoice (provided the A/E is in compliance with the terms and conditions of this Agreement). The monthly invoice shall be in the form and contain the detail required by the City's Project Manager.

#### SECTION 7.0 - NON-COMPENSATED SERVICES

- 7.1 The A/E shall not be compensated for any services required to correct errors, omissions, or deficiencies in the Deliverables caused by the A/E or its consultants, subconsultants, employees, agents or representatives.
- 7.2 The A/E shall not be compensated for any services required to bring any Deliverable(s) in compliance with applicable Laws (e.g., Americans with

Disabilities Act and Florida Building Code) in effect at the time such Deliverable(s) was provided to the City in accordance with this Agreement.

- 7.3 If all responsive and responsible bids for the construction of the Work exceed the City's budget for construction by more than ten percent (10%), the A/E shall be responsible for all fees and costs associated with modifying any and all Deliverables in order for the City to obtain a responsive and responsible bid within its budget for construction and for all fees and costs for assisting the City in rebidding the Project.

#### SECTION 8.0 – INDEMNIFICATION

- 8.1 The A/E agrees to indemnify, hold harmless, assume legal liability for, save and defend the City, its officers, elected and appointed officials, employees and agents (collectively, "Indemnified Parties") from and against any and all claims, liens, suits, actions, damages, liability, assertions of liability, losses, costs and expenses in law or in equity, of every kind and nature whatsoever, (collectively, "Claims"), whether or not a lawsuit is filed, including but not limited to costs, expenses and attorneys' and experts' fees at trial and on appeal and Claims for bodily injury or death of persons and or damage to property, which Claims may occur or be alleged to have occurred by or on account of or arising out of (i) any negligent or intentional wrongful act or omission, in whole or in part, of the A/E and its consultants, subconsultants, employees, agents or representatives arising out of this Agreement; or (ii) the failure of A/E and its consultants, subconsultants, employees, agents or representatives to comply with applicable Laws arising out of this Agreement.
- 8.2 The City will promptly notify the A/E of any Claim(s) against the Indemnified Parties. The A/E shall have the right to control the defense of any Claim(s) subject to the foregoing indemnification to the extent of the indemnification. The A/E also shall have the right to settle any such Claim(s) provided that the A/E pays the entire amount of such settlement and there is no finding of fault against the Indemnified Parties.
- 8.3 The provisions of this paragraph are independent of, and will not be limited by, any insurance required to be obtained by A/E pursuant to this Agreement or otherwise obtained by A/E.

#### SECTION 9.0 – INSURANCE

- 9.1 The A/E shall maintain the following types and amounts of insurance throughout the Term of this Agreement:

Commercial General Liability Insurance Policy protecting the City against all claims or demands that may arise in an amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate. This policy shall include coverage for (i) personal injury or death or property damage or destruction and (ii) contractual liability under this Agreement.

Worker Compensation Insurance in compliance with the laws of the State of Florida.

Employers Liability coverage with minimum limits of \$100,000 each accident, \$100,000 each employee and \$500,000 policy limit for disease.

Commercial Automobile Insurance in an amount of at least \$1,000,000 combined single limit.

Professional Liability Insurance including Errors and Omissions for the Scope of Services required to be performed by A/E pursuant to this Agreement with a limit of \$1,000,000 per occurrence, or if the policy is on a claims made basis with a limit of \$1,000,000 and an extended reporting period of at least 90 days. Whether an occurrence or a claims made policy, in addition to the certification of insurance a letter from insurer as to the amount of claims payments and reserves chargeable to the aggregate amount of the liability coverage is required.

- 9.2 All insurance companies furnishing insurance coverage required by this Agreement shall be licensed and authorized to do business under the laws of the State of Florida and have no less than an "A-" Financial Rating or higher according to the most current edition of AM Best's Insurance Reports or similar.
- 9.3 The A/E shall provide the City with Certificate(s) of Insurance on all the required policies of insurance and renewals thereof in a form(s) acceptable to the City. All policies shall name the Indemnified Parties as additional insureds with the exception of Worker's Compensation and Professional Liability.
- 9.4 Each policy shall provide that the insurance company shall provide the City at least thirty (30) days prior written notice of any reduction, cancellation, or material change in the policy.
- 9.5 The A/E hereby waives all subrogation rights of its insurance carriers in favor of the Indemnified Parties. This provision is intended to waive fully, and for the benefit of the Indemnified Parties, any rights or claims which might give rise to a right of subrogation in favor of any insurance carrier.
- 9.6 The City reserves the right to change or alter the above insurance requirements as it deems necessary.

#### SECTION 10.0 – OWNERSHIP OF DELIVERABLES

- 10.1 The City shall solely own all Deliverables, including the copyright and all other associated intellectual property rights, produced and developed by the A/E pursuant to the terms and conditions set forth in this Agreement. All Deliverables shall be submitted to the City prior to the City issuing final payment to the A/E.
- 10.2 The City acknowledges that the Deliverables are not intended or represented to be suitable for revision by the City, or others, for purposes other than that for the Scope of Services which said Deliverables were prepared. Any reuse or modification of the Deliverables without written verification or adaptation by the

A/E for the specific purpose intended will be at the City's sole risk and the A/E shall not be liable or responsible for any claims arising from the City's reuse or modification of the Deliverables without written verification or adaptation by the A/E.

#### SECTION 11.0 – SUBCONTRACTS

- 11.1 The A/E shall give advance notification to the City's Project Manager of any proposed subconsulting agreement or subcontract agreement or change to an existing subconsulting or subcontract agreement. (As used in this Agreement, the terms "subcontract agreement" and "subconsulting agreement" shall be interchangeable and the terms "subcontractor" and "subconsultant" shall likewise be interchangeable.)
- 11.2 The advance notification required by 11.1 above shall include the following:
  - 11.2.1 A description of the supplies or services called for by the subcontract or change to an existing subcontract.
  - 11.2.2 Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected.
  - 11.2.3 The proposed subcontractor price.
- 11.3 The A/E shall not make any subcontract changes without the prior written consent of the City's Project Manager. The City's Project Manager may, at its discretion, ratify in writing any such subcontract which shall constitute the consent of the City's Project Manager as required by this Section.

#### SECTION 12.0 – DISPUTES

- 12.1 Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement, which is not disposed of by a supplemental agreement, shall be decided by the City's Project Manager, who shall provide a written decision to the A/E. The decision of the City's Project Manager shall be final and conclusive, unless within fifteen (15) days from the date of receipt of such copy, the A/E mails or otherwise furnishes to the City's Project Manager a written notice of dispute.
- 12.2 In the event a decision of the City's Project Manager is the subject of a dispute, such dispute may be settled by appropriate legal proceeding or, if the Parties mutually agree in writing, through arbitration or administrative process. Pending any binding arbitative or administrative decision, appeal, or judgment referred to in this Section or the settlement of any dispute arising under this Agreement, the Parties shall proceed diligently with the performance of this Agreement.
- 12.3 Each party shall be responsible for its own costs and expenses, including legal fees, of any arbitration, administrative proceedings, appeal or suit prosecuted by either party.

## SECTION 13.0 – SUSPENSION OF SERVICES

- 13.1 The City's Project Manager may, at any time, by written order to the A/E, require the A/E to suspend, delay, or interrupt all or any part of the Scope of Services required by this Agreement. Any such order shall be specifically identified as a suspension of services order ("Suspension of Services Order"). Upon receipt of a Suspension of Services Order, the A/E shall forthwith comply with its terms and immediately cease incurrence of further costs and fees allocable to the services covered by the Suspension of Services Order during the period of stoppage of services. This shall include the involvement of any and all subcontractual relationships.
- 13.2 If a Suspension of Services Order issued under this Section is canceled, the A/E shall resume the Scope of Services within fifteen (15) days after a Suspension of Services Order is canceled. If an adjustment to the Scope of Services or any other term and condition of this Agreement is required due to a suspension of services pursuant to this Section, the Parties shall follow the Contract Adjustments (as defined herein) procedure as described in Section 18 of this Agreement. Failure to agree to any Contract Adjustments shall be a dispute concerning a question of fact pursuant to Section 12.
- 13.3 If a Suspension of Services Order is not canceled and this Agreement is terminated by the City for convenience, the City shall pay the A/E costs and fees for services performed up to the effective date of termination, provided such costs and fees are owed to the A/E pursuant to this Agreement. The A/E shall provide the City all completed or partially completed Deliverables prior to the receipt of payment for services performed up to the effective date of termination. The foregoing payment shall constitute the A/E's sole compensation in the event of termination of this Agreement and the City shall have no other liability to the A/E related to termination of this Agreement. Without limiting the generality of the foregoing, the City shall have no liability to the A/E for lost profits or lost opportunity costs in the event of termination of this Agreement.

## SECTION 14.0 – TERMINATION

### 14.1 TERMINATION FOR CONVENIENCE

- 14.1.1 The performance of the Scope of Services under this Agreement may be terminated in whole or in part by the City whenever for any reason the City's Project Manager shall determine that such termination is in the best interest of the City. Termination shall be effective fifteen (15) days after delivery to the A/E of a notice of termination specifying the extent to which performance of Scope of Services under this Agreement is terminated.
- 14.1.2 Upon receipt of the notice of termination, the A/E shall, unless the notice of termination directs otherwise, immediately discontinue performance of the Scope of Services required by this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to this Agreement.

14.1.3 The City shall pay the A/E costs and fees for services performed up to the effective date of termination, provided such costs and fees are owed to the A/E pursuant to this Agreement. The A/E shall provide the City all completed or partially completed Deliverables prior to the receipt of payment for services performed up to the effective date of termination. The foregoing payment shall constitute the A/E's sole compensation in the event of termination of this Agreement by the City for convenience and the City shall have no other liability to the A/E related to termination of this Agreement by the City for convenience. Without limiting the generality of the foregoing, the City shall have no liability to the A/E for lost profits or lost opportunity costs in the event of termination of this Agreement by the City for convenience.

## 14.2 TERMINATION FOR DEFAULT

14.2.1 The City may terminate this Agreement upon written notice to the A/E in the event the A/E defaults on any of the terms and conditions of this Agreement and such failure continues for a period of thirty (30) days following notice from the City specifying the default; provided, however, that the City may immediately terminate this Agreement, without providing the A/E with notice of default or an opportunity to cure, if the City determines that the A/E has failed to comply with any of the terms and conditions of this Agreement related to insurance coverage.

14.2.2 In the event of termination of this Agreement pursuant to Section 14.2, the City shall not be obligated to make any further payment to the A/E hereunder until such time as the City has determined all costs, expenses, losses and damages which the City may have incurred as a result of such default by the A/E, whereupon the City shall be entitled to set off all costs (including the cost to cover if the City procures similar services from another architect/ engineer), expenses, losses and damages so incurred by the City against any amount due A/E under this Agreement.

14.3 Nothing contained in this Section 14.0 shall be construed as limiting the City's rights and remedies in the event of termination of this Agreement.

## SECTION 15.0 – PROHIBITED INTEREST

15.1 No appointed or elected official or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

## SECTION 16.0 – FINDINGS CONFIDENTIAL

16.1 Subject to the requirement of Florida public records laws, all Deliverables produced or developed by the A/E or any City data available to the A/E pursuant to this Agreement shall not be made available to any individual or organization, other than the A/E's consultants, subconsultants, employees, agents or representatives, by the A/E without prior written consent from the City.

## SECTION 17.0 – GENERAL PROVISIONS

- 17.1 Should any section or portion of any section of this Agreement be rendered void, invalid or unenforceable by any court of law for any reason, such determination shall not render void, invalid or unenforceable any other paragraph or portion of this Agreement.
- 17.2 Each party to this Agreement that is not an individual represents and warrants to the other party that (i) it is a duly organized, qualified and existing entity authorized to do business under the laws of the State of Florida, and (ii) all appropriate authority exists so as to duly authorize the person executing this Agreement to so execute the same and fully bind the party on whose behalf he or she is executing.
- 17.3 The A/E shall make no assignment of any of its rights, duties, or obligations under this Agreement without the City's prior written consent, which consent may be withheld by City Council in its sole and absolute discretion.
- 17.4 This Agreement shall be interpreted and construed in accordance with the laws of the State of Florida and shall inure to and be binding upon the Parties, their successors and assigns. Venue for any action brought in state court shall be in Pinellas County, St. Petersburg Division. Venue for any action brought in federal court shall be in the Middle District of Florida, Tampa Division, unless a division shall be created in St. Petersburg or Pinellas County, in which case the action shall be brought in that division. The Parties consent to the personal jurisdiction of the aforementioned courts and irrevocably waive any objections to said jurisdiction.
- 17.5 The A/E shall comply with all applicable federal, state, and local laws, ordinances, rules and regulations, the federal and state constitutions, and orders and decrees of any lawful authorities having jurisdiction over the matter at issue (collectively, "Laws"), including all Laws related to licensing and permitting, the Americans with Disabilities Act, the Florida Building Code, Florida Executive Order 11-02, and Florida Public Records Laws (e.g., Chapter 119, Florida Statutes). The A/E shall also comply with the City's policies and procedures, executive orders and any technical standards provided to the A/E by the City.
- 17.6 This Agreement has been prepared by the City and reviewed by the A/E and its professional advisors. The City, A/E and A/E 's professional advisors believe that this Agreement expresses their agreement and that it should not be interpreted in favor of either the City or the A/E or against the City or the A/E merely because of their efforts in preparing it.
- 17.7 The headings are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this Agreement.
- 17.8 The A/E shall keep accurate books, records and documentation related to this Agreement at the address for delivery of notices set forth in this Agreement. All

such books, records and documentation shall be kept by the A/E and shall be open to examination, audit and copying by the City during the term of this Agreement and for a period of five (5) years following termination or expiration of this Agreement. The A/E shall bear the costs associated with the retention of books, records and documentation. Nothing herein shall be construed to allow destruction of records that may be required to be retained longer by the statutes of the State of Florida.

- 17.9 All obligations and rights of any party arising during or attributable to the period prior to expiration or earlier termination of this Agreement, including but not limited to those obligations and rights related to indemnification, shall survive such expiration or earlier termination.
- 17.10 This Agreement may be amended only in writing executed by the Parties.
- 17.11 This Agreement constitutes the entire agreement between the Parties and supersedes all prior and contemporaneous agreements, whether oral or written, between them.
- 17.12 Each appendix to this Agreement, including attachments to an appendix and materials referenced in an appendix, is an essential part hereof and is incorporated herein by reference.
- 17.13 No term or condition of this Agreement shall be deemed waived, and no breach of this Agreement excused, unless the waiver or consent is in writing signed by the party granting such waiver or consent.
- 17.14 In the event that either party is delayed in the performance of any act or obligation pursuant to or required by this Agreement by reason of a Force Majeure Event, the time for required completion of such act or obligation shall be extended by the number of days equal to the total number of days, if any, that such party is actually delayed by such Force Majeure Event. The party seeking delay in performance shall give notice to the other party specifying the anticipated duration of the delay, and if such delay shall extend beyond the duration specified in such notice, additional notice shall be repeated no less than monthly so long as such delay due to a Force Majeure Event continues. Any party seeking delay in performance due to a Force Majeure Event shall use best efforts to rectify any condition causing such delay and shall cooperate with the other party to overcome any delay that has resulted.
- 17.15 The A/E shall not take any action that will result in a lien being placed against the City or to any services or Deliverables being provided to the City. In the event the City is placed on notice of an intent to lien or placed on notice of a lien by the A/E, its consultants, subconsultants, employees, agents or representatives, the A/E will take immediate action at the A/E's expense to respectively prevent or remove and discharge the lien.

- 17.16 Subject to the requirements of Florida public records laws, neither party shall use the other party's name in conjunction with any endorsement, sponsorship, or advertisement without the prior written consent of the named party.
- 17.17 The obligations of the City as to any funding required pursuant to this Agreement shall be limited to an obligation in any given year to budget, appropriate and pay from legally available funds, after monies for essential City services have been budgeted and appropriated, sufficient monies for the funding that is required during that year. Notwithstanding the foregoing, the City shall not be prohibited from pledging any legally available non-ad valorem revenues for any obligations heretofore or hereafter incurred, which pledge shall be prior and superior to any obligation of the City pursuant to this Agreement.
- 17.18 All Deliverables shall be made available to the City upon request and shall be considered public records in accordance with Chapter 119, Florida Statutes, unless exempt therefrom.
- 17.19 Time is of the essence of this Agreement and each of its provisions.
- 17.20 In the event of an inconsistency or conflict the following order of precedence shall govern: (i) this Agreement, exclusive of the appendices and the attachments to and materials referenced in an appendix; (ii) the appendices to this Agreement, exclusive of the attachments to and materials referenced in an appendix; (iii) the attachments to and materials referenced in the an appendix.
- 17.21 For purposes of this Agreement, any required written permission, consent, acceptance, approval, or agreement ("Approval") by the City means the Approval of the Mayor or his authorized designee, unless otherwise set forth in this Agreement or unless otherwise required to be exercised by City Council pursuant to the City Charter or applicable Laws.
- 17.22 If required by applicable Laws (e.g., Florida Executive Order 11-02), the A/E shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the A/E during the Term of this Agreement and shall expressly require any subcontractors performing work or providing services pursuant to this Agreement to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the Term of this Agreement.

## SECTION 18.0 – CONTRACT ADJUSTMENTS

- 18.1 Either party may propose additions, deletions or modifications to the Scope of Services ("Contract Adjustments") in whatever manner such party determines to be reasonably necessary for the proper completion of the services. Proposals for Contract Adjustments shall be submitted to the non-requesting party on a form provided by the City. Contract Adjustments shall be effected through written amendments to this Agreement signed by authorized representatives of the Parties.

- 18.2 There shall be no modification of the Payment on account of any Contract Adjustment made necessary or appropriate as a result of the mismanagement, improper act, or other failure of the A/E or its consultants, subconsultants, employees, agents or representatives to properly perform their obligations and functions under this Agreement.
- 18.3 Notwithstanding anything to the contrary contained in this Agreement, there shall be no change in the Payment, the Term of this Agreement or the Scope of Services except through a written amendment to this Agreement signed by authorized representatives of the Parties.

#### SECTION 19.0 – NOTICE

- 19.1 Unless and to the extent otherwise provided in this Agreement, all notices, demands, requests for approvals and other communications which are required to be given by either party to the other shall be in writing and shall be deemed given and delivered on the date delivered in person, upon the expiration of five (5) days following the date mailed by registered or certified mail, postage prepaid, return receipt requested to the address provided below, or upon the date delivered by overnight courier (signature required) to the address provided below.

#### **CITY:**

City of St. Petersburg  
Engineering and Capital Improvements Department  
P. O. Box 2842  
St. Petersburg, FL 33731  
Attention: H. Phillip Keyes, P.E., Design Manager  
Phone: (727) 893-4165  
Fax: (727) 892-5476  
Email: phillip.keyes@stpete.org

#### **WITH A COPY TO:**

City of St. Petersburg  
Engineering and Capital Improvements Department  
P.O. Box 2842  
St. Petersburg, FL 33731  
Attention: Thomas B. Gibson, P.E.  
Engineering & Capital Improvements Director  
Phone: (727) 892-5206  
Fax: (727) 892-5476  
Email: thomas.gibson@stpete.org

**A/E:**

Brown and Caldwell, Inc.  
5405 Cypress Center Drive, Suite 250  
Tampa, FL 33609  
Attention: Todd Bosso, PE  
Managing Engineer / Deputy Project Manager  
Phone: 813-371-9400  
Email: [tbosso@brwncald.com](mailto:tbosso@brwncald.com)

19.2 Either party may change its authorized representative or address for receipt of notices by providing the other with written notice of such change. The change shall become effective five (5) days after receipt by the non-changing party of the written notice of change. Unless otherwise agreed to by the Parties in writing, electronic submission of notices does not relieve either party of the requirement to provide notice in writing as required in Section 19.1 above.

**SECTION 20.0 - SCHEDULE**

20.1 The A/E shall perform the Scope of Services in accordance with the schedule set forth in Appendix A and made apart hereof. Such schedule may be revised by the City's Project Manager after consultation with the A/E.

**SECTION 21.0 – PERSONNEL**

21.1 The A/E shall assign the key personnel to perform the Scope of Services in accordance with this Agreement. The A/E shall not, without the City's prior written consent, transfer, reassign, redeploy or otherwise remove any key personnel; provided, however, that removal of any key personnel due to their incapacity or termination shall not constitute a violation of this Section. If any of the key personnel are incapacitated or are terminated, the A/E shall, within ten (10) days, replace such person with another person approved by the City and that is at least as well qualified as the person who initially performed that person's role. The A/E shall provide for a transition period of at least one (1) week (or such shorter period of time approved by the City) during which time any key personnel being replaced shall familiarize their replacement(s) with the work required to be performed by the replacement(s). The A/E shall be solely responsible for all costs associated with replacement of key personnel. Without limiting the generality of the foregoing, if any change in key personnel causes a delay, the A/E shall be solely responsible for any and all of its increased costs associated with such delay.

21.2 The City may require the A/E to replace any persons performing the Scope of Services, including but not limited to A/E's consultants, subconsultants, employees, agents or representatives, whom the City determines is not performing the Scope of Service to the City's satisfaction. Before a written request is issued, authorized representatives of the City and the A/E will discuss

the circumstance. Upon receipt of a written request from an authorized representative of the City, the A/E shall be required to proceed with the replacement. The replacement request will include the required replacement date and the reason for the replacement. The A/E shall use its best efforts to effect the replacement in a manner that does not degrade service quality. This Section will not be deemed to give the City the right to require the A/E to terminate a person's employment. Rather, this Section is intended to give the City only the right to require that the A/E discontinue using persons in the performance of the Scope of Services under this Agreement.

**IN WITNESS WHEREOF** the Parties hereto have executed this Agreement on the day and date first above written.

A/E

WITNESSES

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Title: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

CITY OF ST. PETERSBURG, FLORIDA

Sign: \_\_\_\_\_  
Print: Thomas B. Gibson, P.E.  
Title: Engineering & Capital Improvements Director

**ATTEST**

\_\_\_\_\_  
City Clerk

(SEAL)

Approved by the City's Project Manager

Approved as to Content with respect to A/E Agreement. No opinion is offered as to Scope of Services.

\_\_\_\_\_  
H. Phillip Keyes, P.E., Design Manager

\_\_\_\_\_  
City Attorney (Designee)

## I. BACKGROUND AND PROJECT DESCRIPTION

The City of St. Petersburg (CITY) authorized Brown and Caldwell (ENGINEER) on July 22, 2010 to perform the Biosolids and Yard Waste to Energy Project Phase I – Feasibility Study. The recommended plan from the completed study was published in Technical Memorandum (TM) No. 4. The recommendations are to occur at the CITY's Southwest Water Reclamation Facility (SWWRF). This Biosolids and Waste to Energy Project – Design Phase (PROJECT) provides engineering services to prepare bid documents for the construction of the wastewater process improvements associated with TM No.4, Phase I. The biogas engine/generator is part of a separate project (Engine Project), which will be designed separately by another engineering consultant (Engine Design Firm) selected by the CITY. The ENGINEER will coordinate their design activities with the Engine Design Firm.

The PROJECT includes the following major elements:

1. Construction of a new splitter box and raw sewage conveyance piping to divide flow to the new primary clarifiers. The new splitter box will be connected to piping tees in the yard that are being installed under a separate project. The splitter box will also control biological contact flow splitting during peak flow. The biological-contact supply piping will be routed to the appropriate discharge locations within the aeration basins.
2. Construction of two new primary clarifiers in the area currently occupied by the smaller 4-mgd plant. The design shall include odor control covers, construction of a new primary sludge pumping station located beneath an awning type structure, piping of the primary sludge to the existing thickening system, new odor control system and liquid stream piping back to the aeration system.
3. Conversion of digestion system to a temperature-phased anaerobic digestion (TPAD; thermophilic followed by mesophilic) system to facilitate Class A sludge production including:
  - a. Renovation of the existing headhouse to support new equipment for the new digestion system,
  - b. Demolition of Digester 2 (the most northern digester) and Digester 1 (the southeast digester),
  - c. Construction of a new Digester 2; as a new thermophilic concrete tank with a concrete submerged-fixed-cover,
  - d. Construction of a new Digester 1; as a new digester that is capable to function at thermophilic or mesophilic temperatures with gas-storage capability,
  - e. New batch tanks for use between thermophilic and mesophilic systems to provide required batch digestion to meet Class A requirements,
  - f. Modification of Digester 3 to incorporate it as a mesophilic digester into the new TPAD digestion train

4. Incorporation of the new digestion facilities into the existing thickening and dewatering systems; upgrades to these facilities will be done by others as part of separate projects. The capacity needed for both process units will be determined during the 30% design.
5. Digester gas piping to a gas cleaning system to be determined as part of the Gas Cleaning System Evaluation. Gas piping will also be routed to a flare to be included under this effort for emergency situations. The scope of the required gas cleaning improvements will be determined during the 30% design. A design fee of \$200,000 is included in the contract for gas cleaning, a detailed scope and detailed design to be performed after acceptance of the 30% design.
5. New FOG receiving and handling facility designed in accordance with the results of the FOG and Industrial Feedstock Survey and Evaluation, FOG pump station to pump to the thermophilic digesters and associated odor control system. The system is envisioned to consist of one or two 10,000- to 15,000-gallon tanks with bayonet-type heating elements, recirculation pumps, and transfer pumps. Capability to decant, drain, and access the interior of each tank for cleaning through 3-foot-diameter man ways will be included. No prescreening or pretreatment equipment is envisioned. The design is generally similar to that installed in Columbus, GA. The odor control system may be incorporated with the odor control system for the primary clarifiers and this will be defined during the 30% design phase.
6. Connections to recover heat from engine generator operation and provide heated water to support the TPAD process and FOG receiving facility will be designed by the Engine Design Firm under a separate design contract and included/integrated with the PROJECT Bid Set. The engine will provide two sources of heating; a higher-temperature heat supply with heat from jacket cooling and exhaust and a second, cooler-temperature heat supply with heat from intercooler and lube-oil cooling sources. Connections and associated systems that tie into the Engine Project will be identified by the engine manufacturer, engine vendor, and the Engine Design Firm. The engine design firm will similarly design the boilers for supplemental heating for inclusion in the PROJECT. It will be the responsibility of the Engine Design Firm to confirm all necessary support systems that are included in this scope of services meet their operational requirements.
7. Electrical and I&C equipment related with the PROJECT will be coordinated with the Engine Design Firm which will design the main MCC building for the Engine Project and which will also serve this PROJECT. The MCC building or enclosure will be sized and designed by the Engine Design Firm to account for the electrical and I&C needs of the PROJECT based on input and coordination with the ENGINEER. All new systems and controls will be integrated into the WRF SCADA system.
8. All general engineering, civil engineering, architectural, structural, process-mechanical, HVAC, plumbing and fire suppression, instrumentation and process schematics, electrical and fire alarm discipline efforts required by the PROJECT.

## II. SCOPE OF SERVICES

The ENGINEER's Scope of Services will include the following:

- Phase 001 - Project Management
- Phase 002 - Final Design
- Phase 003 – Evaluations
- Phase 004 – Support Services
- Phase 005 - Permitting
- Phase 006 - Bid Phase Services
- Phase 007 - Additional Services

Specific services to be provided by ENGINEER under this Scope of Services are further described below:

### **Phase 001 – Project Management**

This phase will include overall management of the PROJECT by providing the following:

#### **Task 001.001 – Project Management**

The ENGINEER will manage all aspects of this Scope of Services as defined herein. This includes regular correspondence with the CITY, oversight of PROJECT schedule and budget, discipline coordination, sub-consultant coordination and contract management, deliverable production, quality management, progress reporting, and invoicing.

#### **Task 001.002 – Workshops**

The ENGINEER will conduct the following workshops to meet with CITY'S staff to confirm the project direction and review deliverables. These workshops will be attended by key project team members from both the ENGINEER and the CITY and workshop minutes summarizing each session will be prepared by the ENGINEER and distributed. The following workshops will be conducted at a facility identified by the CITY:

1. Kickoff with discussion on:
  - General Scope Overview
  - General Process Considerations
  - Digestion Tank Configurations and Options
  - Additive/Deductive Bid Alternatives
2. Engine and Gas Treatment #1 with discussion on
  - FOG Results Impact on Gas Production (led by ENGINEER)
  - Engine Design (led by Engine Design Firm)
  - Gas Treatment Design Options (led by ENGINEER)
3. Liquid Treatment with discussion on

- Primary Clarifiers
  - Contact Stabilization
  - Sidestream Treatment
  - Liquid Stream Ramifications
  - Thickening and Dewatering Sizing and Loading
  - Odor Control
4. Digester Process and Digester Retrofit Design with discussion on
    - Digestion Vessel Options and Costs
    - Batch Tank Configuration
    - Raw-Sludge Preheating, Digester Heating, and Sludge Heat Recovery
  5. Engine and Gas Treatment #2
  6. Floating Workshop for other Issues prior to 30% Deliverable
  7. 30% Deliverable
  8. Operability, Commissioning, and Start-up Planning Review (held on site at the SWWRF)
  9. 60% Deliverable – Constructability Review to be conducted concurrently
  10. 90% Deliverable
  11. 100% Deliverable - Pre-Bid.

It is assumed that the 30%, 60% and 90% workshops will require a full day. Some of the initial workshops may be consolidated into full or multiple-day efforts and will occur prior to the 30% Deliverable. The Engine Design Project coordination workshops are intended to occur near the 30% and 60% design point of the Engine Design Project and are assumed to last a half-day.

**Task 001.003 – Schedule**

The ENGINEER will develop and maintain a project schedule including meetings, workshops, internal review, and review time for the CITY and deliverable dates. ENGINEER will update the schedule, as necessary, through the duration of the PROJECT as mutually agreed upon by CITY and ENGINEER.

**Phase 002 – Final Design**

The ENGINEER will prepare plans and specifications for the design elements for the PROJECT as described in Section I.

**Task 002.001 – 30% Design**

ENGINEER will develop the design to a 30% level of completion and present it in a 30% Design Technical Memorandum (30% TM) and with a 30% Drawings Set. The 30% TM will be used to communicate scope, objectives, and details of the PROJECT to the CITY, regulatory agencies, and the design team. The 30% TM will summarize the major process

improvements, provide design criteria for major processes and equipment, and provide discipline criteria.

The 30% TM will include the following major Sections. The Process sections will describe new tie-ins at, modifications called for and provide process tankage and equipment sizing required for the PROJECT, recognizing that not all plant Process areas will be affected.

1. Background
2. Flows and Loads
3. Processes
  - a. Preliminary Treatment
  - b. Primary Treatment
  - c. Secondary Treatment
  - d. Tertiary Treatment
  - e. Disinfection
  - f. Effluent Pumping
  - g. Thickening
  - h. Digestion
  - i. Gas Handling
  - j. Dewatering and Dewatered Sludge Handling
  - k. Sidestream Treatment
  - l. Fats, Oils and Grease
  - m. Odor Control
  - n. Supporting Processes (Drain Pumping, Plant Reuse Water, Potable Water, and Fire Suppression Water)
4. Discipline Design Criteria
  - a. Civil, Piping, Paving and Grading, and Erosion Control
  - b. Architectural and Structural,
  - c. Electrical and Fire Alarm,
  - d. SCADA, Communications and Instrumentation,
  - e. Heating Ventilating and Air Conditioning,
  - f. Plumbing.
5. Regulatory Requirements
  - a. Local
  - b. State
  - c. Federal
6. Preliminary Control Descriptions for Major Processes
7. Draft Commissioning Specifications and Commissioning Plan
8. List of Technical Specifications,
9. Equipment List,
10. Scheduling and Construction Phasing,
11. Opinion of Probable Construction Cost (as part of Phase 002.009)
12. Survey, Geotechnical and Preliminary Subsurface Exploration

The 30% Drawing Set will include the following:

- Existing/Demolition and New Preliminary Site and Yard Piping Plans
- Existing/Demolition and New Process Flow Diagram
- Existing and New Hydraulic Profile
- Gas Flow Schematic
- Preliminary Construction Phasing Plans
- Process and Instrumentation Diagrams (P&IDs)
- Major Mechanical Existing/Demolition and New Layout Plans
- Existing/Demolition and New Electrical Single Line Diagrams
- Motor Control Center Plan

#### **Task 002.002 – 60% Design and Specifications**

Upon acceptance of the 30% Design TM and Drawings, the ENGINEER shall commence with the preparation of 60% Drawings, Specifications and Opinion of Probable Construction Cost (OPCC is part of Phase 002.009). A \$200,000 Gas Treatment Design Allowance has been included for the design of the gas treatment system. The CITY will compensate the ENGINEER on a time and materials basis or a negotiated lump sum fee for additional services requested and authorized by the CITY. Content of the Drawings and Specifications shall be as follows and shall be as a set brought to the 60% design point with some disciplines being more advanced and other disciplines less advanced:

- General Drawings and Specifications as applicable to each phase of the work and include the following information: title sheet with a location and vicinity map; sheet list, general symbols, legends, flow stream IDs and abbreviations; existing and proposed process flow diagrams; hydraulic profile; contractor staging and laydown, project phasing; commissioning details and a commissioning plan including but not limited to requirements for equipment checkout, functional and operational testing, run time tests, training, installation, and operation and maintenance manual requirements.
- Civil and Civil Demolition Drawings and Specifications that include the following information: site plans that include existing site features and boundaries, horizontal and vertical survey control (tied into the City's vertical and horizontal benchmarks), existing utilities and new connections, new structure footprints with locations and orientation including finish floor elevations, site grading and drainage, paving plan for roadways, loading/unloading areas, and parking areas; and alignment plans of pipelines and major utilities;
- Architectural Drawings and Specifications that include the following information: a building and landscape code summary, room classifications, and building; architectural, sections, and elevations that establish architectural modifications, exterior architectural modifications, materials of

construction, roof type, access and egress, and architectural building code analysis;

- Structural and Structural Demolition Drawings and Specifications that include the following information: design criteria, building wind load code reference notes on drawings, foundation type (in compliance with geotechnical requirements), and structural systems (cast-in-place concrete, precast concrete, steel, etc.) with approximate sizes established on plans and sections depicting major structural modifications and components;
- Mechanical and Mechanical Demolition Drawings and Specifications that include the following information: plans and sections at each major floor/level that depict location of equipment, pipe routing, proposed equipment maintenance features, protective coatings and color coding consistent with CITY Utilities standard;
- HVAC Drawings and Specifications that include the following information: room list with name, sizes, heights, HVAC requirements, materials, temperature requirements; HVAC plans that depict design criteria and location of major equipment, airflow schematic, louver sizing, and major ductwork alignments;
- Plumbing Drawings and Specifications that include the following: plumbing plans and isometrics that show gravity sanitary drain information, sanitary piping, potable water systems, fire suppression systems, and emergency shower/eyewash locations;
- Instrumentation Drawings and Specifications that include the following information: process and instrumentation diagrams (P&IDs) showing process mechanical equipment, variable speed equipment identified, channel and piping with sizes, valves with types and sizes, primary element instrumentation, location of control and monitoring and standard control panels; instrumentation installation details, control system block diagram and control philosophies;
- Electrical and Electrical Demolition Drawings and Specifications that include electrical symbols, abbreviations and details, electrical load summary, power and control one-line diagrams, MCC elevation drawings (MCC to be located within the MCC Building designed by the Engine Design Firm, power and lighting panel diagrams, typical elementary diagrams; site electrical power plan, site lighting plan for new equipment and facilities, modifications to existing and new fire alarm systems, NFPA 820 hazard classification delineation, electrical area power plans, and fire detection plans; conduit and conductor lists and schedules; and grounding details.

**Task 002.003 – 90% Design**

Based on the review comments received for the 60% design submittals, the ENGINEER will prepare 90% Drawings, Specifications and a revised Opinion of Probable Construction Cost (OPCC is part of Phase 002.009). All drawings and specifications at this point will be at the 90% level.

**Task 002.004 – Final Design**

Based on the review comments received for the 90% design submittal, the ENGINEER will prepare Final Drawings and Specifications. Once the Final Drawings and Specifications are prepared, and as part of Phase 005.002, ENGINEER will submit the Final Drawings and Specifications to the Building Department, will receive and respond to comments and will edit the drawings accordingly. Following Building Department review and drawing correction, and as part of this Phase, the ENGINEER will produce Final Design Drawings and Specifications for Bidding. The ENGINEER will then also perform the final Opinion of Probable Construction Cost as part of Phase 002.009.

**Task 002.005 – Biding Document Preparation**

ENGINEER will coordinate with the CITY and aid in the development of the Upfront Bidding Documents (Division 0), including the Bid Form and shall provide analysis and recommendations regarding allowances, bid alternates, contract times, liquidated damages, contractor qualifications and other typical Division 0 items.

**Task 002.006 – Quality Assurance / Quality Control**

The ENGINEER will prepare and execute a Quality Assurance / Quality Control (QA/QC) Plan. The plan will outline the quality assurance and control procedures to be followed on the PROJECT and formal internal reviews will be performed two weeks prior to:

- 30% Deliverable and will include a Constructability and Operability Review
- 60% Deliverable and will include a Constructability and Operability Review
- 90% Deliverable and will include a Coordination Cross-Check
- 100% Deliverable (Prior to Building Department Submittal) and will include a Final Coordination Cross Check.

**Task 002.007 – Technical Review and Project Coordination with Engine Project**

The ENGINEER will provide an independent peer review of the Engine Project at the 30% level. The peer review will be limited to the following:

- Generator Size
- Heat Recovery System and associated High and Medium Grade Water Loops associated with the needs of the PROJECT
- Gas Treatment

- Biogas Feed Quality
- Biogas Treatment to the Generator

The ENGINEER will coordinate with the Engine Design Firm during the development of the Engine Project for compatibility with the PROJECT. Coordination between the projects is intended to bridge the two projects and coordinate interconnections.

The ENGINEER is not responsible for performing independent calculation review, quality control or quality assurance of the technical design, specifications or computations associated with Engine Project. It is the responsibility of the CITY and the Engine Design Firm to have vetted the project specifics and requirements/limitations of the engine system as it relates to interconnections to this project scope. This includes, but is not limited to gas quality, electrical, instrumentation and control, and mechanical related issues.

#### **Task 002.008 – Technical Review and Project Coordination by Engine Design Firm**

The Engine Design Firm will provide technical reviews of the facilities designed by the ENGINEER for the PROJECT. It is assumed that the Engine Design Firm's representatives will be in attendance at and participate in the 30% and 60% workshops identified herein and that this will be the primary source of their input. The Engine Design Firm will receive deliverables as they are provided to the CITY and their input will be collected with the CITY's input in the scheduled workshops. ENGINEER will work with the Engine Design Firm as questions/issues arise so that they can be solved expeditiously during the design effort.

#### **Task 002.009 – Opinions of Probable Construction Cost (EOPCC)**

ENGINEER will provide the CITY with an updated opinion of probable construction costs (EOPCC) in accordance with the Association for the Advancement of Cost Estimating (AACE) International Recommended Practice No. 18R897. The following cost opinions will be prepared:

- 30% Design (-20/+30%) EOPCC (AACE Class 3 accuracy)
- 60% Design (-15/+20%) EOPCC (AACE Class 2 accuracy)
- 90% Design (-10/+15%) EOPCC (AACE Class 1 accuracy)
- 100% Design, following Building Department review

#### **Task 002.010 – Commissioning Specifications**

ENGINEER will prepare a project specific commissioning specification that will be prepared with our Commissioning Sub-Consultant's review and recommendations, in preparation of the final specifications. The commissioning specification will be coordinated with the technical specifications typical of a project of this type. ENGINEER has allocated \$40,000 of the total fee, for the combined effort consisting of \$20,000 for the Commissioning Sub-Consultant and \$20,000 for the ENGINEER's effort to develop the commission specifications.

### **Phase 003 – Evaluations and Support Services**

The ENGINEER will perform the following evaluations:

#### **Task 003.001 – FOG and Industrial Feedstock Evaluation**

ENGINEER will perform a limited evaluation and survey to develop an understanding of the potential for the CITY to secure supplemental feedstocks that will increase biogas production at the SWWRF under a separate Scope of Services.

#### **Task 003.002 – Gas Cleaning System Evaluation**

ENGINEER will develop a gas cleaning system evaluation that considers multiple end uses for the produced biogas under a separate Scope of Services.

#### **Task 003.003 – Class-A TPAD Site Visit**

ENGINEER will coordinate and attend a two-day site visit to Chapel Hill, NC and Columbus, GA to visit operating Class-A TPAD facilities. Transportation costs for the CITY staff have not been included in the contract.

### **Phase 004 – Support Services**

The ENGINEER will obtain support services from various subconsultants for the following:

#### **Task 004.001 – 3D Laser Scan and Survey**

The ENGINEER will obtain services to convert the existing laser-surveyed data previously collected by the CITY to an AutoCAD formatted electronic file during the 30% Design TM and will be used as the basis for design on this PROJECT. The services will consist of 3D site modeling and additional Laser Scanning of the Sludge Building, at the SWWRF. The ENGINEER will obtain services to perform the following:

- 3D modeling (using existing data): Buildings, cylindrical tanks, & open air tanks. Includes attached electrical boxes (without conduit), piping systems, stairways, supports & handrails.
- 3D modeling (using existing data): Exterior Piping/Equipment Systems. Includes piping (>2" dia), flanges, valves, equipment, supports, and concrete bases.
- 3D modeling (using existing data): Miscellaneous Details. Includes towers, telephone poles, street lights, & fences.
- 3D modeling (using existing data): General TOPO with roads, sidewalks, and curbs.
- Collect additional Laser Scanning of the interior of Sludge Building sitting between to Digesters 1 and 2. This includes the first and second floor of the

- building. Additional Laser Scanning of the New Odor Building and New Piping run from Odor Building to Gravity Belt Thickener Building.
- 3D Modeling: Sludge Building Interior & Exterior Base Model: Includes structure, stairs, handrails, electrical boxes, equipment, piping systems, Interior Conduit and lights.
  - 3D Modeling of: New Odor Control Area Base Model: Includes structure, stairs, handrails, electrical boxes, conduit, equipment, piping systems (>2" dia), pipe supports, and street lights.

The CITY will be receiving a copy of the 3D model, of the converted laser scan data, in AutoCAD 3D Model as a ".dwg" file.

Assumptions:

- Trees, street lights, telephone poles, hand rails and fences will be modeled orthographically (example: telephone pole will be modeled vertically when in fact in may be leaning a couple of degrees). This saves modeling time but decreases accuracy of the final model for those objects.
- Modeling of building interiors is not included in this proposal with the exception of the Sludge Building Interior.
- Flexible piping/conduit is not included, except as where defined in the scope above.
- Site condition changes that occur after the field work may not be included in the final model and is the responsibility of the Owner to identify any changes to the ENGINEER.

Any items that may have been obscured during scanning and is required for the model may require additional scanning or conventional survey data collection. If additional data collection is required this will be completed as part of the Additional Services section.

**Task 004.002 – Subsurface Utility Exploration (SUE)**

The ENGINEER will obtain the services to perform the following:

**Phase 1 – Surface Utility Designation, Subsurface Utility Location (VVH - verified vertical and horizontal) and Survey Services**

- Utilizing conventional electronic designating equipment together with Ground Penetrating Radar (GPR), designate and mark with paint and/or flags the horizontal location of found underground utilities (typically larger than 2" in diameter) along the perimeter of the areas shown in red on the "Demolition" aerial excepting the area in the southeastern quadrant (south of the tanks), which is to be designated in its entirety. **\*\*note\*\*** It is common that pipelines smaller than around 2" and some other buried utilities may not be found due to their small size and are often invisible to current designating equipment and Ground Penetrating Radar. Accuracy of surveys will be limited to the accuracy of the equipment and will still remain the responsibility of the

- Contractor to confirm utility locations prior to excavations or ground disturbances.
- Provide a test hole (VVH – verified vertical and horizontal) on each of the designated utility lines within the southeastern quadrant described above. Description of found utilities to include utility size and composition if possible, but utility function (water main, force main, reclaimed main, sludge line, etc.) may be unknown.
- Survey found utility information and provide 2-dimensional electronic files (AutoCAD), in plan view only, reflecting VVH test hole information together with a copy of field notes (submitted electronically), and three (3) copies of a Surveyor's Report containing found utility information.

Phase 2 – Subsurface Utility Location (VVH - verified vertical and horizontal) and Survey Services (fee is based on time and materials).

- Based upon engineering considerations including information from Phase 1, priority conflict locations, and provide a utility conflict matrix and marked up plan sheet depicting those locations (up to fifty) with dimensions from known above ground objects to conflict location, as well as desired placement for any other test holes needed within the PROJECT site.
- Provide a test hole (maximum of fifty) at each of the utility conflict locations described above. Description of found utilities to include utility size and composition if possible, but utility function (water main, force main, reclaimed main, sludge line, etc.) will not be known from location service.
- Survey found utility information and provide 2-dimensional electronic files (AutoCAD), in plan view only, reflecting VVH test hole information together with a copy of field notes (submitted electronically), and three (3) copies of a Surveyor's Report containing found utility information.

#### **Task 004.003 – Geotechnical Engineering**

The ENGINEER will obtain the services of a geotechnical engineering firm, as a sub-consultant. The geotechnical sub-consultant will provide geotechnical exploration and evaluation of the soils and recommendations for the following proposed PROJECT improvements:

- New Digesters (2)
- Primary Splitter Box
- New Primary Clarifiers (2)
- New Primary Clarifier Transfer Pump Station
- New Batch Tanks
- New Odor Control Slab
- New FOG Receiving Station

An allowance has been established for these services so that a detailed geotechnical plan can be developed and implemented. The deliverable will include a geotechnical report summarizing findings and providing recommendations regarding subsurface preparation

for the new structures. If the geotechnical efforts exceed the allowance, the ENGINEER will immediately bring the issue to the City and discuss the appropriate resolution.

#### **Task 004.004 – Architectural Services**

The ENGINEER will obtain the services of a sub-consultant to perform the following:

Architectural Design Services for the design upgrades to the existing Sludge Building located between existing digesters 1 and 2. Services include:

- Life Safety Plan/Code Drawing
- Floor Plans
- Building Sections
- Elevations
- Roof Plan
- Building Details
- Door/Finish/Window Schedules
- Architectural Details

#### **Task 004.005 – Commissioning Sub-consultant**

The ENGINEER will obtain the services of a commissioning sub-consultant to perform the following during the design phase:

- 30% Design Phase
  - Meet at project site to familiarize with project,
  - Review project technical memorandums, drawings and specifications,
  - Provide template and guide commissioning specifications and plans for use by ENGINEER in developing project specific commissioning specifications,
  - Review and comment on draft 30% commissioning related specifications and commissioning plan prepared by ENGINEER.
- 60% Design Phase
  - Review project drawings and specifications,
  - Review and comment on draft 60% commissioning related specifications and commissioning plan prepared by ENGINEER.
- 90% Design Phase
  - Review and comment on draft 90% commissioning related specifications and commissioning plan prepared by ENGINEER.

#### **Phase 005 – Permitting**

The ENGINEER will prepare the following permit applications, including supporting documentation, and submit to the City for final submission to the regulatory agency for review and approval.

**Task 005.001 – Florida Department of Environmental Protection (FDEP) Major Modification**

The ENGINEER will prepare a FDEP major permit modification application package for the upgrades to the SWWRF. It is assumed that the permit application will be a major modification and that the Final 30% Design TM will be used as the Engineering Report. The ENGINEER along with the CITY will communicate with FDEP staff during the 30% design phase to present the proposed work. The CITY will submit the permit application, permit fees will be paid by the CITY. The ENGINEER has included fee budget for one meeting and to respond to one (1) FDEP request for additional information.

**Task 005.002 – Building Department Application**

The ENGINEER will prepare the appropriate drawings and coordinate with the CITY to submit plans and specifications to the CITY's Building Department for approval. The CITY's Engineering Department will coordinate all communications and direct correspondence with the Building Department. Permit fees will be paid by the CITY. The ENGINEER and the CITY's staff will meet with the Building Department at approximately the 60% design level to perform a preliminary review of the project and the project drawings. The ENGINEER has included fee budget for one additional meeting during the review process and to respond to two requests for additional information (RAI)

**Task 005.003 – Air Permit Application**

The Engine Design Firm will obtain any Air Permits for both the PROJECT and the Engine Project. ENGINEER will aid and support the Engine Design Firm by supplying design information related to gas production, anticipated raw gas quality from the digesters, clean gas quality derived from Gas Cleaning Evaluation and design information related to the emergency waste gas flare which is part of the PROJECT.

**Task 005.004 – Fertilizer Certification Assistance**

The City will assist the ENGINEER in negotiating the fertilizer certification with the FDEP and other regulators. These discussions will be preliminary in nature. Additional effort will be required once the facility is operational and that effort is not included herein.

**PHASE 006 – Bid Phase Support**

The ENGINEER will provide the following services.

**Task 006.001 – Pre-Bid Conference**

The ENGINEER will attend one (1) Pre-Bid Conference. The Pre-Bid Conference will include a PROJECT site visit. It is expected that the Pre-Bid Conference Meeting Minutes will be prepared by the CITY and issued as part of an addendum.

**Task 006.002 – Bid Phase RFI**

The ENGINEER will review and respond in writing to the CITY for Addenda as a result of contractor RFIs during the bid period, regarding the plans or specifications. The ENGINEER has allocated budget for responding up to two Addenda. The CITY will be responsible to issue the corresponding addenda.

**Task 006.003 – Review Bid**

The ENGINEER will assist the CITY in reviewing the qualifications of the apparent low bidder and the bid. The ENGINEER will provide a letter to the CITY stating ENGINEER's evaluation and findings of the bid submissions.

**PHASE 007 – Additional Services**

The ENGINEER will perform additional services related to this PROJECT upon prior, written authorization by the CITY up to an amount not to exceed \$95,000.

**III. SCHEDULE**

Work under this Scope of Services will commence upon receipt of a Notice to Proceed. Upon authorization a detailed schedule will be developed using the durations listed below.

ENGINEER will complete the PROJECT within the schedule below. This schedule assumes two weeks for each City review period. This schedule is estimated and may be adjusted if required for unforeseen issues that might include scope of services changes, permitting issues, vendor support related issues, etc. that are outside the control of the design team.

<b>Phase</b>	<b>Milestone</b>	<b>Duration of Phase in Weeks</b>	<b>Weeks from Notice to Proceed</b>
001	Project Management Deliverables	Monthly	Monthly
001	Kickoff Meeting	2	2
001	Initial Workshops	10	2 to 12
002	Draft 30% Design TM, 30% Drawings	14	16
001	30% Workshop	2	18
005	FDEP Permit Major Modification Application (from 30% Workshop)	4	22
002	60% Design Deliverable (from 30% Workshop)	12	30

Phase	Milestone	Duration of Phase in Weeks	Weeks from Notice to Proceed
001	60% Workshop	2	32
002	90% Design Deliverable (from 60% Workshop)	12	44
001	90% Workshop	2	46
005	Building Permit Submittal (from 90% Workshop)	4	50
002	Final Design and Workshop (following Building Submittal)	8	58
006	Pre- Bid Meeting	TBD	TBD

#### IV. DELIVERABLES

The ENGINEER will prepare and shall submit to the CITY the following deliverables:

Phase	Activity	Deliverable
001	Project Meetings	Electronic copies of the sign-in sheet, agenda and meeting minutes for each meeting via email.
002	Draft 30% Design TM and Drawings	Ten (10) copies of the 30% Design TM and Drawings (at 11 by 17) with the exception of key Site Plan and Yard Piping sheets which will be provided at 22" by 34" and One (1) Electronic PDF.
002	Final 30% Design TM	Ten (10) copies of the Final 30% Design TM and One (1) Electronic PDF.
002	60% Design	Eight (8) copies of the 60% design specifications and One (1) Electronic PDF.
002	60% Design	Eight (8) 22" x 34" and eight (8) 11" by 17" design plan sets of the 60% and One (1) Electronic PDF.
002	60% Design	One (1) copy of the 60% design OPCC and One (1) Electronic PDF.
002	90% Design	Eight (8) copies of the 90% design specifications and One (1) Electronic PDF.

<b>Phase</b>	<b>Activity</b>	<b>Deliverable</b>
002	90% Design	Eight (8) 22" x 34" and eight (8) 11" by 17" of the 90% design plan sets and One (1) Electronic PDF.
002	90% Design	One (1) copy of the 90% design OPCC and One (1) Electronic PDF.
002	Final Design	Eight (8) 22" x 34" and eight (8) 11" by 17" design plan sets signed and sealed of the 100% design plan sets, One (1) signed and sealed original (full size) and One (1) Electronic PDF.
002	Final Design	Eight (8) copies of the Division 00 bid form and measurement and payment and One (1) Electronic PDF.
002	Final Design	Eight (8) copies of the 100% design specifications signed and sealed, One (1) signed and sealed original and One (1) Electronic PDF.
002	Final Design	One (1) copy of the 100% design OPCC and One (1) Electronic PDF.
005	FDEP WW Permit to Construct – Major Modification	Two (2) copies of the Application for a Major Modification and Engineering Report, signed and sealed. Two (2) copies of each to the CITY.
005	Building Department Permit	Two (2) copies signed and sealed by the professional engineers. Two (2) copies to the CITY.
006	Bid Recommendation Letter	One (1) copy of the Bid Evaluation Recommendation letter and One (1) Electronic PDF.

## V. CITY RESPONSIBILITIES

The following participation by the CITY is anticipated under this Scope of Services:

- CITY will provide access to all required areas of the site.
- CITY will assign a single local project representative and point of contact to communicate and coordinate with the ENGINEER.
- CITY will make available in a timely manner all available drawings, O&M manuals, previous reports and drawings at the plant, records and other site information

relative to the PROJECT, including information related to any and all underground utilities, hazardous materials, easements, permits, and lab data.

- CITY will assist as required when issues arise with City of St. Petersburg Building Department.
- Upon request, CITY will provide copies of all correspondence regarding the PROJECT to the ENGINEER's primary contact and assist coordination with other stakeholders and regulatory agencies as required.
- CITY will make available City standard detail drawings.
- CITY will make available City standard specifications.
- CITY will provide General Conditions and Front End Documents
- CITY will provide Section 01 documents (with the exception of the Measurement and Payment section) if available. ENGINEER reserves the ability to utilize its standard Division 01 in addition to the City specs if deemed by the ENGINEER as being more thorough.
- CITY will advertise the PROJECT for bid phase and sell and distribute all drawings and specifications for purchase by interested parties.
- CITY will provide an updated plant electrical one-line diagram, preferably in electronic format, as available.
- CITY will provide a load list or copy of existing single line diagram and schematic diagrams of existing control panels affected by the PROJECT as available.
- CITY has an existing operator's workstation and the necessary development licenses.
- CITY will provide the existing VFD building PLC panel O&M, including drawings and catalog cut sheet or drawings with Bill of Materials as available.
- CITY will review and comment on the ENGINEER'S deliverables within allocated time identified within the schedule, any delays may delay Engineer's deliverable schedule.
- CITY shall provide all coordination and communication with the FDEP.
- CITY will provide recently complete 3D Laser Survey data of the SWWRF if available.
- City will coordinate with the Engine Design Firm as needed to ensure a timely response to ENGINEER's request for reviews, information, etc.
- Engineer will not be required to pay permit fees.

## VI. SERVICES NOT INCLUDED

The following services/tasks are not included in this Scope of Services except as otherwise addressed in the Scope of Services.

- Modification to the FDEP or Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP). SWWRF has an existing master planned ERP for the area of the proposed improvements.
- City of St. Petersburg Land Development or Development Review Committee application.
- Condition assessment of underground infrastructure.

- Engineer of Record, bidding or permitting of MCC Building/Enclosure.
- Final design of additional dewatering capacity is not included in this scope of services. The ENGINEER will evaluate the capacity of this system as part of the Phase 002, 30% Design, and provide recommendations to the CITY.
- Design of improvements to the existing thickener processes. The capacity of this system will be evaluated and recommendations will be made regarding this system as part of the 30% Design; however, no conceptual or detail design efforts are included in this Scope.
- Public Information Meetings.
- Preparation of General Conditions.
- Architectural renderings and fly through presentations and textured representations of the proposed improvements.
- Air Permitting - FDEP Permit to Construct an Air Emissions Source.
- Conformed drawings following Contractor bidding.
- PLC or Plant SCADA Programming Services.
- Construction phase services including construction management, office engineering, startup, testing and operations and maintenance manuals.
- Landscape Architectural Services.
- Offices and restrooms.
- Construction services.
- Lead and asbestos survey

## VII. ENGINEER'S ASSUMPTIONS

- All produced SWWRF sludge shall be to a concentration of approximately 6% total solids.
- Design will be performed assuming that the SWWRF will be receiving the solids from the NEWRF and the NWWRF as well as the flow from the AWWRF.
- Approval of permits is at the sole discretion of the permitting agency and the ENGINEER has assumed reasonable approval times for these permits, and where necessary, the CITY will work with the permitting agencies to speed up approval times.
- Odor Control improvements will be limited to the new primary clarifiers and FOG receiving station.
- All drawings will be based on standard Size D, 22"x34" paper and half size drawings shall be standard tabloid size 11"x17" paper.
- Technical specifications will be based on the ENGINEER's standard specifications (including text and paragraph formatting styles) using Division 1 through 17.
- Equipment tag numbering will be based on the ENGINEER's standard and is similar to that used on previous projects or will be provided by the CITY within 4 weeks of the onset of the PROJECT.
- ENGINEER is not responsible for additional effort that may be required for issues related to unknown conditions that may impact the design or construction.

- The Engine Design Firm will provide any requirements that impact design elements critical for proper engine operations. Once the Engine Design Firm project has bid, the Engine Generator Manufacturer and Vendor shall review the related drawings and specifications that may impact the operation of their Engine Generator and identify any deficiencies that require modifications. Any modifications that are necessary to accommodate a specific engine model that is determined after the 60% design phase may require additional scope and associated compensation.
- Any additions in the general scope of services that are requested or changes that are requested to the scope following the 30% design may result in the need for additional budget and/or schedule. Changes requested by the CITY which reverse previous decisions made by project team at project milestones (30%, 60%, 90% etc) may require additional funding.
- The CITY will adjust the project budget as necessary to accommodate any changes or additions to the project scope. The Engineer will adjust Opinions of Probable Cost to reflect the project scope described in the plans and specifications at the time of the deliverable submitted.
- Bid alternates will be identified for non-critical systems to accommodate any concerns related to project budget or associated funding to avoid the risk of a challenging bid climate that may not bring favorable bid results.
- Services related to assistance with advertisement of the PROJECT, coordinating the sale and distribution of non-refundable bidding documents, holding a pre-bid meeting, and distributing addenda to the Contract Documents will be performed by the CITY.
- Electrical building size and layout for cabinets and conduit runs within the footprint of the electrical building, which will house the necessary electrical component for the PROJECT, are to be designed by the Engine Design Firm and coordinated with Brown and Caldwell during the peer review process.
- The site does not have any environmental related concerns including contaminated soil, endangered species, etc. Environmental studies, including Phase 1 surveys or any other type of study/survey are not included as part of this project scope. If any regulatory agencies require additional studies be performed, additional scope and budget will be required.
- The scope of services above represents the base construction bid for the PROJECT. The modification of the bid drawings and specifications for deductive bid items to the construction bid set are not included as part of the ENGINEER's scope of services.
- While the following are generally covered by the General Conditions and Supplementary Conditions, the presence of the ENGINEER, its subcontractors and contractors personnel at a construction site, whether as on-site representative, resident engineer, construction manager, or otherwise, does not make the ENGINEER, its subcontractor and contractor's personnel responsible for those duties that belong to the City and/or construction contractors or others, and does not relieve construction contractors or others of their obligations, duties, and responsibilities, including, but not limited to, construction methods, means, techniques, sequences, and procedures necessary for completing all portions of the construction work in accordance with the contract documents, any health or

safety programs and precautions required by such construction work, and any compliance with applicable laws and regulations.

- CITY will consider ENGINEER for providing the critical construction services that include, but are not limited to submittal reviews, RFI's, limited observations, general office engineering support, etc. If the CITY chooses a third party for construction support services, ENGINEER is not responsible for any misinterpretations of the design or general project requirements developed as part of the design package.
- Engine Design Firm will bring issues to the ENGINEER's attention as soon as they are identified and that changes received after the 60%-Deliverable Workshop may constitute additional work and require additional compensation. Any changes directed by the City following the 60% Deliverable Workshop may constitute additional work and require additional compensation.

### **VIII. ENGINEER'S COMPENSATION**

For work under Phases 001 - 006 the CITY will compensate the ENGINEER in a lump sum of \$2,826,138. The basis for the Lump Sum fee is provided in Appendix B.

For work under Task 007 (Additional Services Allowance), the CITY will compensate the ENGINEER on a time and materials basis or a negotiated lump sum fee for additional services requested and authorized by the CITY. Compensation under this task (and corresponding services) will not exceed \$95,000. The ENGINEER will alert the City if the services offered under this phase appear to be approaching the budget to request direction as to expand the project budget or stop additional work once the budget is exhausted.

The total amount of this Scope of Services including Phases 001 - 007 is \$2,921,138.

Except as supplemented herein, Compensation will be made in accordance with the ARCHITECT/ENGINEERING AGREEMENT.

## IX. PROJECT TEAM

The ENGINEER's key team members proposed for this PROJECT are indicated below:

Project Manager and Lead Solids Stream Process Engineer – John Willis, PE  
Principal in Charge – Albert Perez, PE  
Deputy Project Manager and Lead Civil Engineer - Todd Bosso, PE  
Design Manager and Lead Process-Mechanical Engineer - William Eleazer, P.E.  
Project Delivery Officer – Bryan Veith, P.E.  
Technical Advisor - Biosolids – Perry Schafer, P.E.  
Technical Advisor - Primary Clarifiers – Eric Wahlberg, PhD, P.E.  
Technical Advisor - Odor Control – Philip Wolstenholme, P.E.  
Technical Advisor – Engines and Gas Cleaning Systems – Doug Schneider, P.E.  
Lead Liquid Stream Process Engineer – Jose Jimenez, PhD, P.E.  
Lead Electrical / Instrumentation and Control Engineer – John Diedrich, P.E.  
Lead Structural Engineer – Robert Hrabovsky, P.E.  
Lead Estimator - James (Butch) Matthews, CPE  
CAD Manager - Tony Dimiceli  
Project Assistant - Barbara Dimiceli

Appendix B

Cit of St. Petersburg - BIOSOLIDS AND WASTE TO ENERGY PROJECT - DESIGN PHASE																													
Phase	Phase Description	PM	DHM	Project Assistant	Design Manager	Senior VP	Vice President	Executive Engineer	Chief Engineer	Managing Engineer	Supervising Engineer	Supervising Construction Engineer	Principal Engineer	Senior Designer	Principal Eng.	Senior Engineer	Engineer III	Engineer II	Designer	Total Labor Hours	Total Labor Effort	Mechan and Crand	GFY	Diggers	Baker Barnes	Commissioning	Total Expense Effort	Total Effort	
	Billable Rate	\$259.41	\$200.88	\$78.67	\$178.97	\$319.41	\$237.78	\$218.99	\$227.89	\$219.78	\$170.36	\$174.44	\$151.82	\$107.40	\$159.17	\$133.73	\$106.46	\$92.55	\$84.36										
001	Project Management	144	266	428	88	0	40	156	52	72	12	8	144	8	0	132	0	0	60	1,610	260,538	0	0	0	0	0	42,465	303,003	
001	Project Management	80	180	300	0	0	0	52	52	0	0	0	0	0	0	0	0	0	0	664	103,750	0	0	0	0	0	16,046	118,796	
002	Workshops	64	48	48	64	0	40	24	0	72	12	8	64	8	0	32	0	0	0	484	91,234	0	0	0	0	0	24,226	115,460	
003	Schedule	0	18	0	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	42	7,911	0	0	0	0	0	63	7,974	
004	DOE Grant Assistance	0	20	80	0	0	0	80	0	0	0	0	80	0	0	100	0	0	60	420	57,643	0	0	0	0	0	3,130	60,773	
002	Final Design Biosolids	184	188	208	1,512	72	422	0	236	172	2,438	460	1,490	2,704	244	944	920	840	520	13,554	1,984,525	0	0	0	0	0	224,631	2,209,156	
100	Design Coordination	0	0	0	220	0	0	0	0	0	0	0	0	0	0	0	0	0	0	220	39,374	0	0	0	0	0	330	39,704	
105	Bidding Documents	8	20	0	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	68	13,252	0	0	0	0	0	102	13,354	
161	30% QA/QC	16	0	40	0	16	32	0	40	32	0	16	0	0	0	0	0	0	0	192	39,329	0	0	0	0	0	288	39,617	
162	60% QA/QC	16	0	40	0	16	56	0	48	32	0	32	0	0	0	0	0	0	0	240	49,428	0	0	0	0	0	360	49,786	
163	90% QA/QC	16	0	40	0	16	56	0	80	32	0	16	0	0	0	0	0	0	0	256	53,891	0	0	0	0	0	384	54,275	
164	Final QA/QC	8	0	40	0	8	16	0	60	32	0	0	0	0	0	0	0	0	0	164	32,477	0	0	0	0	0	246	32,723	
170	Peer Review of Engine Proje	24	8	8	16	0	40	0	8	24	80	0	0	24	0	0	0	0	0	232	45,015	0	0	0	0	0	1,198	46,213	
180	Peer Review by Engine Desig	24	0	0	16	0	16	0	0	20	0	0	0	0	0	0	0	0	0	76	17,917	0	0	0	0	0	964	18,881	
191	30% Cost Opinion	0	0	0	0	0	42	0	0	0	48	96	0	0	80	0	0	0	0	266	46,563	0	0	0	0	0	2,699	49,262	
192	60% Cost Opinion	0	0	0	0	0	10	0	0	0	70	104	0	0	80	0	0	0	0	264	45,519	0	0	0	0	0	396	45,915	
193	90% Cost Opinion	0	0	0	0	0	10	0	0	0	40	132	0	0	60	0	0	0	0	242	42,013	0	0	0	0	0	363	42,376	
194	Final Cost Opinion	0	0	0	0	0	8	0	0	0	24	64	0	0	24	0	0	0	0	120	21,014	0	0	0	0	0	180	21,194	
200	30 Percent Design TM	40	0	40	120	16	64	0	0	0	16	0	260	0	0	24	360	0	0	940	142,331	0	0	0	0	0	1,410	143,741	
300	Civil/ Yard Piping/ CAD	0	160	0	0	0	0	0	0	0	0	0	220	0	0	0	0	0	400	780	98,745	0	0	0	0	0	1,170	99,915	
305	General Sheets/CAD	0	0	0	320	0	0	0	0	0	0	0	0	350	0	120	0	0	0	790	107,369	0	0	0	0	0	1,185	108,554	
400	Structural / CAD	0	0	0	0	0	0	0	0	0	680	0	200	800	0	200	0	0	0	1,880	260,691	0	0	0	0	0	2,970	263,661	
510	Mech (TPAD/Bldg/Batch) / C.	32	0	0	780	0	32	0	0	0	0	0	0	600	0	200	0	0	0	1,644	241,986	0	0	0	0	0	2,466	244,452	
520	Gas Cleaning Design Allowai	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	200,000	200,000	
530	Mech FOG / CAD	0	0	0	0	0	0	0	0	0	0	0	200	90	0	30	60	0	0	380	50,089	0	0	0	0	0	570	50,659	
540	Mech Odor / CAD	0	0	0	0	0	24	0	0	0	0	0	200	100	0	0	60	0	0	384	52,179	0	0	0	0	0	576	52,755	
550	Mech (Prim/Spill/Tran) / CAD	0	0	0	0	0	0	0	0	0	0	0	280	240	0	0	80	0	0	600	76,512	0	0	0	0	0	900	77,412	
560	Mech (Contact Stab) / CAD	0	0	0	0	0	0	0	0	0	0	0	130	60	0	0	40	0	0	230	30,370	0	0	0	0	0	495	30,865	
600	HVAC (Sludge Bldg) / CAD	0	0	0	0	0	16	0	0	0	160	0	0	120	0	0	0	0	0	296	45,947	0	0	0	0	0	444	46,391	
605	Plumbing / CAD	0	0	0	0	0	0	0	0	0	0	0	0	80	0	90	0	0	0	170	20,045	0	0	0	0	0	255	20,300	
700	Electrical / CAD	0	0	0	0	0	0	0	0	0	720	0	0	200	0	0	0	840	0	1,760	217,006	0	0	0	0	0	2,640	219,646	
800	I&C / P&ID / CAD	0	0	0	0	0	0	0	0	0	600	0	0	0	0	600	0	0	0	1,200	179,764	0	0	0	0	0	1,800	181,564	
900	CAD Lead	0	0	0	0	0	0	0	0	0	0	0	0	40	0	0	0	0	120	160	15,701	0	0	0	0	0	240	15,941	
003	Site Visit	36	0	0	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	72	15,782	0	0	0	0	0	1,458	17,240	
001	TPAD Site Visit	36	0	0	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	72	15,782	0	0	0	0	0	1,458	17,240	
004	Support Services	0	32	40	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	80	11,007	68,632	23,559	30,000	43,100	20,000	194,676	205,682	
001	Survey - 3D CAD	0	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	2,236	68,632	0	0	0	0	0	72,088	74,324
002	SUE	0	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	2,236	0	23,559	0	0	0	24,761	26,997	
003	Geotech	0	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	2,236	0	0	30,000	0	0	31,524	33,760	
004	Architect	0	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	2,236	0	0	0	43,100	0	45,279	47,515	
005	Commissioning	0	8	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	2,061	0	0	0	20,000	0	21,024	23,085	
005	Permitting	14	20	26	50	0	16	0	0	0	0	0	120	36	0	48	0	0	38	368	53,863	0	0	0	0	0	552	54,415	
001	FDEP Major Modify. Permit	10	0	16	20	0	0	0	0	0	0	0	80	24	0	48	0	0	0	198	28,695	0	0	0	0	0	297	28,992	
002	Building Dept. Permit	0	20	8	16	0	0	0	0	0	0	0	40	12	0	0	0	0	14	130	16,053	0	0	0	0	0	195	16,053	
003	Air Permitting	4	0	2	10	0	16	0	0	0	0	0	0	0	0	0	0	0	8	40	7,157	0	0	0	0	0	60	7,217	
004	Fertilizer Cert. Assistance	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	16	16	2,066	0	0	0	0	0	0	2,066	
006	Bid Phase Services	12	28	0	50	0	4	0	0	20	24	0	20	20	0	8	0	16	0	202	34,739	0	0	0	0	0	1,903	36,642	
001	Bid Preparation and Pre-Bid	8	16	0	8	0	0	0	0	8	0	0	0	0	0	0	0	0	0	40	8,489	0	0	0	0	0	1,660	10,149	
002	RFI and Addenda	0	8	0	24	0	4	0	0	4	24	0	20	20	0	8	0	16	0	128	19,419	0	0	0	0	0	192	19,611	
003	Bid Evaluation	4	4	0	18	0	0	0	0	8	0	0																	

**SAINT PETERSBURG CITY COUNCIL**

Meeting of April 18, 2013

**Report - Agenda Item F-3**

TO: The Honorable Karl Nurse, Chair and Members of City Council

RE: Revision to draft resolution approving the selection of Brown and Caldwell (Corporation) to provide design services related to the new Biosolids and Waste to Energy Project in the amount not to exceed \$2,921,138; authorizing the Mayor or his designee to execute an Architect/Engineering Agreement; approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Project Fund (4003) in the amount of \$1,850,000 from the SAN 34th S/S & Roser Park Lining FY13 Project (13818); and approving a supplemental appropriation in the amount of \$1,038,380 from the unappropriated balance of the Water Resources Capital Project Fund (4003), resulting from the rescission, to the WRF SW Digesters FY13 Project (13830). (Engineering Project No.13057-111, Oracle No.13830)

EXPLANATION: Legal Staff requests that the draft resolution for this agenda item be revised to clarify that the Mayor or his designee is authorized to *negotiate, revise and* execute the draft Architect/Engineering Agreement and related draft Scope of Services. (Proposed revisions shown in italics.) A revised resolution is attached for your consideration.

ATTACHMENT: Revised Resolution

  
\_\_\_\_\_  
City Attorney (designee)

RESOLUTION NO. 2013-\_\_

A RESOLUTION APPROVING THE SELECTION OF BROWN AND CALDWELL (CORPORATION), TO PROVIDE PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE BIOSOLIDS AND WASTE TO ENERGY PROJECT IN AN AMOUNT NOT TO EXCEED \$2,921,138; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO *NEGOTIATE, REVISE AND EXECUTE* AN ARCHITECT/ENGINEERING AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; RESCINDING AN UNENCUMBERED APPROPRIATION IN THE WATER RESOURCES CAPITAL PROJECTS FUND (4003) IN THE AMOUNT OF \$1,850,000 FROM THE SAN 34<sup>TH</sup> S/S & ROSER PARK LINING FY13 PROJECT (13818); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,038,380 FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECT FUND (4003), RESULTING FROM THE RESCISSION, TO THE WRF SW DIGESTERS FY13 PROJECT (13830); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 14, 2012, the Consultant Selection Committee selected Brown and Caldwell to provide professional architectural/engineering services pertaining to design phase and other services for the City's proposed Biosolids and Waste to Energy Project (the "Project"); and

WHEREAS, the scope of services includes preliminary and final design services, permitting, preparation of bid documents and bidding phase services for the Project; and

WHEREAS, funding of the Project requires the rescission of an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$1,850,000 from the SAN 34<sup>TH</sup> S/S & Roser Park Lining FY13 Project (13818) and a supplemental appropriation in the amount of \$1,038,380 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the rescission, to the WRF SW Digesters FY13 Project (13830).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the selection of Brown and Caldwell (Corporation) to provide design and other engineering services for the Project, in an amount not to exceed \$2,921,138 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to *negotiate, revise and execute* an Architect/Engineering Agreement and all other documents necessary to effectuate this transaction.

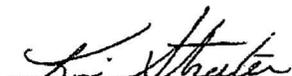
BE IT FURTHER RESOLVED, that \$1,850,000 of the unencumbered appropriation in the Water Resources Capital Projects Fund (4003) for the SAN 34<sup>TH</sup> S/S & Roser Park Lining FY13 Project (13818) is hereby rescinded; and

BE IT FURTHER RESOLVED, that there is hereby approved the following supplemental appropriation from the unappropriated balance of the Water Resources Capital Projects Fund (4003) for Fiscal Year 2013:

<u>Water Resources Capital Projects Fund (4003)</u>	
WRF SW Digesters FY13 Project (13830)	\$1,038,380

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

Approved by:

\_\_\_\_\_  
Thomas Greene  
Budget Director



# Current Situation

- City grinds and disposes of 35,000 cubic yards per year of yard waste. Disposes majority on agricultural properties in Manatee County. \$1.1M/year operation.
- City thickens, digests, dewateres and disposes of 36,000 tons of wastewater sludge on agricultural properties in Polk County. \$2.6M/year operation.
- Sludge disposal rules enhanced to protect surface waters. Disposal costs increase.

# Project Funding Earmark

- The City of St. Petersburg received a Federal Earmark for \$2.5M for the primary purpose to process and dispose of biosolids (wastewater sludge) and yard wastes in a manner that results in the production of thermal, electrical, gas, or some other form of energy. This project will be accomplished in three phases:
  - Phase I – Research of appropriate technologies and their respective cost effectiveness
    - Consulting Contract approved August 2010 in the amount of \$285,397
  - Phase II – Design and permitting
  - Phase III – Construction

# Technologies Evaluated

The focus of evaluation to include:

1. Gasification – produces syngas that can be used to generate power
2. Fluidized bed reactor – produces heat/steam that can be used to generate power
3. Micro-turbines – uses syngas or biogas to generate power
4. Advanced digestion – high temperature digestion for maximum biogas production
5. Solar drying – minimize energy requirements to dry biosolids/year waste

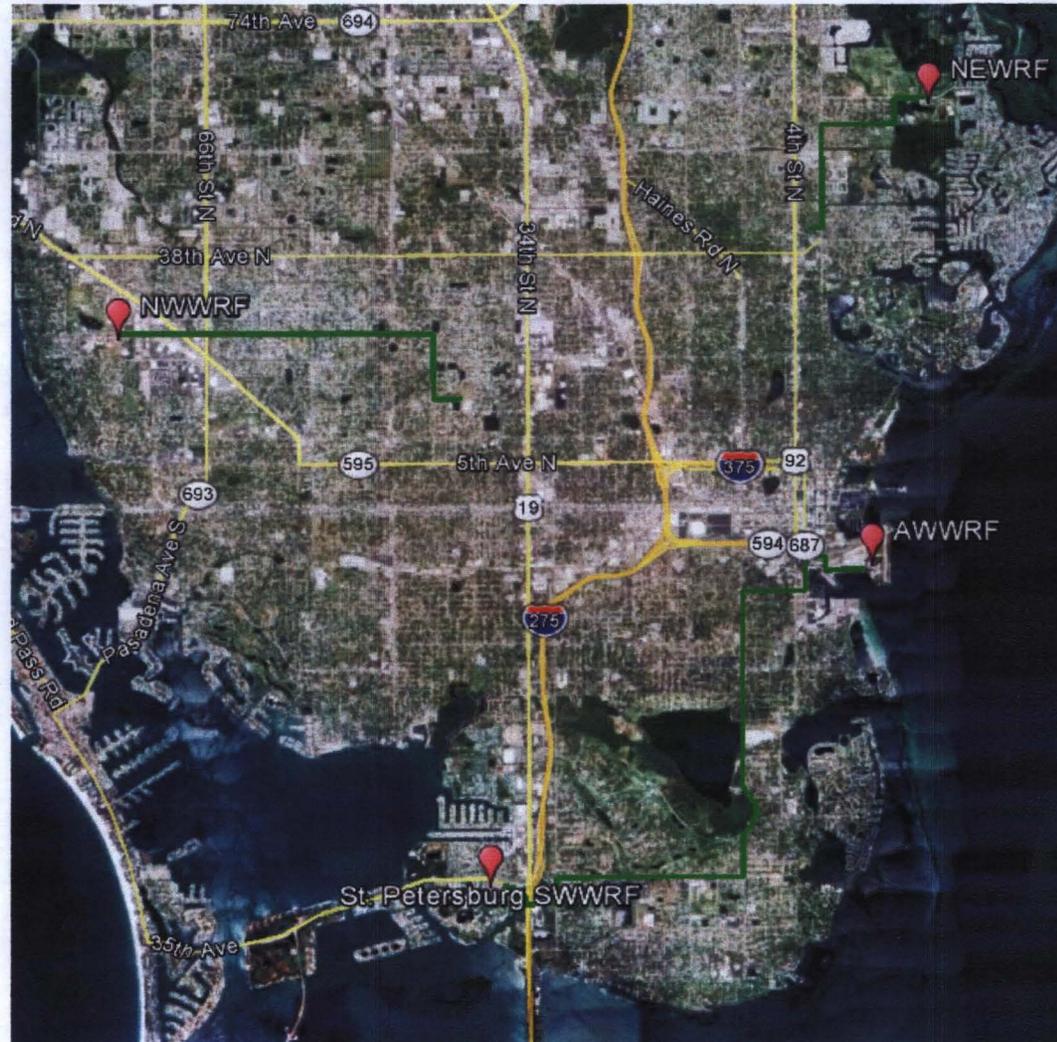
All alternatives evaluated in terms of their cost effectiveness

# Consultant Recommendations

- Consolidate wastewater solids handling by conveying waste activated sludge (WAS) produced at the NEWRF and NWWRF to the SWWRF
- Expand the SWWRF thickening (GBT), digestion, and sludge dewatering capacity to accommodate the City's entire wastewater solids production
- Add primary clarification to the SWWRF to collect the conveyed WAS
- Upgrade the solids treatment facilities at the SWWRF to Class A, temperature-phased anaerobic digestion
- Enhance odor control to the SWWRF
- Continue to process yard waste using the City's current practices but re-evaluate thermal processing 3 to 5 years

# CONSOLIDATION OF SLUDGE HANDLING

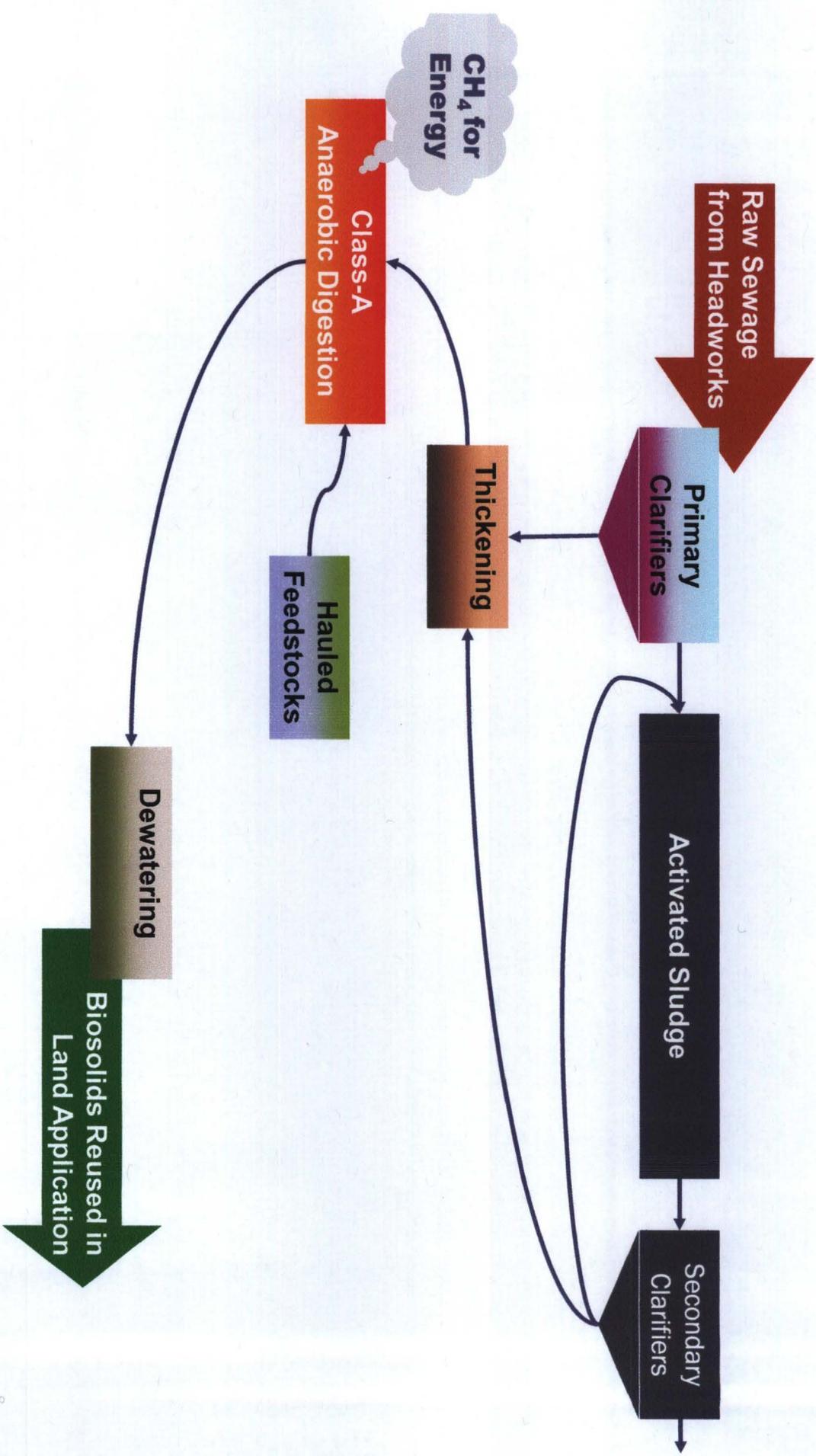
**WAS Force Mains from NWWRF and NEWRF and AW Pumping Station Consolidate Bio-Solids at SWWRF**



# CONSOLIDATION OF SLUDGE HANDLING

	EXISTING SLUDGE HANDLING	PROPOSED CONSOLIDATION
Digesters	12	3
Gravity Belt Thickeners	6	3
Belt Filter Presses	8	2

# General Flow Path: New SSWRF Facilities Highlighted



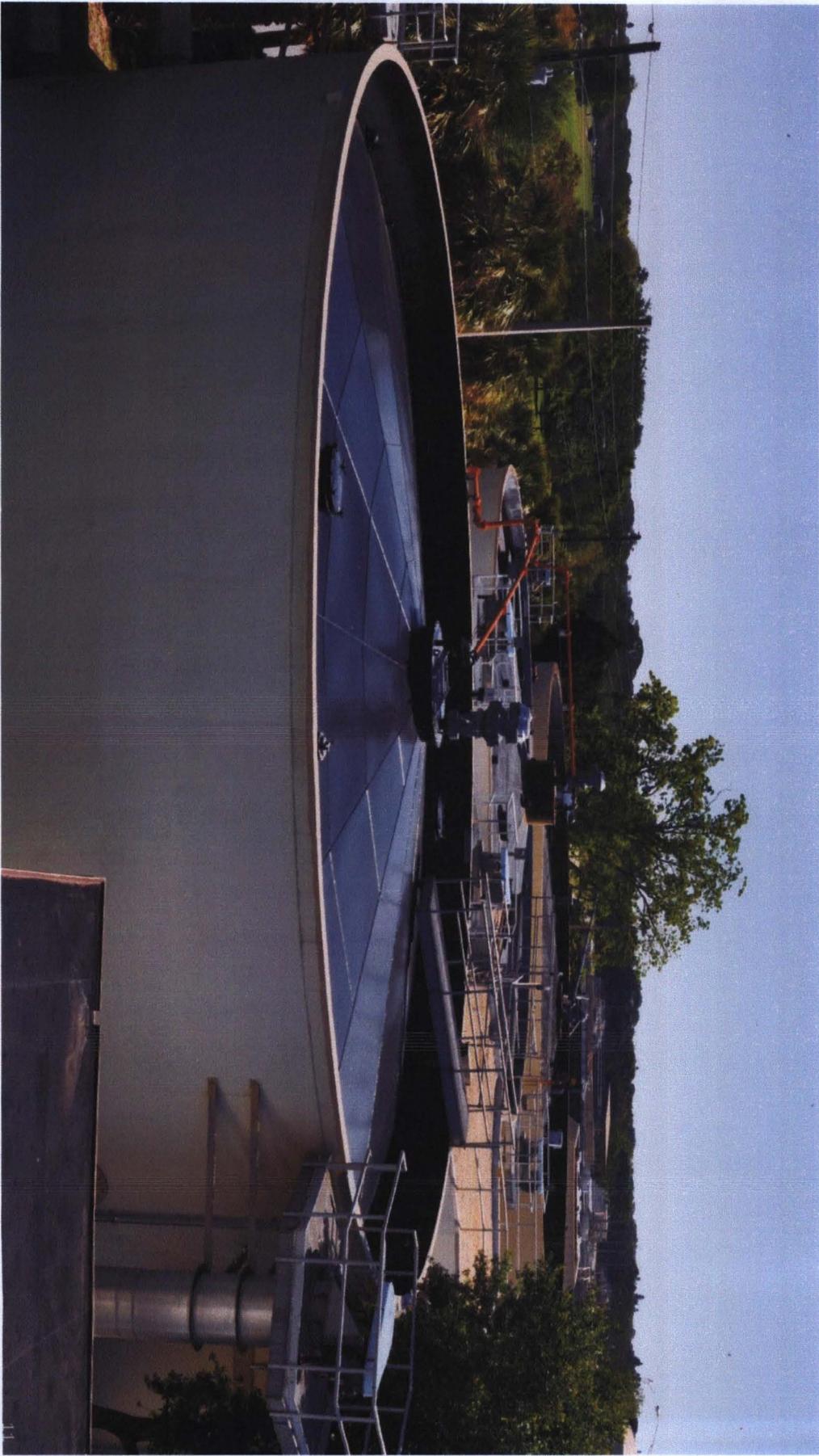




# EXISTING USE OF METHANE GAS



# **EXISTING DIGESTER Movable Cover**



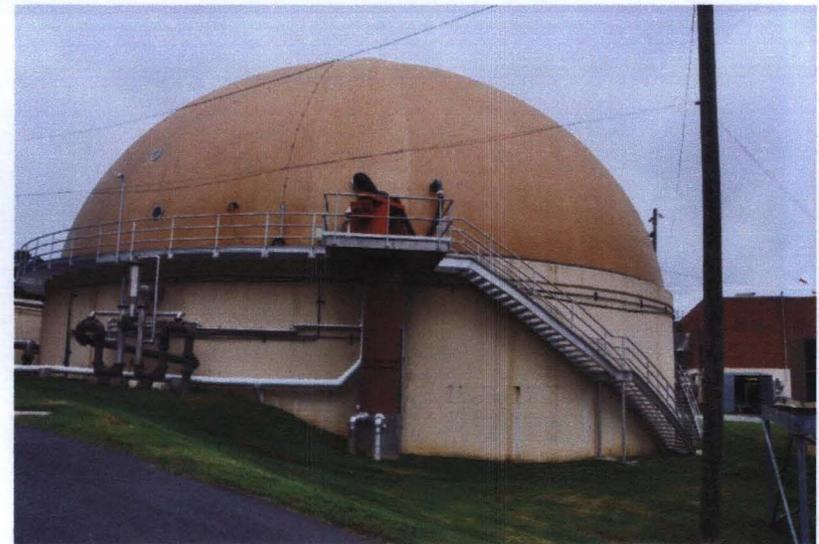
# EXISTING SLUDGE LOADING OPEN AIR BUILDING



# Replace/Rehabilitate Two Digesters



One for Thermophilic Stage - 110° F



One with Gas Storage/Production -  
90 F

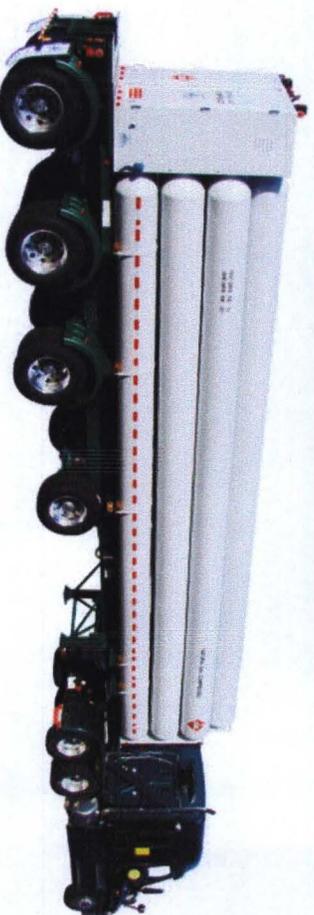
# FOG Receiving Station Improves Energy Recovery and Leverages a Current Waste Stream



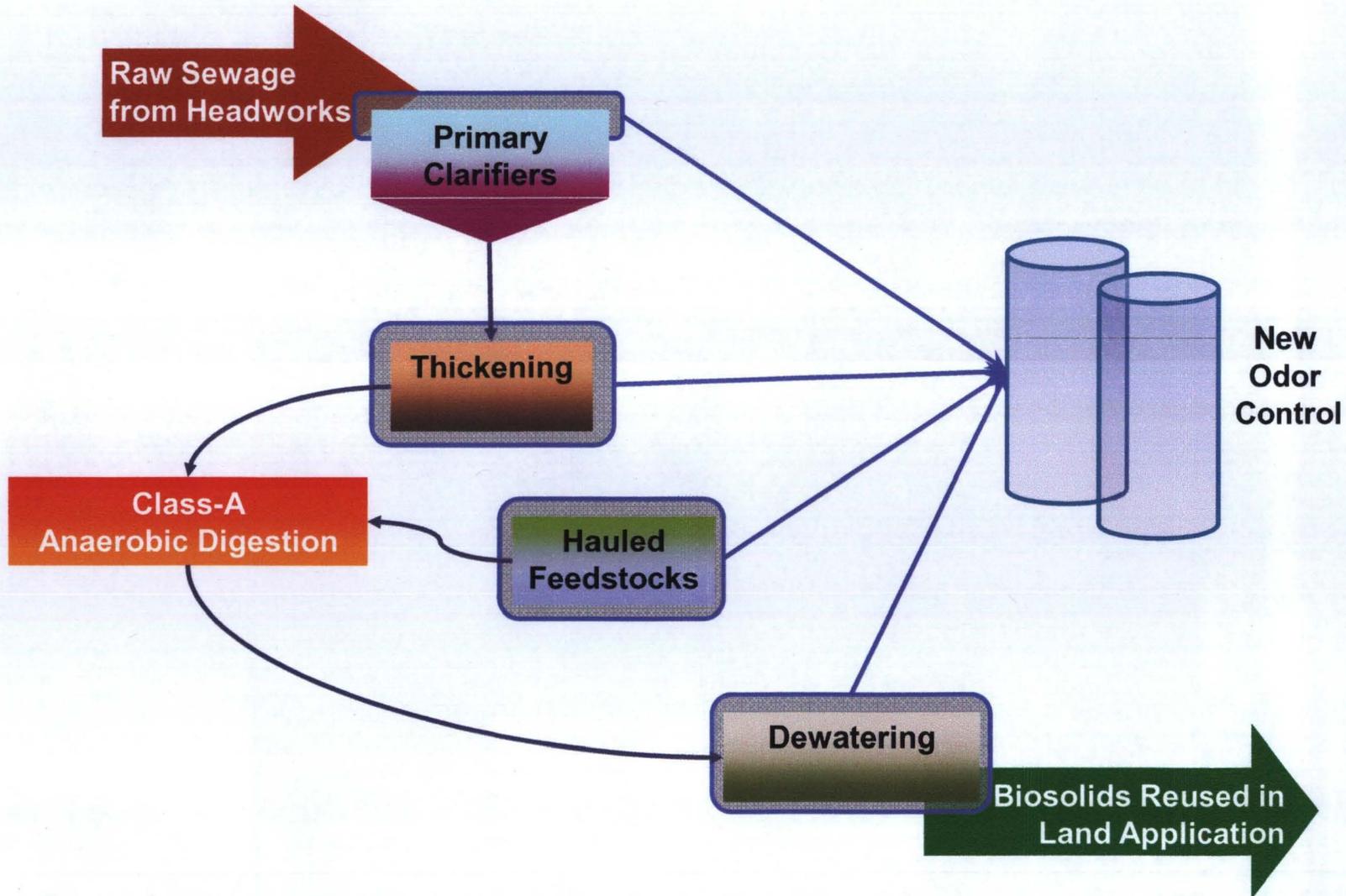
# Clean Biogas for Engine Use and Power Generation



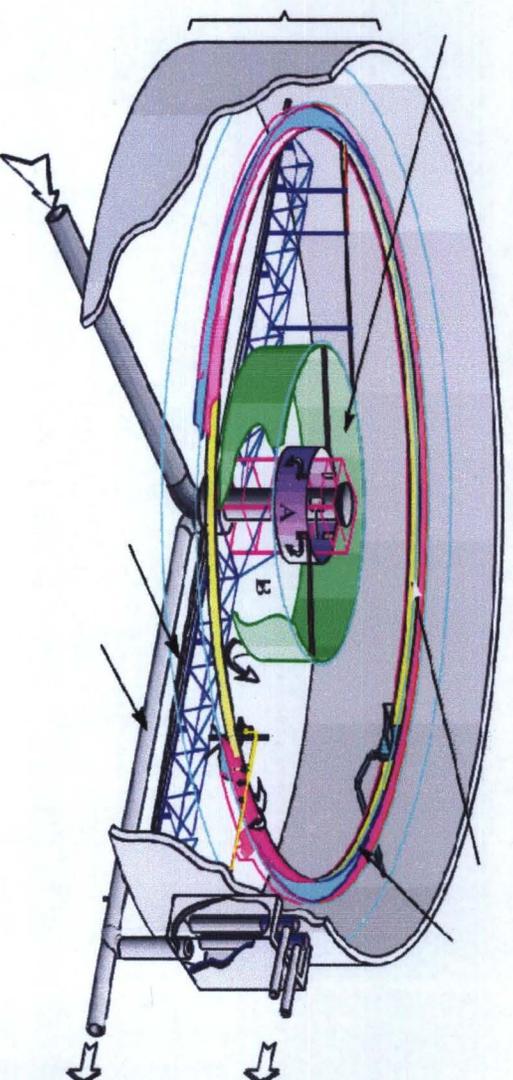
# Or for Production of Renewable Compressed Natural Gas (rcNG) for Vehicle Fuel



# All New and Existing Digester/Sludge Loading Odor Sources will be Collected and Treated



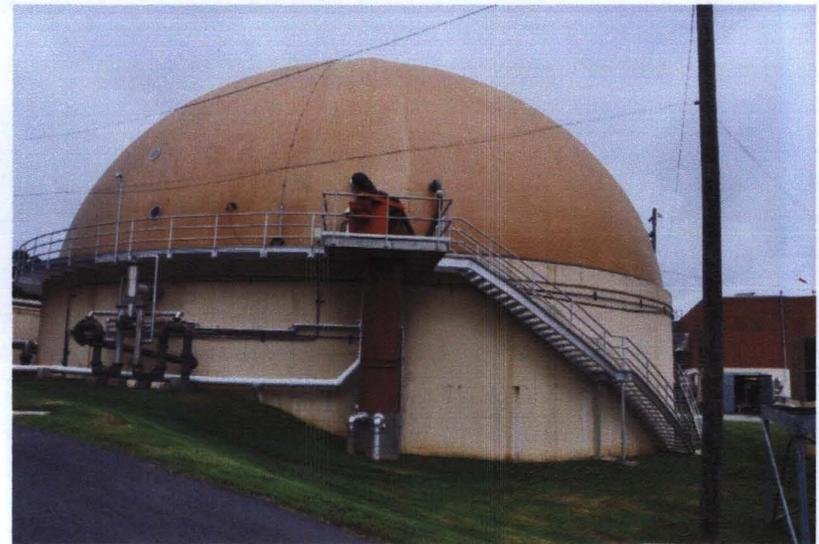
# **Addition of Covered Primary Clarifiers “Catch” Imported Solids and Prevent Odors**



# New Digesters with Fixed Covers

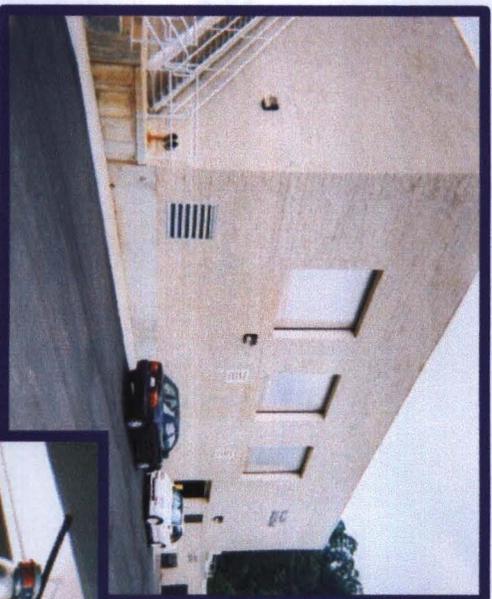


One for Thermophilic Stage – 110° F

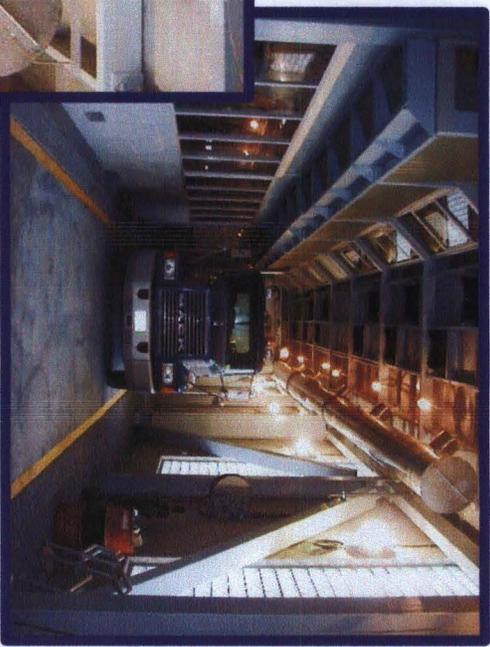


One with Gas Storage/Production –  
90 F

# Sludge-Processing Odor Collection and Treatment Mitigate Offsite Odors



# Enclosed Truck Bays also Limit Offsite Odors



# **Economic Summary**

# Improvements in Present Worth and Annual Operating Cost are Clear and Significant

<b>Cost Element</b>	<b>Current Operation (March, 2013)</b>	<b>Power Plant With Biogas (March, 2013)</b>	<b>Power Plant on Natural Gas Biogas to Fuel Fleet (March, 2013)</b>	<b>Power Plant on Natural Gas Peak Only Biogas to Fuel Fleet (March, 2013)</b>	<b>Power Plant On Biogas Peak Only Biogas Balance to Fuel Fleet (March, 2013)</b>
Total Present Worth of Capital:	\$29,951,482	\$59,503,481	\$64,678,481	\$64,678,481	\$64,678,481
Total Annual Costs:	\$5,275,011	\$1,999,995	\$1,092,036	\$1,061,581	\$1,289,355
Present Worth of Annual Costs:	\$86,253,992	\$32,702,783	\$17,856,356	\$17,358,367	\$21,082,804
Total Present Worth:	\$116,205,474	\$92,206,264	\$82,534,837	\$82,036,848	\$85,761,285
<b>Improvement in Total Present Worth:</b>	<b>\$0</b>	<b>\$23,999,210</b>	<b>\$33,670,637</b>	<b>\$34,168,626</b>	<b>\$30,444,189</b>

# Summary of Other Benefits

## Benefits Extend Beyond Presented Economics

- Upgrade from Class-B to Class-A biosolids and Certify as a Fertilizer
- Reduce City's Diesel Consumption by up to 1,600 gallons/day
- Allow for additional sale of Environmental Attributes (RECs, RINs, or Carbon) valued at up to \$300,000/year



# Benefits Extend Beyond Economics

- Reduce the City's Carbon Footprint by 7,000 to 12,000 MT CO<sub>2</sub>e/year

GHG Comparison in Metric Tons of CO <sub>2</sub> e/year					
Cost Element	Current Operation (March, 2013)	Power Plant With Biogas (March, 2013)	Power Plant on Natural Gas Biogas to Fuel Fleet (March, 2013)	Power Plant on Natural Gas Peak Only Biogas to Fuel Fleet (March, 2013)	Power Plant on Biogas Peak Only Biogas Balance to Fuel Fleet (March, 2013)
Scope 1 Emissions from Diesel use	5,951	5,951	0	0	1,710
Scope 1 Emissions from Natural Gas	898	0	1,780	742	0
Scope 2 Emissions from Purchased Power	2,163	-4,160	-3,195	-3,195	-3,472
Total GHG Emissions	9,012	1,791	-1,415	-2,454	-1,762
Improvement over Current, MT CO <sub>2</sub> e/yr	0	7,222	10,427	11,466	10,775
1,306	lbs CO <sub>2</sub> e/MWh for purchased power based on emission rates of 1,301lbs CO <sub>2</sub> /MWh, 36.04 lbs. CH <sub>4</sub> /GWh, and 11.91 lbs.N <sub>2</sub> O/GWh (eGRID, April 2012) for the FRCC Region				
	22.2 lbs CO <sub>2</sub> e/gallon diesel (EPA, "Average Carbon Dioxide Emissions Resulting from Gasoline and Diesel Fuel", 2005)				
	59.2 lbs CO <sub>2</sub> e/MMBtu natural gas (IPCC, Table 2.2, 2006)				

# SUMMARY OF BENEFITS

## Economics

- Save Rate Payer \$30.44 to \$34.17 Million Based on 20 Year Present Worth Analysis\*

## Environmental

- Produce a Class “A” Sludge (Fertilizer Grade)
- Reduce Diesel Fuel Consumption by up to 1,600 gal/day
- Reduce City’s Carbon Footprint by 11,000 MT CO<sub>2</sub>e/year

## Societal

- Reduce Odors at All Water Reclamation Facilities
- Less Exposure to Disaster Events
- Protects Against Risk of CNG Price Fluctuations

\*Excludes any economic gains from renewal energy credit, carbon credits, etc.

# QUESTIONS / COMMENTS

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

Attached documents for item Awarding a contract to Precision Paving of Tampa, Inc. dba A R General Contractors, Inc., in the amount of \$481,750 for the construction of the Mirror Lake Park Improvements Project; rescinding unencumbered appropriations from the following projects in th

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of April 18, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Awarding a contract to Precision Paving of Tampa, Inc. dba A R General Contractors, Inc., in the amount of \$481,750.00 for the construction of the Mirror Lake Park Improvements Project; rescinding unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund (3029); \$100,000.00 from the Demen's Landing Improvements FY12 Project (13739) and \$125,000 from the Park Lighting Improvements FY 13 (13749); approving a supplemental appropriation in the amount of \$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), partially resulting from these rescissions, to the Mirror Lake Park Improvements Project (13245); and providing an effective date (Engineering & CID No. 12204-017; Oracle No. 13245).

**Explanation:** The Procurement Department received six responsive bids for the Mirror Lake Park Improvements Project (see below).

The work consists of providing all labor, materials, equipment, supplies and services, required to demolish existing concrete sidewalk and lighting, and construct a new 0.6 mile long, 10' wide concrete multi-use trail, construct 4,000 square feet of plaza areas with brick pavers, segmental anchor block walls, seating walls, and over water boardwalk. The over water boardwalk is 157 feet long and 10 feet wide with a stainless steel cable railing. Work includes park signage, bike racks, trash receptacles, benches, site electrical work to supply new pedestrian lighting, landscaping including trees, shrubs and groundcover.

The 14.2 acre Mirror Lake Park is located on the western edge of the downtown core on Mirror Lake Drive west of City Hall, and adjacent to the historic assets such as the Mirror Lake Complex, the Mirror Lake Library, the Lyceum and the original St. Petersburg High School. The Parks and Recreation Department has identified the need to upgrade the park to increase the public use and provide useful spaces for community activities. The new park facilities will increase patron comfort, safety, security, and accessibility and the new community gathering plaza at the northwest corner designed to provide for community activities. A request for a sidewalk easement along the bank of Mirror Lake adjacent to the Sebring building has been granted by the State.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within one hundred twenty (120) consecutive calendar days thereafter. Bids were opened on March 12, 2013 and are tabulated as follows:

<b><u>Bidder</u></b>	<b><u>Base Bid &amp; Selected Alternates</u></b>
Precision Paving of Tampa, d/b/a A R General Contractors (Tampa, FL)	\$481,750.00
E-Construction Group, Inc.(St. Petersburg, FL)	\$563,297.06
Certus Builders, Inc. (Tampa, FL)	\$604,238.00
LEMA Construction & Developers, Inc. (St. Petersburg, FL)	\$815,160.34
Center Marine Contracting, LLC (Sanford, FL)	\$823,367.00
R.A.M. Excavating, Inc. (Dunedin, FL)	\$1,015,511.00

The lowest responsive bidder Precision Paving of Tampa, Inc. dba A R General Contractors, has met the specifications, terms and conditions of Bid No. 7450 dated March 12<sup>th</sup>, 2013, and has satisfactorily performed similar work for the City of St. Petersburg and the City of Tarpon Springs. Precision Paving of Tampa, Inc. has met the SBE requirements. The Principal of the firm is James Azzarelli, President.

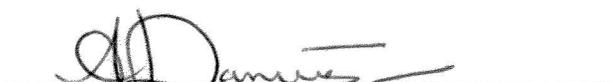
**Recommendation:** Administration recommends awarding this Contract to Precision Paving of Tampa, Inc. dba A R General Contractors, in the amount of \$481,750.00 for the Mirror Lake Park Improvements Project (13245); rescinding unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund (3029); \$100,000 from the Demen's Landing Improvements Project (13739) and \$125,00 from the Park Lighting Improvements FY13 Project (13749); approving a supplemental appropriation in the amount of \$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), partially resulting from these rescissions, to the Mirror Lake Improvements Project (13245); and providing an effective date.

**Cost/Funding/Assessment Information:** Funds will be available after the rescission of unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund (3029); \$100,000 from the Demen's Landing Improvements Project (13739) and \$125,000 from the Park Lighting Improvements FY13 Project (13749) and a supplemental appropriation in the amount of \$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), partially resulting from these rescissions, to the Mirror Lake Park Improvements Project (13245).

**Attachments:** Site Plan  
Resolution

**Approvals:**

  
\_\_\_\_\_  
**Administrative**

  
\_\_\_\_\_  
**Budget**

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO PRECISION PAVING OF TAMPA, INC. D/B/A A R GENERAL CONTRACTORS IN AN AMOUNT NOT TO EXCEED \$481,750 FOR CONSTRUCTION OF THE MIRROR LAKE PARK IMPROVEMENTS PROJECT (13245); AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; RESCINDING UNENCUMBERED APPROPRIATIONS FROM THE FOLLOWING PROJECTS IN THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND (3029): \$100,000 FROM THE DEMEN'S LANDING IMPROVEMENTS FY 12 PROJECT (13739) AND \$125,000 FROM THE PARK LIGHTING IMPROVEMENTS FY 13 (13749); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$290,000 FROM THE UNAPPROPRIATED BALANCE OF THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND (3029) PARTIALLY RESULTING FROM THESE RESCISSIONS, TO THE MIRROR LAKE PARK IMPROVEMENTS PROJECT (13245); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received six bids for the Mirror Lake Park Improvements Project (13245) pursuant to Bid No. 7450 dated March 12, 2013; and

WHEREAS, Precision Paving of Tampa, Inc. d/b/a A R General Contractors has met the specifications, terms and conditions of Bid No. 7450; 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, the bid and award of an agreement to Precision Paving of Tampa, Inc. d/b/a A R General Contractors in an amount not to exceed \$481,750 for construction of the Mirror Lake Park Improvements Project is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor or Mayor's designee is hereby authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the unencumbered appropriations in the following projects in the Recreation and Culture Capital Improvement Fund (3029) are hereby

rescinded: 100,000 from the Demen's Landing Improvements FY 12 Project (13739) and \$125,000 from the Park Lighting Improvements FY 13 (13749); and

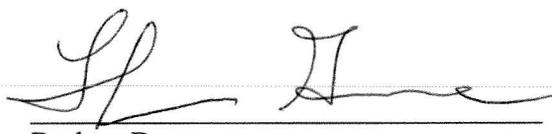
BE IT FURTHER RESOLVED that the following supplemental appropriation for Fiscal Year 2013 resulting partially from these rescissions is hereby approved:

<u>Recreation and Culture Capital Improvement Fund (3029)</u>	
Mirror Lake Park Improvement Project (13245)	\$290,000

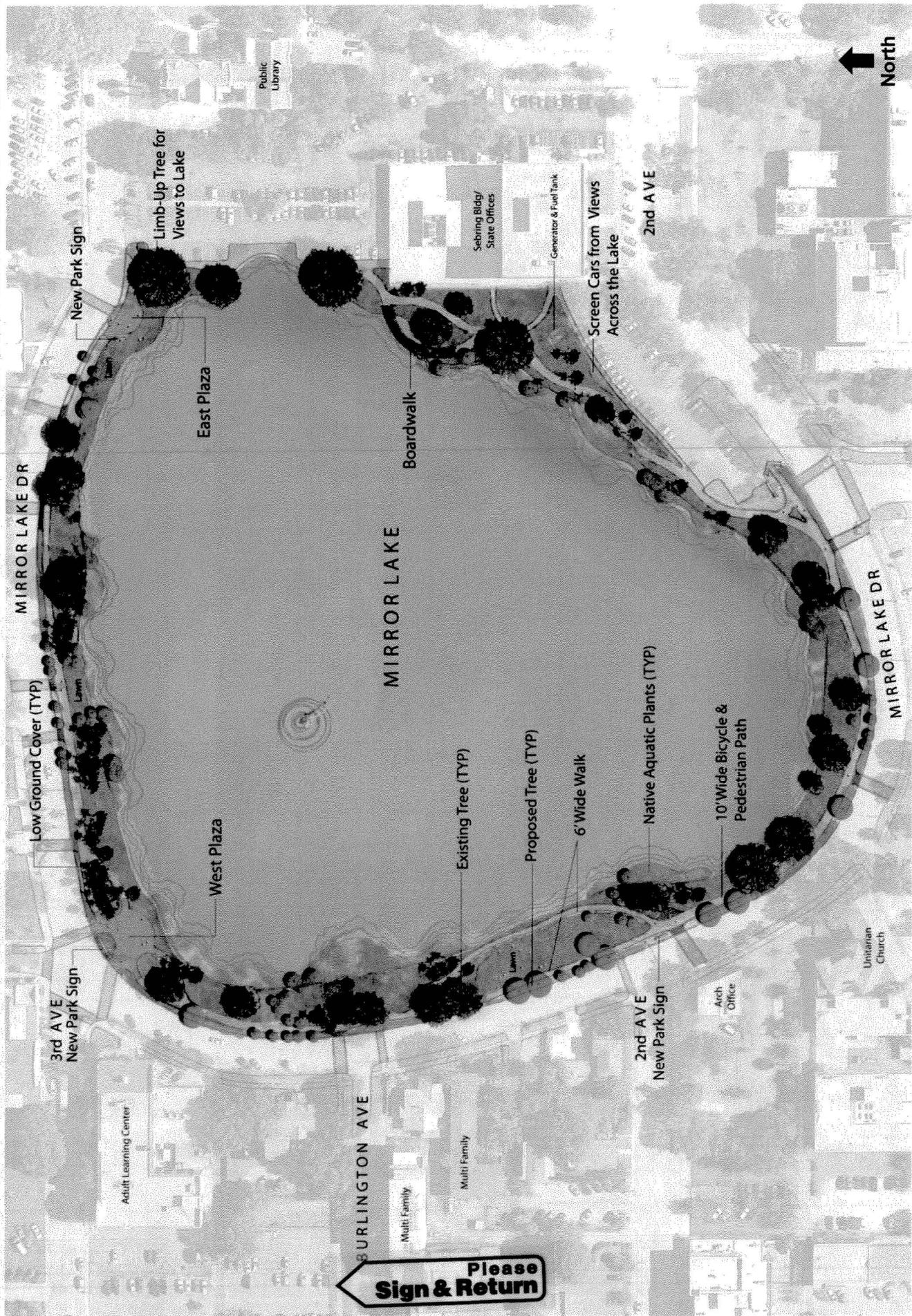
This Resolution shall become effective immediately upon its adoption.

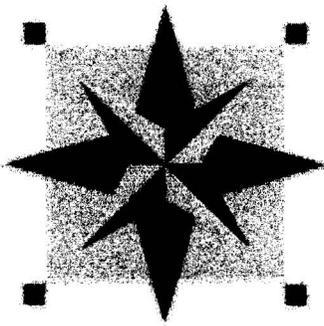
Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

  
\_\_\_\_\_  
Budget Department

# Mirror Lake Park Improvements





*Precision Paving of Tampa Inc DBA*

*A R General Contractors*

General Construction Firm and Site Development

Ph:813-985-9970

FX:813-985-9974

4/17/2013

Regarding ITB 12204-017 Mirror Lake Park Improvements

There has been an irreversible mathematical error in the bid provided to you for Mirror Lake Improvements. With much discussion, consternation and regret, we do not feel comfortable moving forward with this project with such an error. We do not want to jeopardize the project for St Pete or our company trying to make up the monetary loss. We feel it would be irresponsible for our company to move forward with the project. Please accept our deepest apology for any inconvenience this has caused the City of St. Petersburg and know that we did not make this decision lightly. If you need additional information please feel free to contact us/me at 813-318-1180.

Sincerely,

Jim Azzarelli

President

CB-1  
F-5

**Cathy Davis - Fwd: WITHDRAWAL OF BID - Consent Agenda April 18, 2013, Precision Paving of Tampa - Consent Agenda April 18, 2013**

**From:** Cathy Davis  
**To:** Beneby, Pat  
**Date:** 4/17/2013 3:34 PM  
**Subject:** Fwd: WITHDRAWAL OF BID - Consent Agenda April 18, 2013, Precision Paving of Tampa - Consent Agenda April 18, 2013  
**CC:** Elston, Tish; Scott, Clarence  
**Attachments:** Precision dba A R General, Withdrawal.pdf

Pat - attached letter of withdrawal. Per Purchasing please delete from tomorrow's council agenda.

Cathy E. Davis  
Deputy City Clerk  
Office of City Clerk  
City of St. Petersburg  
175 5th Street North 33701  
Phone: (727) 893-7447  
Fax: (727) 893-5102  
Email: [Cathy.Davis@stpete.org](mailto:Cathy.Davis@stpete.org)

>>> Karen Dewar 4/17/2013 3:31 PM >>>  
Eva & Cathy, per the attached please proceed with withdrawal of consent item from the subject consent agenda.

Thank you.

Karen

>>> Karen Dewar 4/17/2013 1:53 PM >>>  
Eva & Cathy,

Following up on voice mails for you both, Precision Paving of Tampa, Inc. dba A R General Contractors, Inc, scheduled for Council approval tomorrow for Mirror Lake Park Improvements project is requesting that their bid be withdrawn from the Agenda. This request is pending receipt of their formal letter.

Thanks,

Karen M. Dewar, CPPB  
Procurement Analyst  
City Of St. Petersburg  
One 4th Street North, 5th Fl  
St. Petersburg, FL 33701  
Phone: 727-551-3406  
Fax: 727-892-5325  
karen.dewar@stpete.org

Visit our website at:

F-5  
CB-T

Attached documents for item Authorizing the Mayor or his designee to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35th Avenue South, St. Petersburg, within a portion of City-own

# ST. PETERSBURG CITY COUNCIL

## Consent Agenda

Meeting of April 18, 2013

**TO:** The Honorable Karl Nurse, Chair and Members of City Council

**SUBJECT:** A resolution authorizing the Mayor, or his Designee, to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, for a period of thirty-six (36) months, at a rent of \$10.00 for the entire term and to execute all documents necessary to effectuate same; and providing an effective date. *(Requires affirmative vote of at least six (6) members of City Council.)*

**EXPLANATION:** On December 30, 2002, the City of St. Petersburg (“City”) acquired a 4.3 acre tract of upland and submerged lands, including a house, outbuilding, and dock located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg (“Premises”) with participating funding by grants from a Florida Communities Trust (“FCT”) and the U.S. Environmental Protection Agency.

The FCT grant management plan for the Clam Bayou preserve identified the Premises potential use as an educational center and parking area. In exploring opportunities to utilize this facility for the intended use, it was found through discussions with the University of South Florida College of Marine Science (“USF-CMS”) that the facility offered a unique setting for environmental and marine science research and USF-CMS would be interested in acting as the lead agency in coordinating use of the facility as an educational center. On April 22, 2004, via Resolution No. 2004-237, City Council approved a 3-year license agreement for USF-CMS to be the primary administrator of a marine science educational center within the Premises for the term commencing May 1, 2004 and ending on April 30, 2007. Subsequently, with approval of City Council Resolution Nos. 2007-215 and 2010-179, USF-CMS continued its use of the Premises for two additional 3-year terms, with the same terms and conditions provided in the previous license agreement.

Real Estate & Property Management received a request from the USF-CMS to renew the license agreement for the use of the Premises. USF-CMS continues to coordinate and conduct programs in environmental/marine science involving schools situated in St. Petersburg, thereby contributing to City and USF-CMS recognition in the region for support of these programs. In order to help sustain the programming efforts of the facility, USF-CMS utilizes grant and various joint funding to support certain fee-based programs for environmental and marine science.

USF-CMS has executed a new License Agreement (“Agreement”) for a term of thirty-six (36) months, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed in the preceding term. The rental rate is ten

dollars (\$10.00) for the entire term. All costs of utilities and building maintenance, interior and exterior, shall be the expense of USF-CMS with the exception that the City will provide mowing/grounds maintenance. In addition, USF-CMS shall make any improvements to the buildings necessary to occupy the Premises for the intended use and to make enhancements necessary to accommodate future programs. The City retains the right to use the Premises for City staff retreats, meetings, sponsored programs, management workshops, or other City uses at times, and/or in area, not in conflict with programs being conducted by USF-CMS. The Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the scheduled date of termination.

City Council Resolution No. 79-740A, dated October 4, 1979, establishes policies for the sale and leasing of City-owned park and waterfront property. This resolution requires that when leasing City property to a non-profit, private organization “. . . the organization pays operating costs plus a reserve for replacement.” Since USF-CMS is responsible for maintenance and improvements to the buildings necessary to occupy the Premises for its intended use and to make enhancements necessary to accommodate future programs, the City is charging nominal rent and recommending that the reserve for replacement requirement be waived in an effort to minimize operating costs. Under the terms of the Agreement, the City is under no obligation to provide or locate a replacement facility under any circumstances.

Section 1.02(c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for residentially-zoned Waterfront and Park property for three (3) years or less with approval by an affirmative vote of at least six (6) members of City Council. The subject property is zoned NS-E (Neighborhood Suburban Estate).

**RECOMMENDATION:** Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, for a period of thirty-six (36) months, at a rent of \$10.00 for the entire term and to execute all documents necessary to effectuate same; and providing an effective date.

**COST/FUNDING/ASSESSMENT INFORMATION:** N/A

**ATTACHMENTS:** Illustration and Resolution

**APPROVALS:** Administration: R. Mussett 3-27-13 BB

Budget: N/A

Legal: [Signature]

(As to consistency w/attached legal documents)

Legal: 00172411.doc V. 1



## Aerial of Premises



Resolution No. 2013 - \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH THE UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES, A PUBLIC BODY CORPORATE, FOR THE USE OF PROPERTY LOCATED AT 4240 – 35<sup>TH</sup> AVENUE SOUTH, ST. PETERSBURG, WITHIN A PORTION OF CITY-OWNED CLAM BAYOU, FOR A PERIOD OF THIRTY-SIX (36) MONTHS, AT A RENT OF \$10.00 FOR THE ENTIRE TERM AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg (“City”), as licensor herein, owns a 4.3 acre tract of upland and submerged lands, including a house, outbuilding, and dock located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg (“Premises”) situated in Pinellas County, Florida, identified by Pinellas County Property Appraiser’s Parcel Identification Number: 34-31-16-99582-001-0010 and legally described as:

Tract A: Beginning 640 Feet North of the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 31 South, Range 16 East, Run East 350 Feet; thence North 200 Feet; thence West 350 Feet; thence South 200 Feet to the Point of Beginning.

Tract B: Beginning at a point 640 Feet North of the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 31 South, Range 16 East, thence run West 490 Feet; thence North 44°59’ West 282.75 Feet; thence East 687 Feet; thence South 200 Feet to the Point of Beginning; and

WHEREAS, on December 30, 2002, the Premises was acquired with participating funding by grants from a Florida Communities Trust (“FCT”) and the U.S. Environmental Protection Agency; and

WHEREAS, through the efforts of the Honorable Congressman C. W. Bill Young, the City received a line item appropriation in the federal budget for the U.S. Environmental Protection Agency (“EPA”) in the amount of \$1,000,000 that was awarded as an EPA Grant and has been used in the acquisition of properties in the Clam Bayou area; and

WHEREAS, the City submitted the FCT Project Number 00-042-P10 Clam Bayou Expansion Project Management Plan ("Management Plan") as part of the FCT Grant approval process which was incorporated in the grant agreement approved by the City Council of the City of St. Petersburg; and

WHEREAS, the Management Plan for the Clam Bayou preserve identified the Premises potential use as an educational center and parking area; and

WHEREAS, the University of South Florida, College of Marine Science ("Licensee") expressed its desire to acquire from the City the right to occupy and utilize the Premises for the purpose of conducting environmental and marine science research and educational programs through its existing programs and through linkages with other educational and research programs at the University of South Florida and other agencies including, but not limited to, the Pinellas County public and private schools; and

WHEREAS, on April 22, 2004, via Resolution No. 2004-237, City Council approved a 3-year license agreement for the Licensee to be the primary administrator of a marine science educational center within the Premises for the term commencing May 1, 2004 and ending on April 30, 2007; and

WHEREAS, subsequently, with approval of City Council Resolution Nos. 2007-215 and 2010-179, the Licensee continued its use of the Premises for two additional 3-year terms, with the same terms and conditions provided in the previous license agreement; and

WHEREAS, the Licensee has executed a new License Agreement ("Agreement") for a term of thirty-six (36) months at a rental rate of ten dollars (\$10.00) for the entire term, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed during the preceding term; and

WHEREAS, the Licensee is an institution of the State of Florida that is self insured under Florida Statute Section 768.28 Chapter 284, Part III and will provide insurance amounts as governed by statute protecting the City against all claims or demands that may arise or be claimed on account of Licensee's use of the Premises; and

WHEREAS, all costs of utilities and building maintenance, interior and exterior, shall be the expense of the Licensee with the exception that the City will provide mowing/grounds maintenance; and

WHEREAS, Licensee shall make any improvements to the buildings necessary to occupy the Premises for the intended use and to make enhancements necessary to accommodate future programs; and

WHEREAS, the City retains the right to use the Premises for City staff retreats, meetings, sponsored programs, management workshops, or other City uses at times, and/or in area, not in conflict with programs being conducted by the Licensee; and

WHEREAS, the Agreement is in accordance with the policies established in Resolution No. 79-740A, with the exception that a waiver of the reserve for replacement is requested; and

WHEREAS, since the Licensee is responsible for maintenance and improvements to the buildings necessary to occupy the Premises for its intended use and is required to make enhancements necessary to accommodate future programs, the Administration recommends waiver of the reserve for replacement requirement; and

WHEREAS, under the terms of the Agreement, the City is under no obligation to provide or locate a replacement facility under any circumstances; and

WHEREAS, Section 1.02(c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for residentially-zoned Waterfront and Park property for three (3) years or less with approval by an affirmative vote of at least six (6) members of City Council; and

WHEREAS, the subject property is zoned NS-E (Neighborhood Suburban Estate).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is hereby authorized to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, as legally described above, for a period of thirty-six (36) months, at a rent of \$10.00 for the entire term and to execute all documents necessary to effectuate same; and

This Resolution shall become effective immediately upon its adoption.

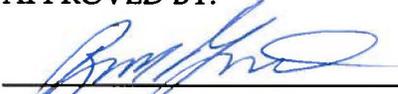
LEGAL:

  
\_\_\_\_\_  
City Attorney (Designee)  
Legal: 00172411.doc V. 1

APPROVED BY:

  
\_\_\_\_\_  
Clarence Scott, III, Administrator  
Leisure & Community Services

APPROVED BY:

  
\_\_\_\_\_  
Bruce E. Grimes, Director  
Real Estate and Property Management

Attached documents for item Requesting the Mayor and City Council delay the closing of the Pier until after the Primary Election on August 27, 2013. (Councilmember Newton)

# **COUNCIL AGENDA NEW BUSINESS**

**To:** The Honorable Members of City Council

**Date:** April 8, 2013

**Council Date:** April 18, 2013

**RE:** Delay Pier Closing

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## **Action Requested:**

Respectfully requesting the Mayor and City Council to delay the closing of the Pier until after the Primary Election on August 27, 2013.

## **Background:**

Over 16,000 signatures have been collected in an effort to have the Pier question put on the primary ballot. With the thousands of signatures obtained, it seems fairly certain that a Pier question will appear on the ballot. Keeping the Pier open until the vote in August will allow service and Pier employees to keep their jobs. After the recent closing of a large business in downtown St. Petersburg, causing the loss of hundreds of jobs, we do not need to add to the rising unemployment rate.

Wengay Newton  
Member of City Council

**Eva Andujar - Keep The Pier Open past May 31st**

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**From:** Lee Palmer <lpalmer80@gmail.com>  
**To:** <council@stpete.org>, <mayor@stpete.org>  
**Date:** 4/10/2013 6:36 PM  
**Subject:** Keep The Pier Open past May 31st  
**CC:** Eva Andujar <eva.andujar@stpete.org>

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Council Members & Mayor

I am writing to all of you to encourage you to keep the St. Pete Pier OPEN for business until the referendum has occurred and a final decision has been made clear by the voters of St. Petersburg.

There is NO REASON to close the pier and put 400 people out of work when The Lens proposal could very well be stopped in its tracks. When the Midtown Sweetbay store closure was announced you, Mayor Foster, held a press conference to plea for a delay to help save 73 jobs. I'm asking all of you for the same consideration and I plea to you to save those 400 jobs at the Pier, which you can control.

In addition, please do not fund the next spending phase to the Maltzan Architects for this would be a gamble with the tax payers money and be fiscally irresponsible on your parts.

Failure to these items will create another motivated volunteer for your opponent during the next election cycle. Let's avoid that and keep the Pier OPEN til the vote & decision is made.

Chris Ballestra stated that the current Pier is safe until 2015 or 2016 (<http://youtu.be/lYwy-PRgYoc>) so what is this urgent rush to demolish the current Pier without a vote?

Let's Keep The Pier OPEN until we have a decision from the VOTE!

Sincerely,  
Lee Palmer

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~~~~~  
Lee Palmer  
Manager/Owner & DJ  
Tampa Bay Dream Team, LLC  
~~~~~

6-1

Attached documents for item Budget, Finance & Taxation Committee. (4/11/13)

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

**Committee Report for April 11, 2013**

**Members:** Chair James R. "Jim" Kennedy, Jr.; Vice-Chair Charles Gerdes; Karl Nurse; Leslie Curran and William Dudley (alternate).

**Support Staff:** Jennifer Millet, Collection Officer, Billing & Collections  
Thomas Hoffman, Controller, Finance Department

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

**1. New Business/ Deferred Business**

**Water Stabilization Fund Update**

Ms. Anne Fritz, Director of Finance, provided the Committee with an oral report relating to the Water Stabilization Fund.

Ms. Fritz noted that the update resulted from a discussion at the last quarterly financial report regarding the purpose and methodology of investments as well as its ability to fund city debt internally from the water cost stabilization fund. Ms. Fritz also stated that the issue was referred to the Investment Oversight Committee by BF&T for recommendation, and was brought back to BF&T indicating that IOC believed that the Fund was different from the Weeki Wachee Fund in regards to buying city debt, as it would require bond holders' consent which involves a cost and is not guaranteed, as well as potentially affecting bond ratings as well as water rates.

Finally, Ms. Fritz explained in detail IOC's motion in response relating to the Water Cost Stabilization Fund which and why we look for loans externally. Ms. Fritz emphasized that the Investment Oversight Committee recommended that we don't use the Water Stabilization Fund unless it is for ourselves in the short term or for bridge loans. She stated that the IOC's response to Council's question as to why we don't lend funds (from the WCSF) to ourselves instead of always relying on outside lending sources: First of all, our investment policy for the WCSF has a maximum horizon of ten years in terms of maturity. Alternatively when we sell bonds, we pay them over thirty years, so we have a mismatch on the term. Secondly, because we haven't clouded the performance of the WCSF with interfund loans, the WCSF gives us more favorable ratings, which gives us more favorable underwriting of the bonds, which results in lower debt service. Third, to serve the wastewater fund in the future it seems better to use WCSF for short term bridge loan purposes and retaining investment flexibility. Additionally, we wrap our bonds. These are the reasons that we don't loan to ourselves.

After a discussion involving both the use of the Water Cost Stabilization fund for interfund loans, as well as the overall investment policy of the fund, a motion was made to forward to IOC for feedback of setting aside a portion of the Water

Cost Stabilization Fund (not to exceed 25%) utilizing an investment approach similar to the Weeki Wachee Fund. Motion Passed.

### **Proposed Change to Investment Policy per IOC Recommendation**

Ms. Anne Fritz, Director of Finance introduced Mr. Charles Mulfinger, a representative of Graystone Consulting, the firm recommended by the Evaluation Committee for the award of the Investment Consultant/Manager services contract for the Weeki Wachee Fund.

A brief overview of the Proposed Change to the Investment Policy per the Investment Oversight Committee's recommendation at the March 12, 2013 meeting was provided. Ms Fritz pointed out that a change to the investment policy to include alternative investments was not approved at the Council meeting and was referred back to Investment Oversight Committee with some modifications to remove alternative investments and utilize a more traditional fixed income-equity model.

The intent and focus of today's discussion is to provide proposed changes to the Investment Policy necessary to implement the traditional model for the investments of the Weeki Wachee Fund, however including publically-traded Real Estate Investment Trusts (REIT's) within the equity allocation. Ms. Fritz shared with the Committee that it was recommended that the city do a search process to adopt a Manager Manager concept where we will have a fiduciary responsibility of a Manager who will manage Sub-Managers. Ms. Fritz noted that this concept will bring in different categories of equity and income exposure that is limited by the current policy.

Ms. Fritz discussed in further detail the proposed language modifications to reflect the Manager concept in the Restated Investment Plan. She emphasized that the language provides a separate investment policy as "Attachment 5" to the overall city Investment Policy specific to the Weeki Wachee Fund to avoid any confusion relating to the city's core Investment Policy. A detailed review of the recommended equity/fixed income allocation was made, where the proposed policy includes the equity to fixed income allocation, with targets and ranges for each investment management style.

Finally, Ms. Fritz shared with the Committee that today's discussion resulted from a motion made by Mr. Doyle at the Investment Oversight Committee meeting to remove Alternative Investments, except publically-traded REIT's from the Investment Policy.

After discussion, a motion was passed to include a resolution modifying investment strategy as it relates to the Weeki Wachee Fund at the next BF&T meeting.

2. **New Business Item Referrals - None**
3. **Continued Business/Deferred Business**
4. **Reports – None**
5. **Next Meeting Agenda Tentative Issues**
  1. **April 25, 2013**
    - a. **Community Brownfield Fund – Follow up (Sophia Sorolis)**
    - b. **2<sup>nd</sup> Quarter Grants Update (Wayne Finley)**
  2. **May 9, 2013**
    - a. **2<sup>nd</sup> Quarter Financials Report (Anne Fritz/Tom Greene)**
  3. **May 30, 2013**
    - a. **2<sup>nd</sup> Quarter Lease Report (Bruce Grimes)**
6. **Adjournment** - meeting adjourned at 8:59.a.m.

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

**Committee Report for April 11, 2013**

**REVISED**

**Members:** Chair James R. "Jim" Kennedy, Jr.; Vice-Chair Charles Gerdes; Karl Nurse; Leslie Curran and William Dudley (alternate).

**Support Staff:** Jennifer Millet, Collection Officer, Billing & Collections  
Thomas Hoffman, Controller, Finance Department

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

**1. New Business/ Deferred Business**

**Proposed Change to Investment Policy per IOC Recommendation**

Ms. Anne Fritz, Director of Finance, introduced Mr. Charles Mulfinger, a representative of Graystone Consulting, the firm recommended by the Evaluation Committee for the award of the Investment Manager services contract for the Weeki Wachee Fund.

A brief overview of the Proposed Change to the city's investment policy per the Investment Oversight Committee's (IOC) recommendation at their March 12, 2013 meeting was provided. Ms Fritz pointed out that a change to the investment policy to include Alternative Investments was not approved at the Council meeting and was referred back to IOC with some modifications to remove Alternative Investments and utilize a more traditional equity/fixed income model.

The proposed change to the investment policy necessary to implement the traditional model for the investments of the Weeki Wachee Fund were discussed; however, the changes would include publically-traded Real Estate Investment Trusts (REIT's) within the equity allocation and not as an alternative investment. Ms. Fritz shared with the Committee that it was recommended that the city conduct a search process to adopt a Manager of Managers concept where there would be fiduciary responsibility of a Manager who will manage Sub-managers and have authority to select and dismiss the Sub-managers. Ms. Fritz noted that this concept will both bring in different categories of equity and fixed income exposure, which is limited by the current investment policy, as well as having flexibility to change the allocations within the target ranges as market conditions change.

Ms. Fritz discussed in further detail the proposed language modifications to the city's investment policy. She emphasized that the proposed language provides a separate investment policy as "Attachment 5" to the overall city investment policy specific to the Weeki Wachee Fund to avoid any confusion relating to the city's other investment policy requirements. A detailed review of the recommended equity/fixed income allocation was made where the proposed

H-1

investment policy includes the equity to fixed income allocation, with targets and ranges for each investment management style.

Finally, Ms. Fritz shared with the Committee that today's discussion resulted from a motion made by Mr. Robert Doyle at the IOC meeting to remove Alternative Investments, except publically-traded REIT's, from the investment policy.

After discussion, a motion was passed to include a resolution modifying the city's investment policy as it relates to the Weeki Wachee Fund and be included in the BF&T report at an upcoming City Council meeting after it is finalized by staff and reviewed by the Legal department.

### **Water Stabilization Fund Update**

Ms. Fritz provided the Committee with an oral report relating to the Water Cost Stabilization Fund (WCSF). She stated that this update request resulted from a discussion at the last quarterly financial report presentation to BF&T regarding the purpose and methodology of investments as well as its ability to fund city debt internally from the WCSF. Ms. Fritz also stated that the issue was referred to the IOC by BF&T for recommendation, and was brought back to BF&T indicating that IOC believed that the WCSF was different from the Weeki Wachee Fund in regard to buying city debt as it would require bondholders' consent from the bond insurers which involves a cost and is not guaranteed. Further, it was noted that an internal borrowing could potentially affect bond ratings as well as water rates.

Ms. Fritz explained in detail the IOC's motion in response to the WCSF and why we look for loans externally. Ms. Fritz emphasized that the IOC recommended we don't use the WCSF unless it is for ourselves in the short term or for bridge loans. She stated that the IOC's response to Council's question as to why we don't lend funds from the WCSF to ourselves instead of always relying on outside lending sources: First of all, our investment policy for the WCSF has a maximum horizon of ten years in terms of maturity. Alternatively, when we sell bonds we pay them over thirty years, so we have a mismatch on the term. Secondly, because we haven't clouded the performance of the WCSF with interfund loans, the WCSF gives us more favorable ratings, which gives us more favorable underwriting of the bonds, which results in lower debt service. Third, to serve the wastewater fund in the future it seems better to use WCSF for short term bridge loan purposes and retaining investment flexibility. Additionally, we wrap our bonds. These are the reasons that we don't loan to ourselves.

After a discussion involving both the use of the WCSF for interfund loans as well as the overall investment policy of the fund, a motion was made to forward to IOC for feedback of setting aside a portion of the WCSF, not to exceed 25%, utilizing an investment approach similar to the Weeki Wachee Fund. Motion Passed.

2. **New Business Item Referrals - None**
3. **Continued Business/Deferred Business**
4. **Reports – None**
5. **Next Meeting Agenda Tentative Issues**
  1. **April 25, 2013**
    - a. **Community Brownfield Fund – Follow up (Sophia Sorolis)**
    - b. **2<sup>nd</sup> Quarter Grants Update (Wayne Finley)**
  2. **May 9, 2013**
    - a. **2<sup>nd</sup> Quarter Financials Report (Anne Fritz/Tom Greene)**
  3. **May 30, 2013**
    - a. **2<sup>nd</sup> Quarter Lease Report (Bruce Grimes)**
6. **Adjournment** - meeting adjourned at 8:59.a.m.

Attached documents for item Public Services & Infrastructure Committee. (4/11/13)

City of St. Petersburg  
**Public Services & Infrastructure Committee**  
Meeting of April 11, 2013 – 9:15  
City Hall, Room 100

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Members: Chair Bill Dudley; Vice-Chair Jeff Danner  
Council Members: Steve Kornell

Alternate(s): Karl Nurse

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

Others Present: Council Members Gerdes, Curran and Kennedy; Tish Elston, Amelia Preston, Mark Winn, Mike Connors, Ben Shirley, Bob Turner, and Jack Crooks.

- A. Call to Order and Roll Call – 9:15 a.m..
- B. Approval of Agenda (3 – 0)
- C. Approval of Minutes
  - 1. Minutes of March 28, 2013 (3 – 0)
- D. New & Continued Business
  - 1. Subject Recycling Demolition – Related Construction Debris- Connors

**Opening Discussion and Presentation**

Mr. Connors provided background on the item by reminding Council that approximately 2 years ago, a Public Hearing was held to amend the Ordinance requiring construction and demolition debris to be recycled. Due to testimony received at the hearing, the requirements would cause additional costs to customers and the item was referred to the PS&I Committee. Mr. Connors provided a matrix of recyclers and recycling activity in 2011 and 2012. The matrix showed a four-fold increase in the amount of debris recycled from 2011 to 2012. A small amount of construction debris (1%) gets into the Pinellas County Resource Recovery Plant. A majority gets recycled by municipalities and/or private recyclers.

**Committee and Staff Discussion**

There was general discussion about the merits of an Ordinance, given the trend in market conditions. There was additional discussion about debris clearance post-disaster at the County and City level. It was asked if the area around 16th Street and 5<sup>th</sup> Avenue could be fenced off so the debris storage could be less visible. Mr. Connors will contact FDOT and request this. Council Member Nurse made a motion to bring to the PS&I committee an Ordinance that would mandate recycling beyond a specific size of structure. The motion failed.

- E. Next Meeting – April 25, 2013
  - 1. Special Exceptions Update – Mark Winn
  - 2. Bike Sharing – Joe Kubicki
- F. Adjournment. Meeting Adjourned at 9:54 am.

Attached documents for item Committee of the Whole. (4/11/13)

**CITY OF ST. PETERSBURG**

Committee of the Whole – Shade Structures for Athletic Facilities

April 11, 2013 Meeting

**PRESENT:** Chair Karl Nurse and Councilmembers Charlie Gerdes, Jim Kennedy, Bill Dudley, Leslie Curran, Steve Kornell, Wengay Newton and Jeff Danner.

**ALSO:** Chief Assistant City Attorney Mark Winn, Leisure & Community Services Administrator Clarence Scott, III, Parks & Field Operations Superintendent Phil Whitehouse and City Clerk Eva Andujar

*Agenda Business Item - Use of Weeki Wachee Funds for Ballfield Shade Structures*

Representatives from various youth sports organizations introduced themselves and Parks & Field Operations Superintendent Phil Whitehouse made a presentation and reviewed the \$750,000 cost estimate for the construction and installation of shade structures at City athletic facilities.

Staff discussed the results of a survey regarding the installation of permanent shade structures, conducted earlier this year, which indicated that all the youth sports organizations are willing to contribute \$2,000 toward the cost of permanent shade structures. Administration is not requiring contributions, but felt it was more equitable for the organizations to contribute \$2,000 each because two youth sports organizations contributed \$9,250 and \$2,000 respectively toward the recently completed shade structure project at the Lakewood Baseball Complex.

Following additional discussion, the Committee approved forwarding to Council a request that staff issue an RFP for the purchase and installation of shade structures at City athletic facilities Citywide.

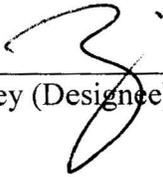
2013-161

A RESOLUTION APPROVING THE ISSUANCE  
OF AN RFP FOR THE PURCHASE AND  
INSTALLATION OF SHADE STRUCTURES AT  
CITY ATHLETIC FACILITIES CITYWIDE; AND  
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the City Council of the City of St. Petersburg approves the issuance of an RFP for the purchase and installation of shade structures at City athletic facilities Citywide, for the purpose of obtaining accurate project costs.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

14-2

Attached documents for item Youth Services Committee. (4/18/13) (Oral)

Attached documents for item Confirming the preliminary assessment for Lot Clearing Number 1516.

**ST. PETERSBURG CITY COUNCIL**

**MEETING OF: April 18, 2013**

**TO:** COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

**SUBJECT:** Confirming Preliminary Assessment for  
Lot Clearing Number LCA 1516

**EXPLANATION:** The Sanitation Department has cleared the following number of properties under Chapter 16, Article XIII, of the St. Petersburg City Code. The interest rate is 12% per annum on the unpaid balance.

<b>LCA:</b>	<b><u>1516</u></b>
<b>NUMBER OF STRUCTURES:</b>	<b><u>36</u></b>
<b>ASSESSABLE AMOUNT:</b>	<b><u>\$6,999.56</u></b>

According to the City Code, these assessments constitute a lien on each property. It is recommended that the assessments be confirmed.

**COST/FUNDING/ASSESSMENT INFORMATION:**

The total assessable amount of \$6,999.56 will be fully assessable to the property owners.

**ATTACHMENTS:**

**MAYOR:** \_\_\_\_\_

**COUNCIL ACTION:** \_\_\_\_\_

**FOLLOW-UP:** \_\_\_\_\_

**AGENDA NO.** \_\_\_\_\_

3/28/13  
10:55:31

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
LCA - LOT CLEARING

PAGE: 1  
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
1516	ARROYO, DAVID	1700 19TH ST S	204.43
	BRADY, BARBARA J INC	626 61ST AVE S	184.38
	CARTER, BRIJETTE L	4211 15TH AVE S	184.38
	DALLAND PROPERTIES LP	4340 14TH AVE S	184.38
	DE LOACH, MILDRED J	2238 LAMPARILLA WAY S	184.38
	DEMPERIO, THOMAS W	5521 4TH AVE N	184.38
	DONOHUE, KEVIN	4101 38TH WAY S	184.38
	GILCHRIST, THURZA	967 22ND AVE S	284.61
	GORE, WILLIE G JR	4341 ELKCAM BLVD SE	184.38
	GREEN, EDDIE	3519 3RD AVE S	184.38
	HERNDON, M EDWINA	925 QUEEN ST N	184.38
	HIROCK, SHARI	3835 10TH AVE S	184.38
	HRISTOPOULOS, ANDREAS	3450 1ST AVE S	264.56
	HUFF, AUSTIN M JR EST	7200 MEADOWLAWN DR N	225.00
	LE DEE, DEBRA L	317 INDIANA CT S	184.38
	LEFEBVRE, EILEEN M	601 64TH AVE S	184.38
	LIBRADO, MAC VINCENT	3632 27TH AVE N	184.38
	LORD, BRYAN D	1735 MICHIGAN AVE NE	224.47
	M D L R ACQUISITIONS LLC	850 17TH AVE S	184.38
	MARTINEZ, NOELIX	1235 11TH AVE S	184.38
	MEFFLEY, MICHAEL SHANE	2859 60TH AVE S	184.38
	M2 INTERNATIONAL INC	4443 16TH AVE S	184.38
	NAAR, ANSELMO	2636 BETHEL CT S	184.38
	PERRIN, WARD E	3325 55TH ST N	184.38
	RALSTON, TERRENCE	6286 20TH ST S	184.38
	SCHULZE-VON ZUTEL, BRENDA	630 14TH AVE S	224.47

3/28/13  
10:55:31

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
LCA - LOT CLEARING

PAGE: 2  
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	SCOTT, LUCILLE EST	1240 JAMES AVE S	184.38
	SMITH, GARY S	762 74TH AVE N	184.38
	SUKHASAM, MANIT	1410 13TH ST S	184.38
	U S BANK NATL ASSN TRE	8297 14TH ST N	225.00
	V & V CORPORATE INVESTMENTS IN	4682 22ND AVE S	184.38
	VALDES, ORLANDO	1520 PRESCOTT ST S	184.38
	VERONA V LLC	1200 UPTON CT S	184.38
	2238 20 STREET SOUTH FAMILY TR	2238 20TH ST S	184.38
	3516 3RD AVE S TRUST	3516 3RD AVE S	184.38
	818 40TH ST S TRUST	818 40TH ST S	184.38

3/28/13  
10:55:31

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
LCA - LOT CLEARING

PAGE: 3  
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
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		PROJECT TOTAL	6,999.56
	*** END OF REPORT ***	GRAND TOTAL	6,999.56

**LOT CLEARING NUMBER 1516**  
**COST / FUNDING / ASSESSMENT INFORMATION**

**CATEGORY ASSESSED**

**AMOUNT TO BE ASSESSED**

LOT CLEARING COST

\$ 4,659.56

ADMINISTRATIVE FEE

\$ 2,340.00

TOTAL:

**\$ 6,999.56**

A RESOLUTION CONFIRMING AND APPROVING  
PRELIMINARY ASSESSMENT ROLLS FOR LOT  
CLEARING NO. 1516; PROVIDING FOR AN  
INTEREST RATE ON UNPAID ASSESSMENTS; AND  
PROVIDING AN EFFECTIVE DATE.

WHEREAS, preliminary assessment rolls for Lot Clearing No. 1516 has been submitted by the Mayor to the City Council pursuant to St. Petersburg Code Section 16.40.060.4.4; and

WHEREAS, notice of the public hearing was duly published in accordance with St. Petersburg City Code Section 16.40.060.4.4; and

WHEREAS, City Council did meet at the time and place specified in the notice and heard any and all complaints that any person affected by said proposed assessments wished to offer; and

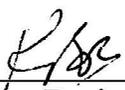
WHEREAS, City Council has corrected any and all mistakes or errors appearing on said preliminary assessment rolls.

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the preliminary assessment rolls for Lot Clearing No. 1516 is approved; and

BE IT FURTHER RESOLVED that the principal amount of all assessment liens levied and assessed herein shall bear interest at the rate of 12% per annum from the date this resolution.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Confirming the preliminary assessment for Building Securing Number 1175.

**ST. PETERSBURG CITY COUNCIL**

**MEETING OF: April 18, 2013**

**TO:** COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

**SUBJECT:** Confirming Preliminary Assessment for Building Securing Number **SEC 1175**

**EXPLANATION:** Codes Compliance Assistance has secured the attached structures which were found to be unfit or unsafe under Chapter 8, Article VII, of the St. Petersburg City Code. The interest rate is 12% per annum on the unpaid balance.

<b>SEC:</b>	<b><u>1175</u></b>
<b>NUMBER OF STRUCTURES</b>	<b><u>40</u></b>
<b>ASSESSABLE AMOUNT:</b>	<b><u>\$5,835.27</u></b>

According to the City Code, these assessments constitute a lien on each property. It is recommended that the assessments be confirmed.

**COST/FUNDING/ASSESSMENT INFORMATION:**

The total assessable amount of **\$5,835.27** will be fully assessable to the property owners.

**ATTACHMENTS:**

**MAYOR:** \_\_\_\_\_

**COUNCIL ACTION:** \_\_\_\_\_

**FOLLOW-UP:** \_\_\_\_\_

**AGENDA NO.** \_\_\_\_\_

3/21/13  
13:25:27

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
SEC - SECURING/SANITATION

PAGE: 1  
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
1175	*****	5019 4TH AVE S	153.33
	BARTON, LARISA R	1750 2ND AVE N	83.33
	BHOLA, MARIE	4546 10TH AVE S	110.83
	BLOSSOM, S L	1014 12TH AVE S	77.82
	BOLDEN, JULIOUS LEE EST	719 19TH ST S	282.28
	BRAVE, DAN	3147 PRESCOTT ST N	100.32
	BUYI, NEWTON	2500 3RD AVE S	77.82
	CHEATHAM, KAREN CORBETT	1914 31ST ST S	307.72
	CORPORATE MIDWEST INVESTMENT L	541 16TH ST N	141.71
	DESHOTEL, ZACHARY RYAN	4200 21ST ST N	110.61
	ELLIOTT, BRIAN	460 24TH ST N	147.82
	GENERAL HOME DEVELOPMENT CORP	4521 13TH AVE S	121.13
	GILCHRIST, THURZA	967 22ND AVE S	178.12
	HAHN, KENNETH M	665 38TH AVE S	88.28
	HASIBA, JOHANNA C	4130 40TH ST S	326.82
	HESTAD, JOSHUA	1826 7TH AVE S	77.82
	HOLLOMAN, FREDERICK F EST	5930 FAIRFIELD AVE S	170.90
	HUDSON, THOMAS E	349 14TH ST N	157.62
	JACKSON, ETHEL	2115 11TH ST S	195.71
	LARA LLC	527 16TH AVE S	169.13
	LAUX, ALLAN C	1118 35TH AVE N	194.90
	LIVINGSTON, CEDRIC B	4040 1ST AVE N	150.71
	LOPEZ, TIENE	2827 29TH AVE N	92.83
	LOVETT, ADRIAN M	5110 3RD AVE S	111.62
	MC CORMICK, MABEL E P EST	932 MELROSE AVE S	343.13
	MERISIER, SHELLA	3261 6TH AVE S	116.33

3/21/13  
13:25:27

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
SEC - SECURING/SANITATION

PAGE: 2  
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	MESSINA, THOMAS	5010 30TH AVE N	201.51
	NGUYEN, TUAN D	1847 19TH ST S	127.62
	NORWOOD, LOUISE B	2166 17TH AVE S	105.32
	ROMAN, CARLOS R	900 50TH AVE N	88.28
	SAGDEEV, ANDREI	2709 4TH ST S	136.71
	SHINE, JOHN M	1250 JAMES AVE S	90.03
	SLATER, DAVID M	716 15TH AVE S	146.33
	SMITH, DEBORAH	644 38TH AVE S	127.62
	SMITH, MARTIN	4313 22ND ST N	115.38
	SUNSHINE R E O I LLC	3859 9TH AVE S	127.62
	THOMPSON ENTERPRISES INC	740 21ST ST S	119.32
	TRADER, MANDISA L	4521 9TH AVE S	86.91
	VAZQUEZ, HEATHER GUILD	918 43RD ST S	164.90
	3120 15TH ST N LLC	3120 15TH ST N	109.08

3/21/13  
13:25:27

CITY OF ST. PETERSBURG, FLORIDA  
OWNERS NAME AND ADDRESS LISTING  
SEC - SECURING/SANITATION

PAGE: 3  
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
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		PROJECT TOTAL	5,835.27
	*** END OF REPORT ***	GRAND TOTAL	5,835.27

**BUILDING SECURING NUMBER SEC 1175**

**COST/FUNDING/ASSESSMENT INFORMATION**

<b><u>CATEGORY</u></b>	<b><u>AMOUNT TO BE ASSESSED</u></b>
SECURING COST	\$ 2,150.00
MATERIAL COST	\$ 986.10
LEGAL AD	\$ 899.17
ADMIN. FEE	\$ <u>1,800.00</u>
<b>TOTAL:</b>	<b>\$ 5,835.27</b>

A RESOLUTION ASSESSING THE COSTS OF SECURING LISTED ON SECURING BUILDING NO. 1175 ("SEC 1175") 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 ON UNPAID BALANCES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND RECORD NOTICE(S) OF LIEN(S) IN THE PUBLIC RECORDS OF THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg has proceeded under the provision of Chapter 8, of the St. Petersburg City Code to secure certain properties; and

WHEREAS, the structures so secured are listed on Securing Building No. 1175 ("SEC 1175"); and

WHEREAS, Section 8-270 of the St. Petersburg City Code provides that the City Council shall assess the entire cost of such securing against the property on which the costs were incurred and that assessments shall become a lien upon the property superior to all others, except taxes; and

WHEREAS, the City Council has held a public hearing on April 18, 2013, to hear all persons who wished to be heard concerning this matter.

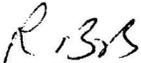
NOW THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council assesses the costs of securing listed on Securing Building No. 1175 ("SEC 1175") as liens against the respective real property on which the costs were incurred and that pursuant to Section 8-270 of the St. Petersburg City Code said liens shall be superior in dignity to all other liens except taxes; and

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute and record notice(s) of the lien(s) provided for herein in the public records of the County.

BE IT FURTHER RESOLVED that the Special Assessment Certificates to be issued hereunder shall bear interest at the rate of 12% per annum on the unpaid balance from the date of the adoption of this resolution.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

Attached documents for item Confirming the preliminary assessment for Building Demolition Number 402.

**ST. PETERSBURG CITY COUNCIL**

**MEETING OF: April 18, 2013**

**TO:** COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

**SUBJECT:** Confirming Preliminary Assessment for Building Demolition Number **DMO 402**

**EXPLANATION:** The privately owned structures on the attached list were condemned by the City in response to unfit or unsafe conditions as authorized under Chapter 8, Article VII of the St. Petersburg City Code. The City's Codes Compliance Assistance Department incurred costs of condemnation/securing/appeal/abatement/demolition and under the provisions of City Code Section 8-270, these costs are to be assessed to the property. The interest rate is 12% per annum on the unpaid balance.

<b>DMO:</b>	<b><u>402</u></b>
<b>NUMBER OF STRUCTURES:</b>	<b><u>4</u></b>
<b>ASSESSABLE AMOUNT:</b>	<b><u>\$38,038.98</u></b>

According to the City Code, these assessments constitute a lien on each property. It is recommended that the assessments be confirmed.

**COST/FUNDING/ASSESSMENT INFORMATION:**

The total assessable amount of **\$38,038.98** will be fully assessable to the property owners.

**ATTACHMENTS:**

**MAYOR:** \_\_\_\_\_

**COUNCIL ACTION:** \_\_\_\_\_

**FOLLOW-UP:** \_\_\_\_\_ **AGENDA NO.** \_\_\_\_\_

**BUILDING DEMOLITION NUMBER DMO 402**

**OWNERS NAME AND ADDRESS LISTING**

<b><u>RELATED PARTY NAME</u></b>	<b><u>PROPERTY ADDRESS</u></b>	<b><u>ASSESSMENT AMOUNT</u></b>
Hitchcock, Andrew	1036 7 <sup>th</sup> St S	\$ 14,964.13
Lambo, Robert T Jr Est	2701 27 <sup>th</sup> Ave N	\$ 13,608.02
Williams, John H & Sonja D	2523 19 <sup>th</sup> St S	\$ 8,207.03
Zellner, Gary Robert	333 18 <sup>th</sup> Ave S	\$ 1,259.00
<b>TOTAL</b>		<b><u>\$ 38,038.98</u></b>

**BUILDING DEMOLITION NUMBER DMO 402**  
**COST/FUNDING/ASSESSMENT INFORMATION**

<b><u>CATEGORY</u></b>	<b><u>AMOUNT TO BE ASSESSED</u></b>
Demolition Cost	\$ 21,211.30
Asbestos Cost	\$ 14,472.00
Legal Ad	\$ 679.68
Engineer's Chg	\$ 450.00
Administrative Fee	\$ <u>1,226.00</u>
<b>TOTAL:</b>	<b>\$ 38,038.98</b>

A RESOLUTION ASSESSING THE COSTS OF DEMOLITION LISTED ON BUILDING DEMOLITION NO. 402 ("DMO 402") 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 ON UNPAID BALANCES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND RECORD NOTICE(S) OF LIEN(S) IN THE PUBLIC RECORDS OF THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg has proceeded under the provision of Chapter 8, of the St. Petersburg City Code to demolish certain properties; and

WHEREAS, the structures so demolished are listed on Building Demolition No. 402 ("DMO 402"); and

WHEREAS, Section 8-270 of the St. Petersburg City Code provides that the City Council shall assess the entire cost of such demolition against the property on which the costs were incurred and that assessments shall become a lien upon the property superior to all others, except taxes; and

WHEREAS, the City Council has held a public hearing on April 18, 2013, to hear all persons who wished to be heard concerning this matter.

NOW THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council assesses the costs of the demolition listed on Building Demolition No. 402 ("DMO 402") as liens against the respective real property on which the costs were incurred and that pursuant to Section 8-270 of the St. Petersburg City Code said liens shall be superior in dignity to all other liens except taxes; and

BE IT FURTHER RESOLVED that the Special Assessment Certificates to be issued hereunder shall bear interest at the rate of 12% per annum on the unpaid balance from the date of the adoption of this resolution.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute and record notice(s) of the lien(s) provided for herein in the public records of the County.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

**CITY OF ST. PETERSBURG**

**MEMORANDUM**

**TO: Belinda Green-Legal Department**

**FROM: Jennifer Millet-Collection Officer-Billing & Collections**



**SUBJECT: Preparation of Resolution  
City Council Meeting scheduled for April 18, 2013  
Confirming Preliminary Assessment Roll**

**DATE: March 18, 2013**

\*\*\*\*\*

**Please prepare and forward to Special Assessments a Resolution for the City Council Meeting described above confirming the special assessment roll(s) for the following special assessment numbers:**

<u>ASSESSMENT TYPE &amp; NUMBER</u>		<u>INTEREST RATE</u>
LOT CLEARING	LCA 1516	12%
SECURING	SEC 1175	12%
DEMOLITION	DMO 402	12%

JM/csd

Attached documents for item Ordinance 1047-V approving the vacation of 16th Avenue South between 3rd and 4th Streets South and the remaining segment of the east-west alley lying west of 3rd Street South in between 15th and 16th Avenues South. (City File 13-33000002)



**SAINT PETERSBURG CITY COUNCIL**

**Meeting of April 18, 2013**

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** Ordinance \_\_\_\_\_ approving the vacation of 16<sup>th</sup> Avenue South between 3<sup>rd</sup> and 4<sup>th</sup> Street South and a dead-end alley remnant lying south of 15<sup>th</sup> Avenue South and west of 3<sup>rd</sup> Street South (Case No.: 13-33000002).

**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 attached ordinance.

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**The Request:** The request is to vacate: 1) the portion of 16<sup>th</sup> Avenue South between 3<sup>rd</sup> and 4<sup>th</sup> Streets South, and 2) the remaining segment of the east-west alley lying west of 3<sup>rd</sup> Street South in between 15<sup>th</sup> and 16<sup>th</sup> Avenues South.

**Background:** The applicant is Tradition Properties St. Pete, LLC. The applicant's engineer is John Mueller of Howard Civil Engineering. The areas proposed for vacation are depicted on the attached maps (Attachments "A", "B" and "C"). The applicant's goal is to eliminate these encumbrances and assemble the land for expansion of an existing marine-related industrial use (seafood processing). The DRC previously reviewed and approved a Special Exception and related site plan for the seafood processing use on December 5, 2012 (Case No. 12-32000007).

**Analysis & Findings:** Staff finds that approval of the request to vacate the subject right-of-ways would be consistent with the criteria in the City Code, the Comprehensive Plan, and the applicable special area plan.

The street and alley proposed for vacation were originally dedicated to provide access to various portions of the individual lots within the blocks to the north and south of 16<sup>th</sup>

Avenue South. The assembly of the southern half of the block along the northern side of 16<sup>th</sup> Avenue South, together with the northern half of the block to the south of 16<sup>th</sup> Avenue South for a single redevelopment project eliminates the need for which the rights-of-way were originally dedicated. The Engineering and Transportation Planning Departments have reviewed the proposed plan and determined that there is no present or future need for these rights-of-way to remain. Existing public infrastructure and franchised utilities will be protected by a public utility easement over the area to be vacated. The requested vacations, if approved, are not anticipated to substantially impair or deny access to any other lot of record beyond the boundaries of the redevelopment site or the surrounding roadway network. Approval of the request will eliminate two existing dead-ends and will not alter public travel patterns or undermine the integrity of the surrounding street grid.

The subject right-of-ways and the associated private properties are within the Bayboro Harbor Community Redevelopment Area (BHCRA). The BHCRA Plan establishes polices which emphasize the importance of the existing marine-related industry and the community's goal for continued growth and expansion of such businesses in that area. The Plan specifically recommends vacation of unnecessary right-of-way in order to facilitate land assembly and accommodate growth. This vacation, if approved, will allow the applicant to assemble the vacated street together with the land to the north and south, as one larger industrial site.

The BHCRA Plan, originally adopted in 1985, also refers to a system of future pathways, including a link along the eastern side of the southern lot abutting Salt Creek. Staff investigated whether it would be appropriate to request that the applicant reserve an easement along the east side of their property to accommodate that connection. After discussing the issue with the Transportation Planning Department, staff has determined that requiring an easement for this specific link would not be appropriate because: 1) a complete easement out to 3<sup>rd</sup> Street South cannot be obtained due to the location of the existing building; 2) requiring an easement on this particular parcel will further constrain the ability to develop the land with the intended use given the unusual shape of the lot; and 3) some of original the ideas for pathways set forth in the BHCRA Plan are outdated and inconsistent with the more current and comprehensive CityTrails Bicycle Pedestrian Master Plan, adopted in 2003 and updated in 2009. The CityTrails Master Plan covers the entire City and is a more current guide for the future of bicycle and pedestrian connectivity. The 1985 BHCRA Plan should be revised to be consistent with the CityTrails Master Plan, which does not include plans for a connection along this portion of Salt Creek. As such, staff is not recommending that the applicant be required to dedicate an easement along their portion of the land abutting Salt Creek.

**Agency Review & Public Comments:** The application was routed to City departments and outside utility providers. No objections were noted, provided that the applicant is required to dedicate any necessary easements and/or be responsible for any proposed abandonment or relocation work. The special conditions of approval in this report have been designed to address all of these requirements. The applicant provided the

required public notices. As of the date of this report, no questions or comments from the public have been received.

**DRC Action/Public Comments:** On March 6, 2013, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted to unanimously recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

**RECOMMENDATION:**

The Administration recommends **APPROVAL** of the proposed vacations, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall:
  - a. Replat the vacated rights-of-way, together with the abutting private property.
  - b. Through the replatting process, the applicant shall coordinate a plan for any necessary protection or modification of existing public infrastructure or non-City utilities, such as dedication of any necessary easements, abandonment or relocation.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A VACATION OF 16<sup>TH</sup> AVENUE SOUTH BETWEEN 3<sup>RD</sup> AND 4<sup>TH</sup> STREET SOUTH AND A DEAD-END ALLEY REMNANT LYING SOUTH OF 15<sup>TH</sup> AVENUE SOUTH AND WEST OF 3<sup>RD</sup> 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:

ALL THAT PORTION OF 16TH AVENUE SOUTH (FORMERLY 14TH AVENUE SOUTH) BEING BOUNDED ON THE NORTH BY BLOCK 7, BOUNDED ON THE SOUTH BY BLOCK 8, W. J. OVERMAN'S REARRANGEMENT OF J. P. TITCOMB'S PLAN OF BAYBORO, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 19 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF 4TH STREET SOUTH AND BOUNDED ON THE EAST BY SALT CREEK CHANNEL, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1, SAID BLOCK 8; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SAID 4TH STREET SOUTH, A DISTANCE OF 80.80 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 7, ALSO BEING THE A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID 16TH AVENUE SOUTH (FORMERLY 14TH AVENUE SOUTH); THENCE NORTH 89°07'10" EAST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 360.36 FEET; THENCE SOUTH 28°38'29" WEST, A DISTANCE OF 94.61 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID 16TH AVENUE SOUTH (FORMERLY 14TH AVENUE SOUTH); THENCE SOUTH 89°23'55" WEST ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 315.00 FEET TO THE POINT OF BEGINNING.

LESS ANY PART LYING BELOW THE MEAN HIGH WATER LINE OF SAID SALT CREEK

CONTAINING 27,559 SQUARE FEET OR 0.6327 ACRES, MORE OR LESS.

TOGETHER WITH

ALL THAT CERTAIN 20.0 FOOT ALLEY LYING BETWEEN LOTS 8 AND 9, BLOCK 7, W. J. OVERMAN'S REARRANGEMENT OF J. P. TITCOMB'S PLAN OF BAYBORO, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 19 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 9, THENCE SOUTH 89°21'13" WEST, ALONG THE NORTH BOUNDARY OF SAID LOT 9, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 00°43'57" WEST, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89°21'13" EAST ALONG THE SOUTH BOUNDARY OF SAID LOT 8, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF 3RD STREET SOUTH; THENCE

SOUTH 00°43'57" EAST ALONG THE WEST RIGHT OF WAY LINE OF SAID 3RD STREET SOUTH, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,000. SQUARE FEET OR 0.0230 ACRES, MORE OR LESS.

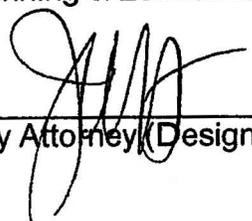
**SECTION 2.** The above-mentioned right-of-way is not needed for public use or travel.

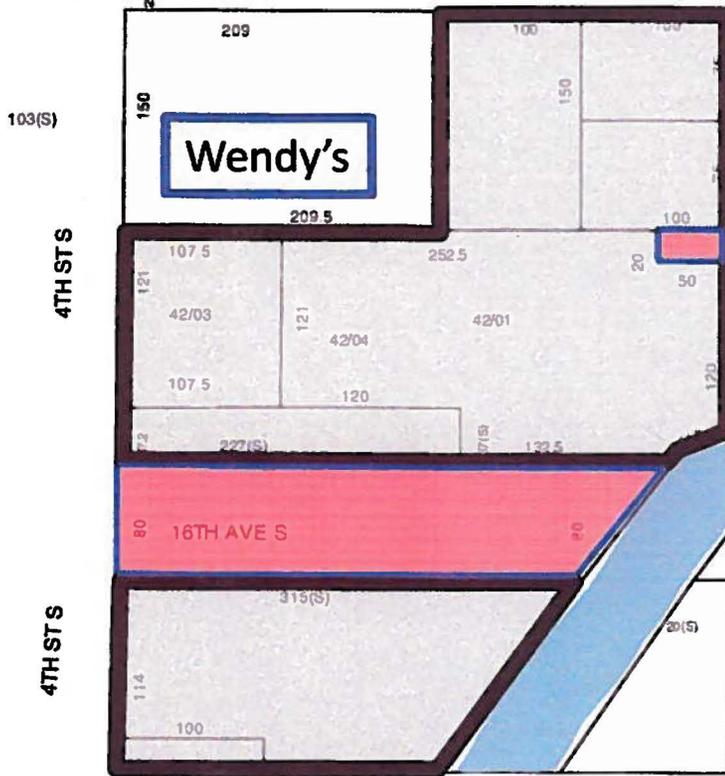
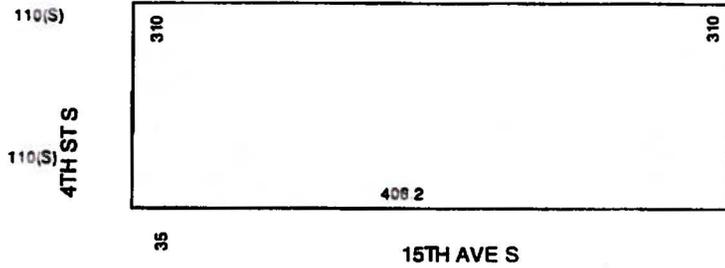
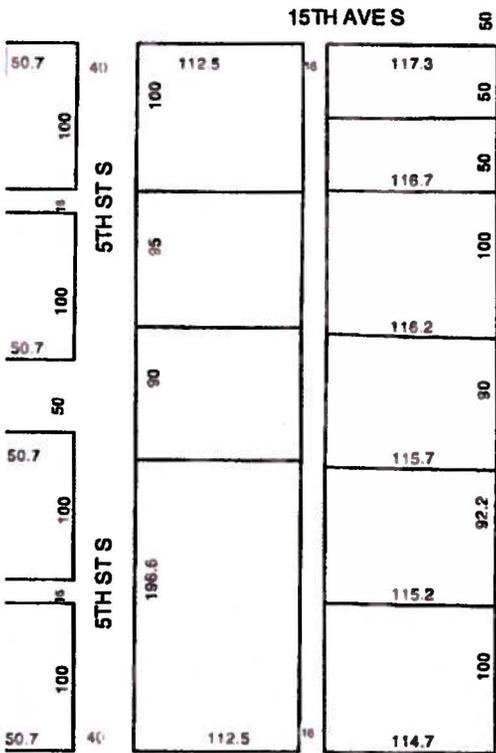
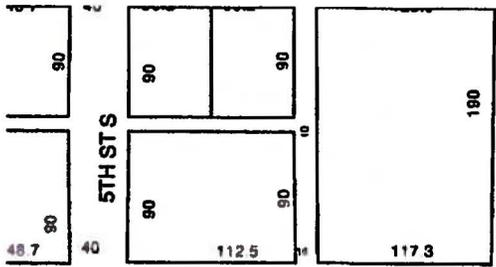
**SECTION 3.** The vacation is subject to and conditional upon the following:

1. Prior to recording the vacation ordinance, the applicant shall:
  - a. Replat the vacated rights-of-way, together with the abutting private property.
  - b. Through the replatting process, the applicant shall coordinate a plan for any necessary protection or modification of existing public infrastructure or non-City utilities, such as dedication of any necessary easements, abandonment or relocation.

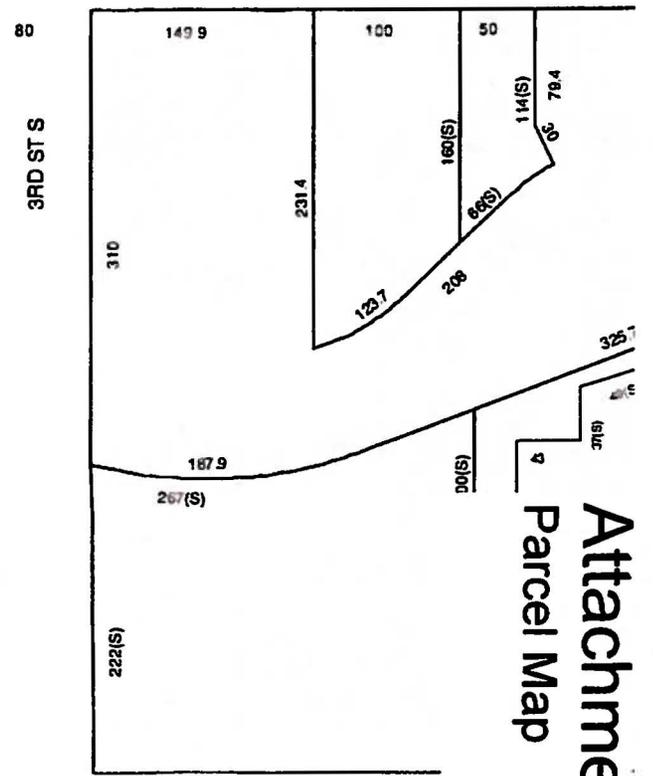
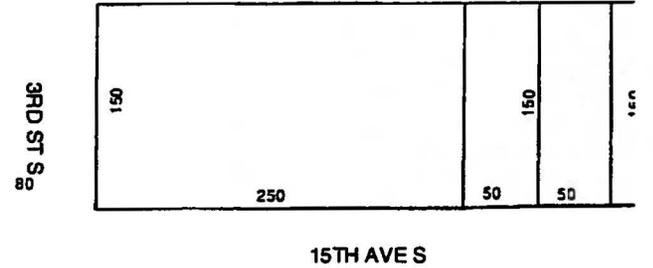
**SECTION 4.** In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor 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:

	<u>3-15-13</u>
Planning & Economic Development Dept.	Date
	<u>3/18/13</u>
City Attorney (Designee)	Date



**Proposed Vacations (red)**

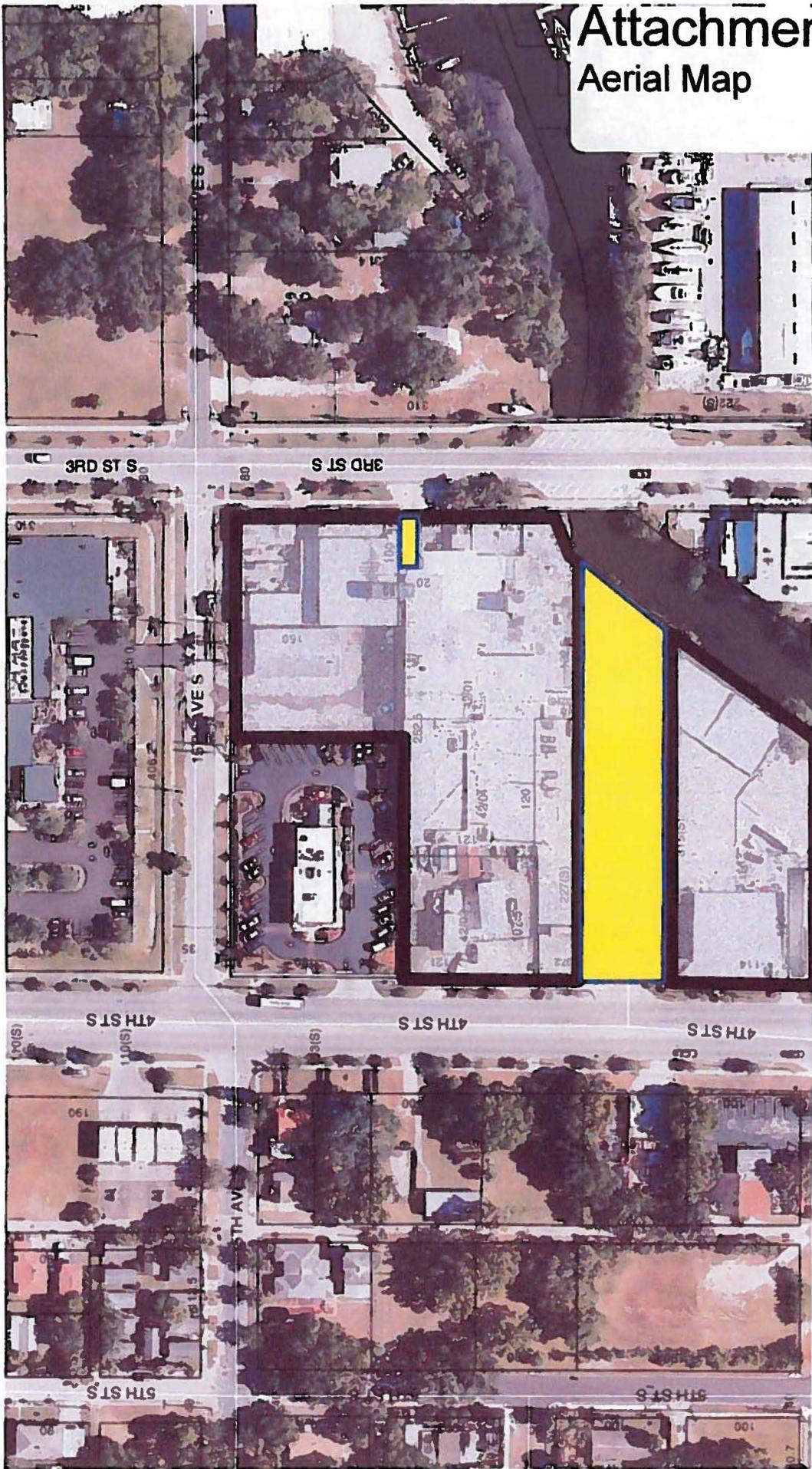


# Attachment "A"

## Parcel Map

# Attachment "B"

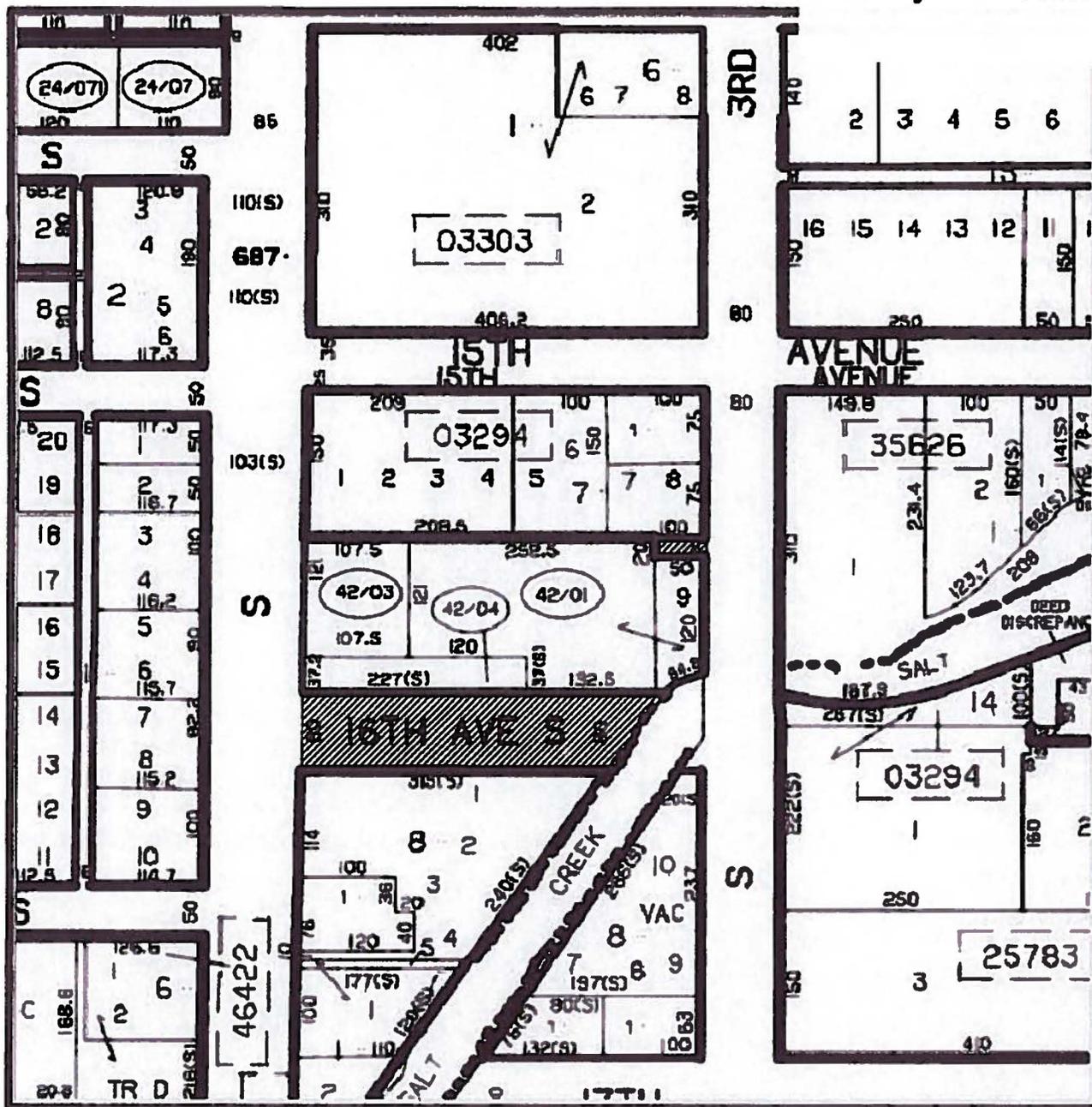
## Aerial Map



Proposed Vacations (yellow)

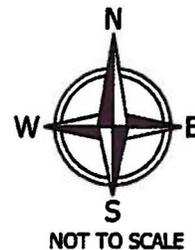
# Attachment "C"

## Survey / Sketch



### LEGEND

 AREAS REQUESTED TO BE VACATED



AREAS DEPICTED ABOVE ARE MORE FULLY DESCRIBED BY SKETCHES AND LEGAL DESCRIPTIONS PREPARED BY AMERICAN SURVEYING, INC., DATED 1/4/2013.

PROJECT NO.: 137-1002  
 D.B.:  
 CH.:  
 DWG:  
 DATE: 1/7/2013

**FLORIDA SEAFOODS**  
 RIGHT-OF-WAY/ALLEY VACATION MAP  
 TRADITION PROPERTIES OF ST PETE, LLC  
 111 S. ARMENIA AVE, STE 101  
 TAMPA, FL 33609



**HOWARD CIVIL ENGINEERING, LLC**  
 Land Development Civil Engineers  
 16110 N. Florida Ave. Lutz, FL. 33549  
 Phone: 813.962.6565 Fax: 813.962.7575

# Tampa Bay Times

Published Daily

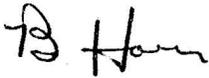
St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} S.S.

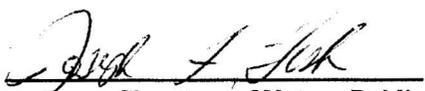
Before the undersigned authority personally appeared **B. Harr** who on oath says that he/she is **Legal Clerk** of the *Tampa Bay Times* a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: ST. PETERSBURG NOTICE OF PUBLIC HEARING - ORDINANCES 1047-V, 70-H, 71-H** was published in said newspaper in the issues of *Neighborhood Times St Petersburg*, 4/7/2013.

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

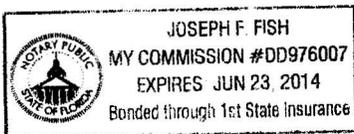
Sworn to and subscribed before me  
this 9th day of April A.D.2013



Signature of Notary Public

Personally known  or produced identification

Type of identification produced \_\_\_\_\_



## LEGAL NOTICE

### PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

#### PROPOSED ORDINANCE NO. 1047-V

AN ORDINANCE APPROVING A VACATION OF 16TH AVENUE SOUTH BETWEEN 3RD AND 4TH STREET SOUTH AND A DEAD-END ALLEY REMNANT LYING SOUTH OF 15TH AVENUE SOUTH AND WEST OF 3RD STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

#### PROPOSED ORDINANCE NO. 70-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, WITHIN ALBERT WHITTED PARK LOCATED AT 480 BAYSHORE DRIVE SOUTHEAST, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

#### PROPOSED ORDINANCE NO. 71-H

AN ORDINANCE AMENDING SECTION 22-206 OF THE ST. PETERSBURG CITY CODE TO AMEND THE MAXIMUM ALLOWABLE MONTHS OF DROP PARTICIPATION; AND PROVIDING AN EFFECTIVE DATE.

Date: April 18, 2013 Time: 6:00 p.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

4/7/2013

938114-01



















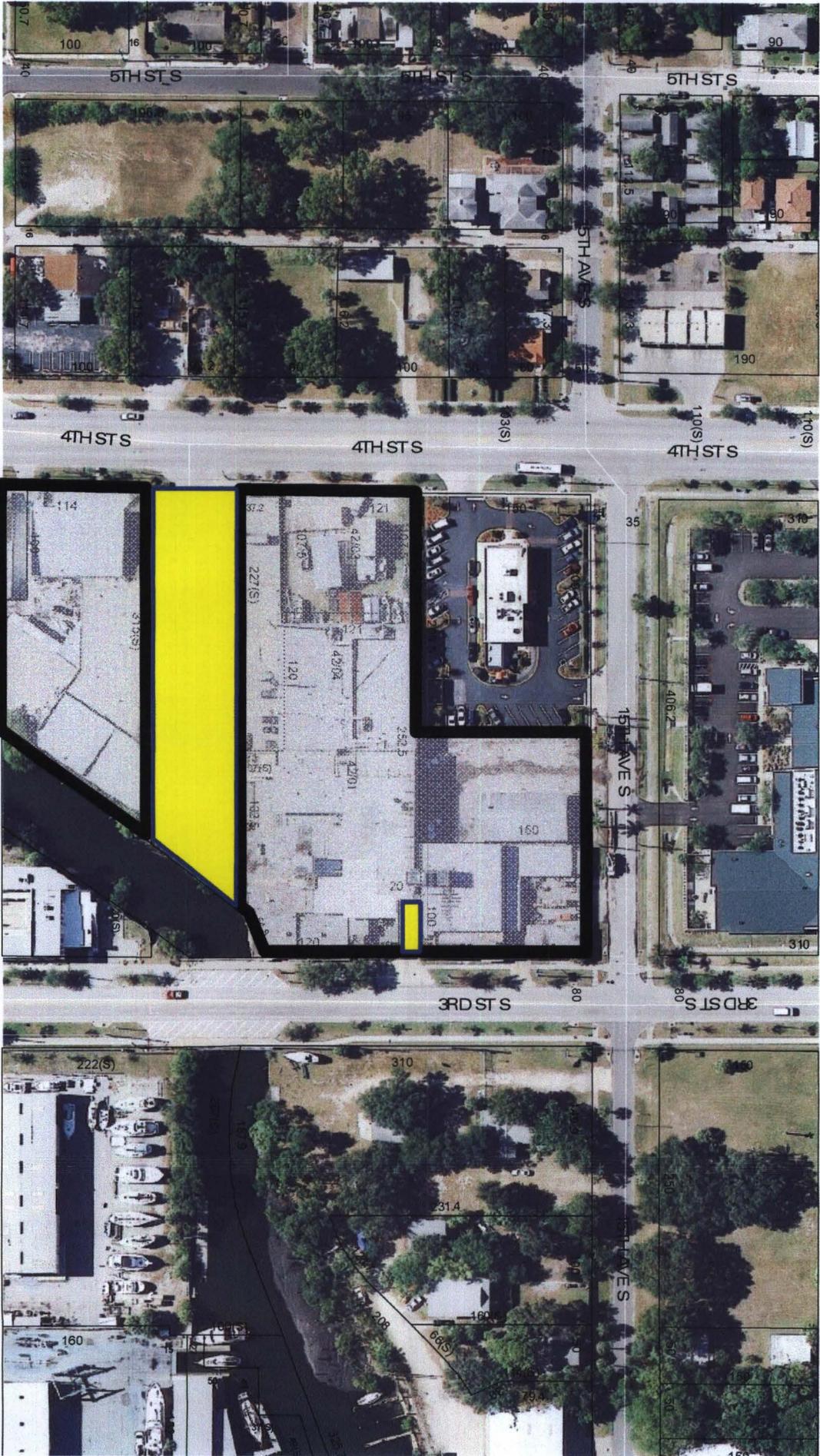












Proposed Vacations (yellow)



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.

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: JOHN MUELLER

ADDRESS: 16110 N FLORIDA AVE

REPRESENTING: TRADITION PROPERTIES

AGENDA ITEM NO. : J-4

FOR: X AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

Attached documents for item Ordinance 70-H 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, within Albert Whitted Park locat

ST. PETERSBURG CITY COUNCIL

Meeting of April 18, 2013

TO: The Honorable Karl Nurse, Chair and Members of City Council

SUBJECT: 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, within Albert Whitted Park located at 480 Bayshore Drive Southeast, St. Petersburg; authorizing the Mayor, or his Designee, to execute all documents necessary to effectuate this ordinance; and providing an effective date.

BACKGROUND: Real Estate & Property Management received a request from the Engineering and Capital Improvements Department asking that we prepare the necessary documents to grant Florida Power Corporation d/b/a Progress Energy Florida, Inc., a Florida corporation ("Progress Energy"), a Public Utility Easement ("Easement") (also referred to by Progress Energy as a "Distribution Easement - Corporate"), within Albert Whitted Park located at 480 Bayshore Drive Southeast, St. Petersburg.

The Easement, as legally described in Exhibit "A", is necessary to install and maintain a pad mounted transformer and associated cabling to provide improved electrical utility service for the boat show and other activities within Albert Whitted Park located at 480 Bayshore Drive Southeast, St. Petersburg. The Easement will have no significant effect on the public's use of the property.

An ordinance is required to authorize the grant of this Easement to Progress Energy as the requested Easement is to be located on land classified as "Park and Waterfront Property." This action is in compliance with Section 1.02(c)(3) of the City Charter that provides "... utility easements may be granted upon specific approval by ordinance where the easement will have no significant effect on the public's use of the property."

RECOMMENDATION: Administration recommends that City Council adopt the attached 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, within Albert Whitted Park located at 480 Bayshore Drive Southeast, St. Petersburg; authorizing the Mayor, or his Designee, to execute all documents necessary to effectuate this ordinance; and providing an effective date.

ATTACHMENTS: Ordinance & Exhibits

APPROVALS: Administration: R. Mussett 3-27-13 *RM*  
Budget: N/A  
Legal: RBS  
(As to consistency w/attached legal documents)

Legal: 00172391.doc PH V. 1

ORDINANCE NO.: \_\_\_\_\_

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, WITHIN ALBERT WHITTED PARK LOCATED AT 480 BAYSHORE DRIVE SOUTHEAST, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The City Council of the City of St. Petersburg, Florida, hereby approves the grant of a Public Utility Easement ("Easement") to Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, to install and maintain a pad mounted transformer and associated cabling to provide improved electrical utility service for the boat show and other activities within Albert Whitted Park located at 480 Bayshore Drive Southeast, St. Petersburg, within the Easement location set forth in the legal description and illustration which are attached hereto as Exhibits "A" and "B" respectively, and incorporated herein.

Section 2. This Easement will have no significant effect on the public's use of the property and is granted pursuant to Section 1.02(c)(3) of the St. Petersburg, Florida, City Charter.

Section 3. The Mayor, or his Designee, is authorized to execute all documents necessary to effectuate this Ordinance.

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.

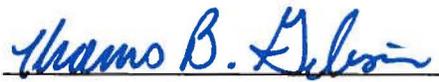
LEGAL:

  
\_\_\_\_\_  
City Attorney (Designee)

APPROVED BY:

  
\_\_\_\_\_  
Clarence Scott, III, Administrator  
Leisure & Community Services

APPROVED BY:

  
\_\_\_\_\_  
Thomas B. Gibson, Director  
Engineering & Capital Improvements

APPROVED BY:

  
\_\_\_\_\_  
Bruce E. Grimes, Director  
Real Estate & Property Management

Legal: 00172391.doc PH V. 1

## EXHIBIT "A"

### (Legal Description of the Easement)

#### PARCEL 1

A portion of Lot 1, Block 3, CENTER FOR THE ARTS, as recorded in Plat Book 134, pages 98 through 102, Public Records of Pinellas County, Florida, lying in Section 20, Township 31 South, Range 17 East, Pinellas County, Florida, more particularly described as follows:

From the Northwest corner of Lot 2, Block 1 of ALBERT WHITTED AIRPORT SECOND REPLAT AND ADDITION, as recorded in Plat Book 112, pages 23 and 24, Public Records of Pinellas County, Florida as a Point of Reference, thence S.00°04'41"E. along the West line of said Lot 2, Block 1, 15.92 feet, to a point lying on the boundary of a Progress Energy Florida, Inc. Distribution Easement as recorded in Official Records Book 16672, Page 2101, Public Records of Pinellas County, Florida; thence along the boundary of said Distribution Easement the following 16 (sixteen) courses: 78°43'22"E., 60.24 feet; thence N.89°54'58"E., 191.88 feet; thence N.74°57'43"E., 52.09 feet; thence S.07°35'48"W., 17.70 feet; thence S.41°06'55"E., 71.19 feet; thence N.89°47'19"E., 418.61 feet; thence N.62°38'49"E., 514.80 feet; thence N.43°55'51"E., 197.05 feet; thence N.62°33'37"E., 56.88 feet; thence N.27°26'22"W., 17.00 feet; thence N.62°33'37"E., 5.73 feet; thence N.07°49'21"W., 209.94 feet; thence S.71°59'21"W., 2.11 feet; thence N.18°00'39"W., 17.00 feet; thence N.71°59'21"E., 17.00 feet; thence S.18°00'39"E., 1.55 feet to the POINT OF BEGINNING; thence departing the boundary of said Distribution Easement, N.71°59'21"E., 13.83 feet; thence S.18°00'39"E., 15.45 feet; thence S.71°59'21"W., 13.83 feet to a point lying on the boundary of said Distribution Easement, said point hereinafter referred to as Point "A"; thence N.18°00'39"W. along said boundary , 15.45 feet to the POINT OF BEGINNING.

Together with:

#### PARCEL 2

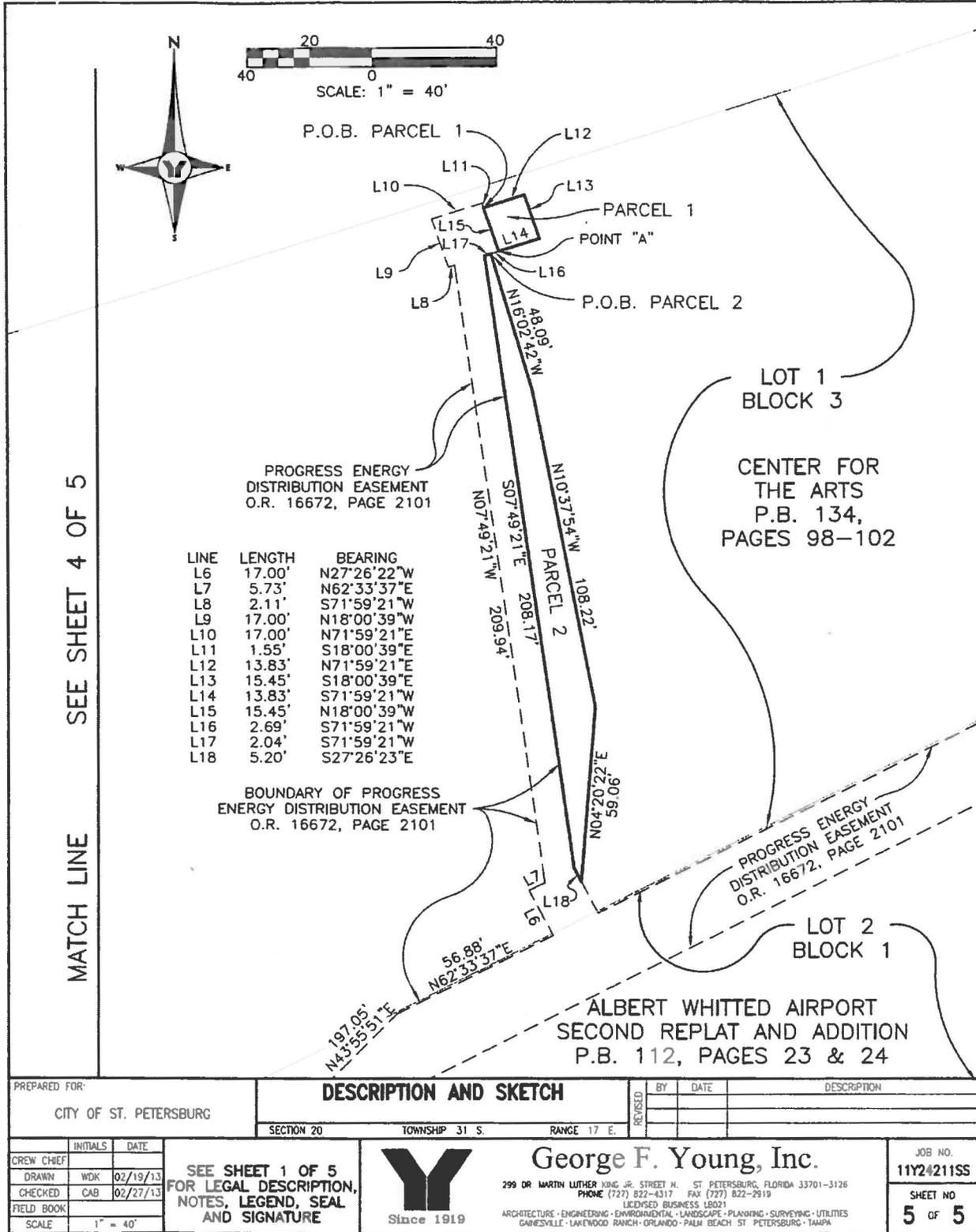
A portion of Lot 1, Block 3, CENTER FOR THE ARTS, as recorded in Plat Book 134, pages 98 through 102, Public Records of Pinellas County, Florida, lying in Section 20, Township 31 South, Range 17 East, Pinellas County, Florida, more particularly described as follows:

From the aforementioned Point "A" as a point of reference, thence S.71°59'21"W. along the boundary of the aforementioned Distribution Easement, 2.69 feet to the POINT OF BEGINNING; thence continue along the boundary of said Distribution Easement the following 3 (three) courses: S.71°59'21"W., 2.04 feet; thence S.07°49'21"E., 208.17 feet; thence S.27°26'23"E., 5.20 feet; thence departing the boundary of said Distribution Easement, N.04°20'22"E., 59.06 feet; thence N.10°37'54"W., 108.22 feet; thence N.16°02'42"W., 48.09 feet to the POINT OF BEGINNING.

Both parcels together containing 2,175 square feet or 0.499 acres, more or less.

# EXHIBIT "B"

(Illustration of the Easement)



PREPARED FOR:

CITY OF ST. PETERSBURG

**DESCRIPTION AND SKETCH**

SECTION 20 TOWNSHIP 31 S. RANGE 17 E.

REVISED	BY	DATE	DESCRIPTION

CREW CHIEF	INITIALS	DATE
DRAWN	WDK	02/19/13
CHECKED	CAB	02/27/13
FIELD BOOK		
SCALE		1" = 40'

**SEE SHEET 1 OF 5 FOR LEGAL DESCRIPTION, NOTES, LEGEND, SEAL AND SIGNATURE**



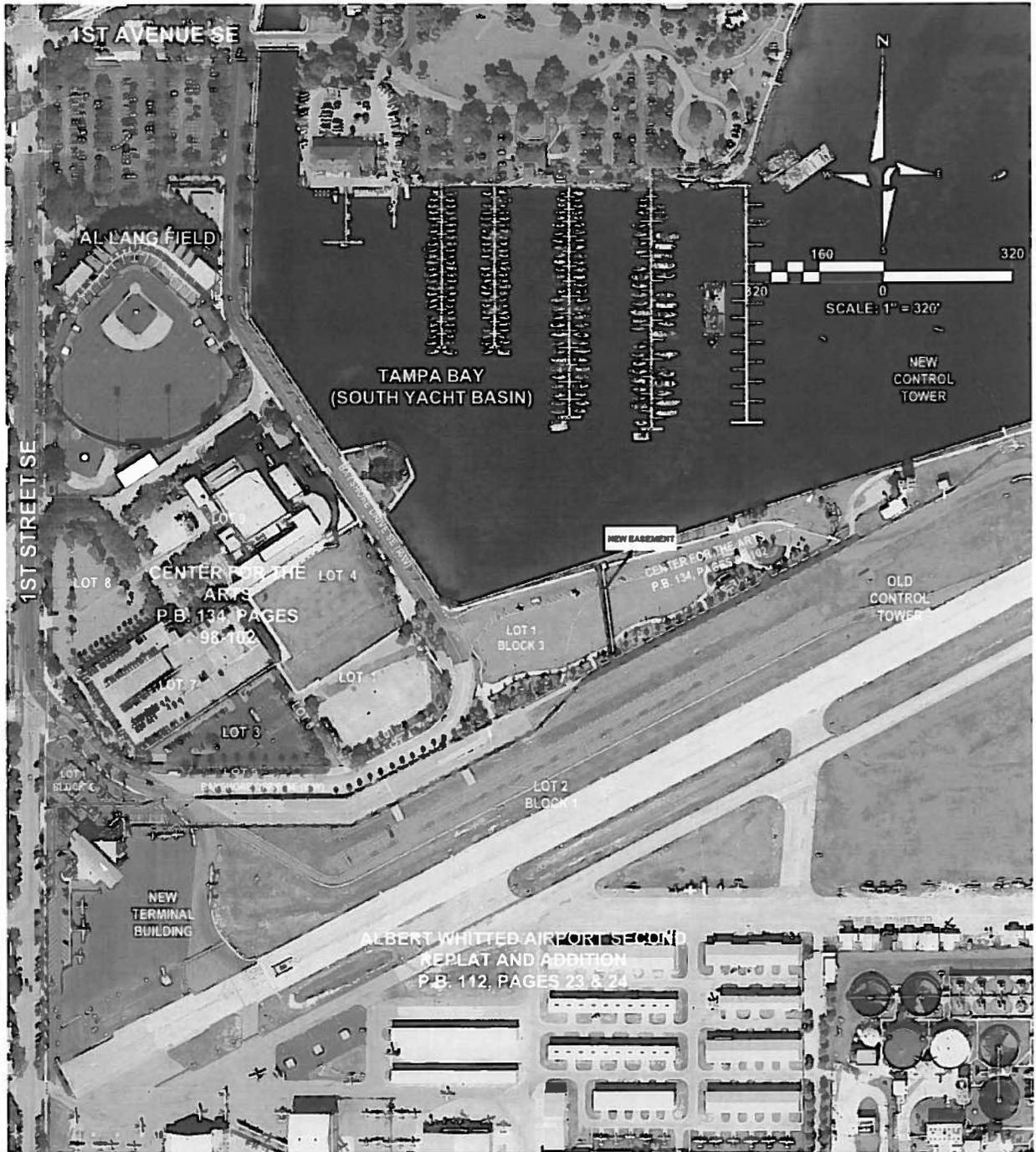
**George F. Young, Inc.**

299 DR. MARTIN LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33701-3126  
 PHONE (727) 822-4317 FAX (727) 822-2919  
 LICENSED BUSINESS 18021  
 ARCHITECTURE • ENGINEERING • ENVIRONMENTAL • LANDSCAPE • PLANNING • SURVEYING • UTILITIES  
 GAINESVILLE • LAKEWOOD RANCH • ORLANDO • PALM BEACH • ST. PETERSBURG • TAMPA

JOB NO.	11Y24211SS
SHEET NO.	5 OF 5

# EXHIBIT "B"

(Aerial of the Easement Location)



# Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} s.s.

Before the undersigned authority personally appeared **B. Harr** 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 NOTICE OF PUBLIC HEARING - ORDINANCES 1047-V, 70-H, 71-H** was published in said newspaper in the issues of **Neighborhood Times St Petersburg**, 4/7/2013.

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.



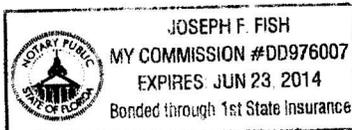
Signature of Affiant

Sworn to and subscribed before me  
this 9th day of April A.D.2013

  
Signature of Notary Public

Personally known  or produced identification

Type of identification produced \_\_\_\_\_



LEGAL NOTICE

## PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

### PROPOSED ORDINANCE NO. 1047-V

AN ORDINANCE APPROVING A VACATION OF 16TH AVENUE SOUTH BETWEEN 3RD AND 4TH STREET SOUTH AND A DEAD-END ALLEY REMNANT LYING SOUTH OF 15TH AVENUE SOUTH AND WEST OF 3RD STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

### PROPOSED ORDINANCE NO. 70-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, WITHIN ALBERT WHITTED PARK LOCATED AT 480 BAYSHORE DRIVE SOUTHEAST, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

### PROPOSED ORDINANCE NO. 71-H

AN ORDINANCE AMENDING SECTION 22-206 OF THE ST. PETERSBURG CITY CODE TO AMEND THE MAXIMUM ALLOWABLE MONTHS OF DROP PARTICIPATION; AND PROVIDING AN EFFECTIVE DATE.

**Date: April 18, 2013 Time: 6:00 p.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

4/7/2013

938114-01

J-5

Attached documents for item Ordinance 71-H amending Section 22-206 of the St. Petersburg City Code relating to the Supplemental Firefighter's Retirement System ("Plan") to increase the maximum number of months an employee may participate in the Deferred Retirement Option Plan (DROP)

**St. Petersburg City Council Agenda Item  
Meeting of April 18, 2013**

**To:           The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:**       An ordinance amending Section 22-206 of the St. Petersburg City Code relating to the Supplemental Firefighter's Retirement System ('Plan') to increase the maximum number of months an employee may participate in the Deferred Retirement Option Plan (DROP)

**Action Being Requested:**   Council action is being sought to approve amendments to the City Code that pertain to the Supplemental Firefighter's Retirement System for the purpose of increasing the maximum period of DROP participation from 60 to 84 months.

**Summary:**       Section 22-206(c) of the current Plan permits members to participate in the DROP for up to 60 months but not to exceed the date when their total combined active employment service and DROP participation equals 35 years.

The City and St. Petersburg Association of Firefighters, Local 747 signed a Memorandum of Understanding on March 7, 2013 extending the allowable DROP period to 84 months. However, total combined active employment service and DROP participation remains at 35 years.

The ordinance would apply to current active members of the Plan and any members hired after the effective date. The ordinance would also extend the allowable DROP participation for members currently participating in the DROP but who have not yet severed employment with the City.

**Cost:**

**Recommendations:**

Recommended City Council Action:  
Approve Ordinance at Public Hearing on April 18, 2013

- Attachments: (1) Proposed Ordinance  
                  (2) Memorandum of Understanding  
                  (3) Actuarial Impact Statement

**Approvals:**

  
Administration

\_\_\_\_\_ 3/14/13  
Date

  
Budget

\_\_\_\_\_ 3-21-13  
Date

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE**

**CITY OF ST. PETERSBURG**

**AND**

**THE ST. PETERSBURG ASSOCIATION OF FIREFIGHTERS, LOCAL 747**

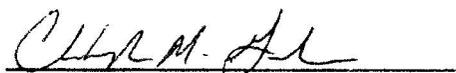
**RANK AND FILE UNIT AND SUPERVISORS UNIT**

**SUBJECT: Article 26 – DROP Extension**

The parties agree that the Deferred Retirement Option Plan (DROP) participation period for members of both the Rank and File Unit and Supervisors Unit shall increase from five (5) years to seven (7) years contingent upon approval of City Council and the State of Florida Benefits Administrator. The parties further agree that the maximum years of service combined with DROP participation shall remain at thirty-five (35) years.

Signed by the duly authorized representatives of the above referenced parties this 7<sup>th</sup>  
day of March, 2013

**For the City**



Christopher M. Guella  
Labor Relations & Compensation Manager

**For the Union**



Michael Blank, President  
St. Petersburg Association of  
Firefighters, Local 747, IAFF

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 22-206  
OF THE ST. PETERSBURG CITY CODE TO  
AMEND THE MAXIMUM ALLOWABLE  
MONTHS OF DROP PARTICIPATION; AND  
PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That Section 22-206 of the St. Petersburg City Code is amended to read as follows:

**Sec. 22-206. - Deferred Retirement Option Plan (DROP).**

- (a) A member will be eligible to elect to enroll in the DROP at the time he is eligible to retire under the early retirement or normal age or service provisions of the plan and begin drawing immediate pension benefits as defined in section 22-201(a). Participation in the DROP cannot commence before the member is eligible to retire. Any member having more than 30 years of service at the time the DROP becomes available will be eligible to participate in the DROP; however, a member's combined years of service and years in the DROP cannot total more than 35 years. A member with 35 or more years of service cannot participate in the DROP. Application for participation in the DROP will be made through the POD.
- (b) Once the DROP is entered, a member will be considered "retired" for pension purposes and cannot accrue any additional benefits under the plan, and will no longer be eligible for disability or pre-retirement death benefits. Creditable service ceases and is no longer accrued once a member enters DROP. Contributions by the member and the City normal cost contributions to the applicable pension fund on behalf of the member will cease when participation in the DROP commences. Pension benefits are calculated at the time of entry into the DROP using the earnings base and creditable service as in normal retirement benefit calculations. Any future earnings while employed by the City do not have any effect on pension benefits.
- (c) When a member commences participation in the DROP, he shall not have the right to participate again as a contributing member of the pension plan. Election in the DROP is irrevocable once DROP payments begin. Total years of participation in the DROP shall not exceed ~~60~~ 84 months. Once the member has completed participation in DROP, he will be separated from City employment as a firefighter; this separation shall be processed as a voluntary retirement.
- (d) Members who are actively employed firefighters of the City on the effective date of this ordinance, including those members who previously enrolled in the DROP but have not terminated employment as a firefighter, may participate in the DROP for up to 84 months.

- (d)(e) Once the member has entered the DROP, pension payments will be transferred to the member's DROP account on a monthly basis. This transfer will occur at the same time pension payments are made to other retirees or beneficiaries.
- (e) (f) The Board may select one third party administrator (TPA) to manage the members' DROP accounts or more than one TPA. If the Board selects more than one TPA, each DROP member will choose the TPA that they want to administer their DROP account. The Board may contract with the TPAs regarding services, fees, investment fund options, withdrawal options and other administrative matters related to DROP. The TPAs will provide statements to the members regarding the performance of their DROP accounts on at least a quarterly basis. The Board may adopt rules and procedures for the administration of the DROP including, but not limited to, the process for enrolling in the DROP, transferring between TPAs, if applicable, and processing withdrawals from the DROP at the end of the member's DROP participation. If the Board selects one or more TPAs to manage the members' DROP accounts, all existing and future DROP members' accounts shall be administered by the TPAs selected by the Board.
- (f) (g) Unless and until the Board selects one or more TPAs to manage the members' DROP accounts, the transfer of pension funds into the member's DROP account will be an accounting function only. The funds will not physically be transferred. The DROP account will be an account in "bookkeeping" sense only until separation from employment as a firefighter and payout of the account. All DROP accounts will remain in the pension fund for investment purposes, be administered by the Board, and earn or lose interest at the rate of return on the actuarial value of assets calculated annually as reported to the division of retirement pursuant to part IV of chapter 112, State statutes (F.S. ch. 112). No further interest will accrue on the account after the month of separation. To compensate the retirement system for the expense of administering and operating the DROP, each participating member's account shall be charged an annual administrative fee of 0.25 percent of the account earnings which will be deducted from the participating member's account quarterly. The administrative fee shall be reviewed annually by the Board. The board may make reasonable increases or decreases to the administrative fee by resolution. Funds are not transferable from the pension fund into any other investment vehicles. Annual reports regarding the DROP account balance, earnings and losses will be made available to the member.
- (g) (h) At no time during participation in the DROP will the member have access to, or be able to borrow against, any of the funds in the DROP account whether the funds remain in the pension fund or are administered by one or more TPAs.
- (h) (i) Payments to a DROP account shall not be considered an asset of the retirement system which may be pledged against claims owed to others. Rather, these are deferred payments which have already been earned by the member and are not subject to distribution or control by the member until separation from employment

as a firefighter. Except as otherwise provided by law, no amendment to the Code shall make it possible for any part of the DROP funds to be used for, or diverted to purposes other than for the exclusive benefit of persons entitled to benefits under the DROP.

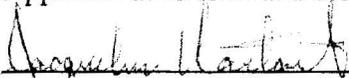
- (j) All benefits payable under the DROP shall be paid only from the assets of the DROP and neither the City nor the Board shall have any duty or liability to furnish the DROP with any funds, securities, or other assets except to the extent required by any applicable law. Employees who choose to participate in the DROP will be solely responsible for their investment choices. Any losses, changes or expenses incurred as a result of the participant's investment selection or otherwise incurred shall not be made up by the City or the Board, but all of the same shall be borne exclusively and solely by the participant.
- (k) Nothing in this section shall be construed to remove DROP participants from the operation of any forfeiture provisions applicable to the retirement system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP retirement benefits.
- (l) A member's election to participate in the DROP shall make him or her ineligible to vote for member trustees or serve as a member trustee.
- (m) Upon separation of employment as a firefighter, retirement benefits shall be paid to the retiree and no longer be transferred into the DROP account. If the Board has selected one or more TPAs to manage the members' DROP accounts, the initial payment from the DROP must be approved by the Board and comply with the Internal Revenue Code. Future payments and changes in payment methods will be administered as provided in the agreement with the TPA and in compliance with the Internal Revenue Code. If a DROP participant dies while still participating in the plan or before the DROP payout is made, the designated beneficiary shall have payout options as provided in the agreement with the TPA and in compliance with the Internal Revenue Code.

If there is no third party administration of the DROP accounts and the DROP funds remain in the pension fund, the initial payment from the DROP must be approved by the Board and comply with the Internal Revenue Code. Within 60 days after the end of the calendar quarter following separation from employment as a firefighter with the City, the DROP account shall be payable, at the retiree's option, by a direct rollover of the total amount into an eligible retirement plan, by a partial lump sum payment with the remainder being directly rolled over into an eligible retirement plan, or by payment of the entire amount in a lump sum to the retiree. Failure of the retiree to designate a payment option will result in a lump sum payout. Payouts, including lump sum payouts, will be made at the same time that regular pension payments are made to retirees. If a DROP participant dies while still participating in the plan or before the DROP payout is made, the designated beneficiary shall have the same rights to elect and receive the same payout options as were available to the participant.

SECTION 2. Language which is ~~struck through~~ indicates deletions, and language which is underlined indicates additions.

SECTION 3. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth (5<sup>th</sup>) 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:

  
\_\_\_\_\_  
**Assistant City Attorney**

  
\_\_\_\_\_  
**City Administration**

3/14/13  
\_\_\_\_\_  
**Date**

3/14/13  
\_\_\_\_\_  
**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 **B. Harr** 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 NOTICE OF PUBLIC HEARING - ORDINANCES 1047-V, 70-H, 71-H** was published in said newspaper in the issues of **Neighborhood Times St Petersburg, 4/7/2013**.

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

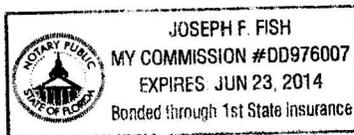
Sworn to and subscribed before me  
this 9th day of April A.D.2013



Signature of Notary Public

Personally known  or produced identification

Type of identification produced \_\_\_\_\_



LEGAL NOTICE

## PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

### PROPOSED ORDINANCE NO. 1047-V

AN ORDINANCE APPROVING A VACATION OF 16TH AVENUE SOUTH BETWEEN 3RD AND 4TH STREET SOUTH AND A DEAD-END ALLEY REMNANT LYING SOUTH OF 15TH AVENUE SOUTH AND WEST OF 3RD STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

### PROPOSED ORDINANCE NO. 70-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, WITHIN ALBERT WHITTED PARK LOCATED AT 480 BAYSHORE DRIVE SOUTHEAST, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

### PROPOSED ORDINANCE NO. 71-H

AN ORDINANCE AMENDING SECTION 22-206 OF THE ST. PETERSBURG CITY CODE TO AMEND THE MAXIMUM ALLOWABLE MONTHS OF DROP PARTICIPATION; AND PROVIDING AN EFFECTIVE DATE.

**Date: April 18, 2013 Time: 6:00 p.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

4/7/2013

938114-01



Attached documents for item Appeal of Suspension of Extended Hours Permit for the Scene Premium Nighclub. [DELETED]

Law Offices  
of  
**ROBERT A. LOVE**  
*Attorney and Counsellor at Law*

4/18

**P.O. Box 55426**  
**St. Petersburg, Florida 33732-5426**  
(Mailing Address)

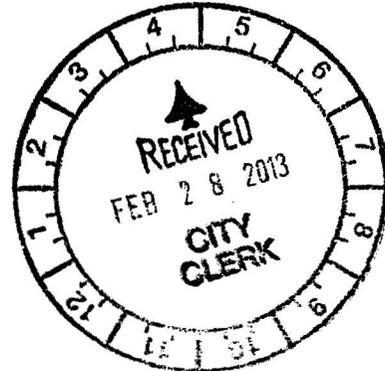
(727) 328-7841  
(727) 528-3816 Fax

**The Alexander Building**  
**535 Central Avenue, Suite 409**  
**St. Petersburg, Florida 33701**

City of St. Petersburg Florida  
City Clerk  
St. Petersburg, Fl.

February 28, 2013

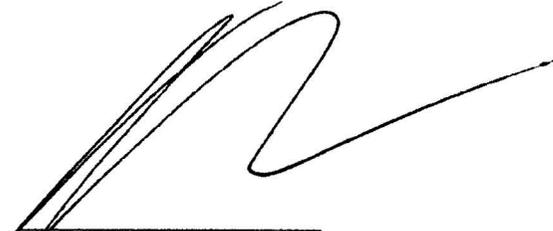
Re: Appeal of Suspension of Extended Hours Permit  
for Scene Premium Nightclub



Dear Clerk:

Please be advised that this is a Notice of Appeal regarding the attached Notice of Suspension of Extended Hours Permit as to the Scene Premium Nightclub. The address for said establishment is 211 3rd Street South, St. Petersburg, Fl. 33701-4234. Be further advised that I am authorized to be the attorney for said establishment regarding this appeal.

This appeal is directed towards the facts surrounding charges of Presence of Minors and the decision to Suspend After Hours Permitting for a period of thirty (30) days.

  
Robert A. Love, Esq.

  
Tamika Coley  
Permittee

J-7



LOYALTY INTEGRITY FIDELITY

**CITY OF ST. PETERSBURG**  
**Charles "Chuck" Harmon**  
**Chief of Police**  
1300 First Avenue North  
St. Petersburg, FL 33705  
Phone: (727) 893-7967  
Fax: (727) 892-5040  
Website: www.stpete.org

**ST. PETERSBURG POLICE DEPARTMENT**

February 26, 2013

Scene Premium Nightclub  
211 3rd Street South  
St. Petersburg, FL 33701-4234

**SUSPENSION PERIOD: 3/1/13 THRU 3/31/13**  
**DATE OF HAND DELIVERY SERVICE: 2/26/13**  
Served by: Bradley Lightfield

**DATE OF MAILED DELIVERY: 2/26/13**  
Mailed by: Elizabeth Ledbetter

Re: Suspension of Extended Hours Permit

Dear Ms. Tamika Coley:

Pursuant to City Code Section 3-8(h)(1), the Extended Hours Permit issued to Scene Premium Nightclub is suspended for thirty (30) days beginning on the first day of the Suspension Period identified above, through and including the last day. The reason for this suspension is a violation of subparagraph f. which states:

- (1) Suspension. The Chief of Police *shall* suspend a permit for thirty (30) days if the Chief determines that a permittee has committed any one or more of the following acts:
  - f. Permitted the possession or consumption by a minor of an alcoholic beverage at the establishment, or the sale of a minor of an alcoholic beverage at the established, or allowed a minor to enter and remain at the establishment.

This suspension means your establishment may not be open after midnight at any time during the above referenced thirty day Suspension Period (no member of the public may be in your establishment after midnight). Failure to comply with this suspension will lead to a revocation of the permit for one year. This action was taken as a result of the arrest of Trevor Mallory on February 20, 2013, for a violation of City Code Section 3-13, Presence of Minors.

You have the right to appeal this suspension within ten (10) days. A copy of the ordinance is enclosed for your review. The procedures related to an appeal are outlined in the ordinance and in Chapter 16.70 of the City Code of the City of St. Petersburg which can be obtained online or by contacting the City Clerk.

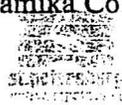
Sincerely,

Charles "Chuck" Harmon  
Chief of Police

CCH:ejml  
Enclosure

cc: Major Sharon Carron  
Glenn MacKinnon, Revenue Officer  
Eva Andujar, City Clerk

Permittee - Tamika Coley at P.O. Box 12153, St. Petersburg, FL 33701



*Sent Email Notice*

**Cathy Davis - Appeal - Scene Premium Nightclub (Robert A. Love, Esq.)**

---

**From:** Cathy Davis  
**To:** Carron, Sharon; Ledbetter, Elizabeth; MacKinnon, Glenn; Winn, Mark  
**Date:** 2/28/2013 3:54 PM  
**Subject:** Appeal - Scene Premium Nightclub (Robert A. Love, Esq.)  
**CC:** Dukeman, Gary; Gibson, Don; Morton, Randall  
**Attachments:** DOC055.pdf

---

Good afternoon all - The Clerk's Office has received an appeal for the following establishment:

Appeal of Suspension of Extended Hours Permit for Scene Premium Nightclub - 211 3rd Street South, St. Petersburg, Fl 33701

(Copy attached)

Cathy E. Davis  
Deputy City Clerk  
Office of City Clerk  
City of St. Petersburg  
175 5th Street North 33701  
Phone: (727) 893-7447  
Fax: (727) 893-5102  
Email: [Cathy.Davis@stpete.org](mailto:Cathy.Davis@stpete.org)

**Eva Andujar - Re: Suspension of Extended Hours Permit - Scene Premium Nightclub**

**From:** Mark Winn  
**To:** Andujar, Eva; Carron, Sharon; Ledbetter, Elizabeth; MacKinnon, Glenn  
**Date:** 2/26/2013 5:27 PM  
**Subject:** Re: Suspension of Extended Hours Permit - Scene Premium Nightclub  
**CC:** Dukeman, Gary; Gibson, Don; Morton, Randall

Unfortunately, 3/1 through 3/31 is 31 days, not 30. The ordinance only provides for a 30 day suspension. We'll need to amend the suspension to provide that the suspension is through and including 3/30.

For clarification, 3/1 is Friday.

Does this mean they close at midnight Thursday, 2/28, or midnight on 3/1 (technically then Saturday at 12:01 a.m.)?

I would think the latter. Either way, we should clarify that point when we amend the suspension date.

Eva, service was 2/26, this means the appeal period ends Friday, 3/8 at close of business.

Let me know if you have questions.

Mark

Mark A. Winn  
Chief Assistant City Attorney  
City of St. Petersburg, FL  
P.O. Box 2842  
St. Petersburg, FL 33731  
727.893.7401

*per Belinda -  
there is no  
appeal fee!*

The information contained in this email and any accompanying attachment(s) is intended only for the addressee (s) listed above. If you are not the intended recipient of this information, any disclosure, copying, or distribution of this information is strictly prohibited. If you received this email in error, please notify the sender immediately by return email or by calling (727)893-7401. In addition, please note that, pursuant to Florida Statutes Chapter 119, this or any other written or electronic communication with this office, including email addresses, may be subject to public disclosure unless expressly made exempt by that statute.

>>> Elizabeth Ledbetter 2/26/2013 4:42 PM >>>

Attached is the Notice of Suspension of the Extended Hours Permit for Scene Premium Nightclub located at 211 3rd Street South. The suspension period is from 3/1 through 3/31/2013.

Eva, will you please advise us immediately if an appeal is filed on behalf of the permittee.

Glenn, as I mentioned to you earlier, this will only affect Business Tax if the owners attempt to request another permit by changing the name of the business or changing the principals of the business. I'd appreciate if you let me know, if at all possible, if such an attempt is made.

If anyone has any questions, concerns or comments, please feel free to call.

Thanks,  
Lisa

## **Eva Andujar - Suspension of Extended Hours Permit - Scene Premium Nightclub**

---

**From:** Elizabeth Ledbetter  
**To:** Andujar, Eva; Carron, Sharon; MacKinnon, Glenn  
**Date:** 2/26/2013 4:42 PM  
**Subject:** Suspension of Extended Hours Permit - Scene Premium Nightclub  
**CC:** Dukeman, Gary; Gibson, Don; Morton, Randall; Winn, Mark  
**Attachments:** 211 3rd Street South.pdf

---

Attached is the Notice of Suspension of the Extended Hours Permit for Scene Premium Nightclub located at 211 3rd Street South. The suspension period is from 3/1 through 3/31/2013.

Eva, will you please advise us immediately if an appeal is filed on behalf of the permittee.

Glenn, as I mentioned to you earlier, this will only affect Business Tax if the owners attempt to request another permit by changing the name of the business or changing the principals of the business. I'd appreciate if you let me know, if at all possible, if such an attempt is made.

If anyone has any questions, concerns or comments, please feel free to call.

Thanks,  
Lisa

Elizabeth Ledbetter  
Nuisance Abatement Coordinator  
Forfeiture Award Administrator  
St. Petersburg Police Department  
1300 First Avenue North  
St. Petersburg, FL 33705  
(727) 892-5427 (Office)  
(727) 893-4244 (Fax)  
[Elizabeth.Ledbetter@StPete.org](mailto:Elizabeth.Ledbetter@StPete.org)

### Confidentiality Statement

This communication contains information which is confidential. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) please note that any form of distribution, copying, forwarding or use of this communication, or the information therein, is strictly prohibited and may be unlawful. If you have received this communication in error, please, return it to the sender and then delete the communication and destroy any copies.



LOYALTY INTEGRITY FIDELITY

**CITY OF ST. PETERSBURG**

**Charles "Chuck" Harmon**

**Chief of Police**

1300 First Avenue North

St. Petersburg, FL 33705

Phone: (727) 893-7967

Fax: (727) 892-5040

Website: www.stpete.org

## ST. PETERSBURG POLICE DEPARTMENT

February 26, 2013

Scene Premium Nightclub  
211 3rd Street South  
St. Petersburg, FL 33701-4234

**SUSPENSION PERIOD: 3/1/13 THRU 3/31/13**  
**DATE OF HAND DELIVERY SERVICE: 2/26/13**  
Served by: Bradley Lightfield

**DATE OF MAILED DELIVERY: 2/26/13**  
Mailed by: Elizabeth Ledbetter

Re: Suspension of Extended Hours Permit

Dear Ms. Tamika Coley:

Pursuant to City Code Section 3-8(h)(1), the Extended Hours Permit issued to Scene Premium Nightclub is suspended for thirty (30) days beginning on the first day of the Suspension Period identified above, through and including the last day. The reason for this suspension is a violation of subparagraph f. which states:

- (1) Suspension. The Chief of Police *shall* suspend a permit for thirty (30) days if the Chief determines that a permittee has committed any one or more of the following acts:
  - f. Permitted the possession or consumption by a minor of an alcoholic beverage at the establishment, or the sale of a minor of an alcoholic beverage at the established, or allowed a minor to enter and remain at the establishment.

This suspension means your establishment may not be open after midnight at any time during the above referenced thirty day Suspension Period (no member of the public may be in your establishment after midnight). Failure to comply with this suspension will lead to a revocation of the permit for one year. This action was taken as a result of the arrest of Trevor Mallory on February 20, 2013, for a violation of City Code Section 3-13, Presence of Minors.

You have the right to appeal this suspension within ten (10) days. A copy of the ordinance is enclosed for your review. The procedures related to an appeal are outlined in the ordinance and in Chapter 16.70 of the City Code of the City of St. Petersburg which can be obtained online or by contacting the City Clerk.

Sincerely,

Charles "Chuck" Harmon  
Chief of Police

CCH:ejml  
Enclosure

cc: Major Sharon Carron  
Glenn MacKinnon, Revenue Officer  
Eva Andujar, City Clerk  
Permittee - Tamika Coley at P.O. Box 12153, St. Petersburg, FL 33701



ORDINANCE NO. 58-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE TO CREATE NEW SECTIONS REGULATING THE CLOSING HOURS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS; REQUIRING EXTENDED HOURS PERMITS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS SERVING ALCOHOL AFTER MIDNIGHT; PROVIDING REQUIREMENTS FOR SECURITY; PROVIDING FOR SUSPENSION AND REVOCATION OF PERMITS; PROVIDING FOR APPEALS; ESTABLISHING FEES; ESTABLISHING AND AMENDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The St. Petersburg City Code is hereby amended by adding a new Section 3-8 to read as follows:

Section 3-8. Permits for extended hours for alcoholic beverage establishments.

(a) Purpose and Findings. The increase in the number of bars, nightclubs, restaurants, and other establishments licensed to sell alcoholic beverages in the City has caused an increase in the number of people in the downtown area and other locations in the City at any given time. The downtown area is a small area with a large number of these establishments in close proximity. At night, this large concentration of establishments and greater number of persons has at times created certain negative impacts and a need for an increase in security and law enforcement personnel. The increased patronage of persons at such establishments at other locations in the City has also, at times, created certain negative impacts and a need for an increase in security and law enforcement personnel. It is reasonable and appropriate for these establishments to provide for the security needs of their patrons to help mitigate the impacts created by their operations. The ability to sell, offer for sale, deliver or permit to be consumed upon the premises any alcoholic beverage beyond midnight on any day of the week is hereby declared to be, and is, a privilege subject to modification, suspension or termination by the City. No person or establishment may reasonably rely on a continuation of that privilege. As a condition of the continuation of this privilege, these establishments should take all necessary steps to minimize or eliminate the negative impacts that their establishment may cause. The implementation of the permit process in this section is a necessary first step to achieve this goal.

(b) Prohibition. No owner, manager or employee (hereinafter collectively the 'permittee') of an establishment dealing in alcoholic beverages for consumption on the premises within the City (hereinafter 'establishment') may sell, offer to sell, deliver, serve or permit the consumption of any alcoholic beverages after midnight unless the establishment has an extended hours permit (hereinafter 'permit') from the City and is in compliance with all conditions of the permit. 'Dealing in alcoholic beverages' shall mean, but not be limited to, the sale, offering to sell, delivering, serving or permitting the consumption of alcoholic beverages. For the purposes of this section, an establishment shall include but is not limited to, bottle clubs, clubs, restaurants, bars, caterers of catered events and any other establishment for which the on premise consumption of alcohol is permitted but shall not include a restaurant which serves its full dinner menu (not a limited menu such as a 'bar' menu, 'late night' menu, etc.) during the time alcohol is sold for consumption on the premises. The provisions of this section shall not impair or impact an establishment's ability to remain open prior to midnight.

(c) Application required. Any establishment that desires to remain open for business after midnight on any night shall make an application for a permit.

(d) Application. The application for a permit shall be on the form provided by the POD accompanied by the application fee set forth in Chapter 12. The applicant shall complete the application by providing all the information requested, including but not limited to the name and address where notices related to this section are to be served. The POD may request any information reasonably necessary to issue the permit.

(1) The POD shall review the application and, if the application is complete, a permit shall be issued which allows the establishment to sell, serve and dispense alcoholic beverages after midnight until the permitted closing hour (currently 3:00 a.m.). If an applicant is not an individual (eg. corporation, partnership, etc.), the POD may deny a permit if any principal (eg. officer, director, partner, business manager, etc.) of the applicant was directly associated with a permittee that had a permit revoked and that revocation is still in effect.

(2) If the permitted closing hour changes, the permit shall allow the establishment to sell, serve and dispense alcoholic beverages until the new permitted closing hour. The permit shall be conspicuously posted near the alcoholic beverage license for the establishment. The establishment must have a current business tax receipt before an extended hours permit may be issued. The extended hours permit may be shown on the business tax receipt.

(3) Permittees shall amend the application that is on file with the POD within thirty (30) days if any of the information set forth on the application form changes. In the event that there has been a change in ownership or a change in location of the establishment, the permittee shall immediately notify the POD and a new application shall be processed after payment of the required fee.

(4) Each permit shall expire at midnight on September 30. The permit may be renewed annually after payment of a renewal fee as set forth in Chapter 12, unless the permit has been suspended or revoked by the POD or the state beverage license has been revoked. If an establishment fails to renew the permit, it shall not remain open after midnight. Any renewal application received by the POD after September 30 shall be subject to the payment of a late fee of \$200 for each month, or any portion thereof, after September 30 (e.g. an applicant applying on October 1 shall owe a \$200 late fee, an applicant applying on November 1 shall owe a \$400 late fee).

(5) If an establishment has a sidewalk café area, a condition of every permit shall be that the establishment shall have an approved, current, valid sidewalk café permit, prior to approval of the permit or renewal. If the establishment does not have a valid sidewalk café permit and is in a DC zoning district, the establishment shall post a sign on the exterior of the establishment facing the street right of way, which sign shall be at least one foot by two feet, containing substantially the following information in letters not less than two inches in height: It is unlawful to consume alcoholic beverages on the sidewalk in front of this establishment.

(e) Acceptance of, and operation pursuant to, a permit shall be deemed to be the approval, permission and authorization by the owner of the establishment for any law enforcement officer to enter the establishment, when such establishment is open, and conduct a search to determine whether any provisions of law are being violated. 'Open', for the purpose of this section, shall mean any time members of the public are inside the establishment, whether or not they have paid a fee to enter or whether or not their presence is pursuant to a private event. It is unlawful for any permittee to refuse to permit a lawful inspection of the establishment at any time it is open.

(f) Although not required, police officers may, at their discretion, issue written warnings that shall not be considered a notice of violation, to put an establishment on notice that a particular problem or problems must be addressed and could result in a notice of violation, or suspension or revocation of the permit, if not corrected.

(g) Penalty. The penalty for operating an establishment after midnight without a valid permit, in violation of any provision of this section, or of failing to comply with any condition of a permit, shall be a \$500 fine and the City may initiate any other actions to insure compliance with this section.

(h) Suspension and Revocation.

(1) Suspension. The Chief of Police shall suspend a permit for thirty (30) days if the Chief determines that a permittee has committed any one or more of the following acts:

a. Convicted of violating any provision of the City Code relating to the establishment (conviction shall not include pretrial pleas);

- b. Engaged in, or allowed, the use of alcoholic beverages at the establishment after closing hours by any person;
  - c. Refused to allow an inspection of the establishment as authorized by this Section;
  - d. Knowingly permitted the use of controlled substances at the establishment, or should have known of the use of a controlled substance and took no steps to prevent it;
  - e. Knowingly permitted gambling by any person at the establishment;
  - f. Permitted the possession or consumption by a minor of an alcoholic beverage at the establishment, or the sale to a minor of an alcoholic beverage at the establishment, or allowed a minor to enter and remain at the establishment;
  - g. Convicted of violating any condition of a permit;
  - h. Provided inadequate security on more than two occasions in a year. The Chief shall notify the establishment in writing, by hand delivery to the establishment and first class mail to the permittee, within ten calendar days of each occasion when there has been inadequate security and how the security was inadequate. Inadequate security means, for the purposes of this section, that the establishment did not provide at least one 'security officer per each 150 occupants or any portion thereof (bartenders, barbacks and other employees with duties unrelated to security shall not be counted as a security officer)', did not wand patrons on entry, or did not have full video surveillance of all public areas at the establishment with signs posted which warn the public, and a violent crime occurred at the establishment or in the right of way abutting the establishment that could have been avoided with the implementation of one or more security measures.
  - i. Failure to comply with any condition of an approved security plan.
- (2) Suspensions will continue for the full thirty days and no permit shall be issued during the suspension for the establishment.
- (3) Revocation. The Chief shall revoke a permit if:
- a. The permit is suspended twice within any 12-month period;
  - b. The permittee has given false or misleading information in the material submitted during the application process;

- c. The permittee has knowingly allowed the sale of controlled substances or any derivative thereof at the establishment;
  - d. A permittee allowed a member of the public to enter the establishment during a period of time when the permit was suspended.
- (4) A revocation is effective for one year. The permittee shall not be issued a permit for the establishment, or any other establishment, for one year from the date the revocation became final. If, subsequent to revocation, the Chief determines that the basis for the revocation action has been corrected or abated, or the permittee has taken action to ensure that the basis for the revocation will not occur again, which action(s) the Chief reasonably believes will ensure that the basis for the revocation will not occur again, the permittee may be granted a new permit if at least 90 days have elapsed since the date the revocation became final.
- (5) Notice of a suspension or revocation shall be made in writing, by hand delivery to the establishment and first class mail to the permittee. The notice shall identify the length of the suspension or revocation and the date of the first and last day the suspension or revocation is effective.
- (6) For a suspendable offense, in lieu of suspension, the permittee may implement a security plan approved by the Chief which the Chief reasonably believes will ensure that the basis for the suspension will not occur again. The security plan shall include specific measures to address any concerns the Chief may have. In addition to the concerns related to the suspendable offense, the Chief may consider any other issues with the establishment in approving a security plan. Other issues may relate to any citizen complaints, city code issues or law enforcement issues or responses to calls. Conditions of the security plan may include, but are not limited to, requirements for the hiring of off duty law enforcement officers, private interior security persons, doormen, wandng of patrons, installation of security cameras, and employee training. Requirements for the hiring of officers or employees may be limited to certain days. The security plan shall be in effect for six months. Payment for the cost of off duty law enforcement officers shall be made in advance or an acceptable plan for payment must be made which must be approved by the Chief.
- (7) The fact that a conviction is being appealed shall have no effect on the suspension or revocation of the permit.
- (i) Appeals. If the Chief denies the issuance or renewal of a permit or suspends or revokes a permit, the Chief shall send the permittee, by hand delivery to the establishment and first class mail to the permittee, written notice of the action and the right to an appeal.

The permittee may appeal the decision of the Chief to the City Council by following the procedures set forth in Chapter 16 for appeals. The filing of an appeal stays the action of the Chief in suspending or revoking a permit or denying a renewal until the City Council makes a final decision. If during the pendency of a stay, the permittee commits any other violation of this section which would warrant suspension or revocation, the Chief may suspend or revoke the permit as provided herein, subject to any appeal. If upheld on appeal, or if not appealed, suspensions would be applied consecutively and a revocation would be applied instead of suspension, if applicable.

- (1) The City Clerk shall set the date for the hearing as soon as is reasonably possible, however, not more than 30 days from the date the written appeal is received.
- (2) The City Council shall hold a public hearing to hear and consider evidence offered by any interested person to determine whether the Chief properly denied issuance or renewal of a permit, or properly suspended or revoked the permit in accordance with the provisions of this section.
- (3) The City Council shall determine whether the Chief properly suspended, revoked or denied the permit and shall grant or deny the appeal by majority vote. Failure to reach a majority vote will result in denial of the appeal. Decisions of the City Council shall be final decisions.

SECTION 2. The definitions of 'Law Enforcement Officer' and 'Permit' in Section 23-42 of the St. Petersburg City Code are hereby amended to read as follows:

*Law Enforcement Officer* means a Certified Law Enforcement Officer of any rank who is an employee of the City of St. Petersburg Police Department or a Certified Law Enforcement Officer from another law enforcement agency who has been specifically authorized by the Chief to perform permit services.

*Permit* means a permit issued pursuant to this division or an extended hours permit or other permit authorized or required in Chapter 3.

SECTION 3. Section 12-6(1) of the St. Petersburg City Code is hereby amended to read as follows:

(1) *Alcoholic beverage applications.*

New locations (base fee):	see zoning permits
Transfer application (name only)	35.00
<u>Use of the City alcoholic beverage license by for-profit organizations or groups</u>	<u>1,000.00</u>
<u>Extended Hours Permit</u>	
<u>New Application</u>	<u>100.00</u>

Renewal 50.00

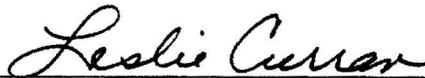
SECTION 4. Words in struck-through type shall be deleted. Underlined words constitute new language that shall be added. Provisions not specifically amended shall continue in full force and effect.

SECTION 5. 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 6. 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.

First reading conducted on the 19th day of November, 2012.

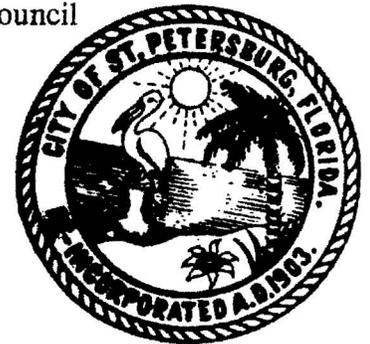
Adopted by St. Petersburg City Council on second and final reading as amended on the 6th day of December, 2012.



Leslie Curran Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:   
Eva Andujar City Clerk

Title Published: Times 1-t 11/25/2012



**Not vetoed. Effective date Thursday, December 13, 2012 at 5:00 p.m.**

**16.70.010.6. - Appeals.**

- A. *Applicability.* This section establishes procedures that shall apply to any appeal which is expressly authorized by this chapter.
1. This section shall not apply to any request for judicial review which may be available as and to the extent permitted by State or federal law.
  2. This section shall not apply to any action initiated by the City Council which is referred to any commission for review and recommendation to the City Council regardless of the vote taken by a Commission, in such cases an appeal shall not be required to transmit the matter back to the City Council for further consideration.
  3. This section shall not apply to any notice of violation for which review by the City Administrator or a designee of the City Administrator or by the Code Enforcement Board is expressly authorized by this chapter.
- B. *Who may hear appeals.* Except for decisions which are declared by these regulations to be the final decision of the City:
1. A decision of the Planning and Visioning Commission to approve or deny an application may be appealed to the City Council.
  2. A decision of the Development Review Commission to approve or deny an application may be appealed to the City Council except a decision in an appeal from a decision of the POD to approve or deny an application related only to docks, which shall not be appealable to City Council.
  3. A decision of the Community Preservation Commission to approve or deny an application may be appealed to the City Council if and to the extent the decision is expressly made subject to appeal by this chapter. Otherwise, a decision of the CPC shall be deemed the final decision of the City.
  4. A decision of the POD to approve or deny an application which is streamlined may be appealed to the Commission which would hear the request if the application was not streamlined. Other decisions of the POD may be appealed if and to the extent the decision is expressly made subject to appeal by this chapter.
  5. The City may not establish appellate jurisdiction of the courts; however, if allowed by the Florida Rules of Appellate Procedure or other rule or judicial decision, a decision of the City Council or of the POD or any commission of the City which is declared by these regulations to be the final decision of the City may be subject to judicial review in the manner provided by law.
- C. *Who may appeal.* Any appeal allowed by this chapter may be made by any resident of the City unless otherwise specifically provided by this chapter. The City Council shall have the power on its own motion to review on appeal a decision of any Commission concerning any matter upon which a commission has acted within ten days preceding the City Council's decision.
- D. *Time for filing notice of appeal.* A notice of appeal shall be filed in writing not later than 5:00 p.m. on the tenth day after the decision sought to be reviewed has been made, except that notice of appeal of a property card interpretation or zoning, rebuild or buildable lot letter shall be filed not later than the 30th day after the PCI or letter is mailed. The decision of a commission is made when it takes a final vote on a matter. The decision of the POD is made when it is mailed to the person who made the application or request.
- E.

*Place for filing notice of appeal.* A notice of appeal shall be filed with the City Clerk, who shall transmit a copy thereof to the POD and, if the appeal is from a decision of a commission, to the clerk of the Commission. The City clerk shall not accept any appeal which is not in writing, for which the appeal period has expired, or which does not include the required fees and costs.

- F. *Costs and fees for appeal.* The appellant shall pay the City for the actual costs of notices required to be mailed or published by the City. The City Council may adopt a schedule of additional fees to be paid in connection with any appeal. Payment of costs (or an estimate by the POD of the anticipated costs) and fees shall be required at the time the notice of appeal is filed.
- G. *Contents of notice of appeal.* A notice of appeal need not be in any particular form but shall include as a minimum the following information: The name and address of the appellant, and of legal counsel for the appellant if represented by counsel; a summary of the decision sought to be reviewed; and a summary of the basis for the appeal. If the appeal claims incompatibility with the plan, all the specific plan sections with which the decision is claimed to be incompatible shall be identified. If additional incompatible Plan sections are identified after the notice of appeal is filed, the City and applicant shall be notified thereof in writing by the appellant not less than two weeks prior to the hearing on the appeal. A copy of the decision or staff report appealed from shall be filed with the notice of appeal.
- H. *Notices of hearing of appeal.*
1. Written notice of the date, time and place of the hearing of an appeal shall be provided by hand-delivery or by mail to the applicant, owner and appellant if the appellant is not also the applicant.
  2. Written and posted notice shall be provided by the appellant.
  3. Failure to give such notice, except notice to the applicant, owner and appellant, shall not affect the action of a Commission or the City Council.
- I. *Notices of hearing of appeal.*
1. Written notice of the date, time and place of the hearing of an appeal shall be provided by hand-delivery or by mail to the applicant, owner and appellant if the appellant is not also the applicant.
  2. Written and posted notice shall be provided by the appellant.
  3. Failure to give such notice, except notice to the applicant, owner and appellant, shall not affect the action of a Commission or the City Council.
- J. *Hearing of appeal.*
1. In an appeal from a decision of the POD, the appeal shall be heard by the Commission which is expressly authorized to hear the appeal.
  2. The City Council shall hear the appeal from a decision of any Commission for which an appeal to the City Council is expressly authorized by this chapter. If the decision appealed is a recommended denial of a proposed ordinance, the hearing on the appeal shall also be the public hearing for the ordinance and shall be scheduled at a time after first reading of the ordinance. The City Council shall have all the powers concerning the item on appeal as the Commission had initially. The City Council shall follow all applicable ordinances in arriving at its decision, may receive new evidence and shall not be bound by the strict rules of evidence.
  3. An appeal shall be heard within 60 days of the filing of the notice of appeal. Following the conclusion of the hearing, the Commission or City Council may deny the appeal and approve the decision, grant the appeal in part and approve the decision with

modifications, or grant the appeal and reverse the decision. The Commission or City Council may request any party to provide additional applicable information, which shall be considered within 20 days of receipt thereof, but a failure to respond to a request for information within a reasonable time shall not prevent the Commission or the City Council from making a decision on the appeal.

4. The City Council may remand the matter back to the Commission for review of modifications of the decision if, in the judgment of the City Council, further consideration and modifications appear necessary or reasonable in light of information introduced during the appeal which was not heard by the Commission. In such event, the Commission shall, at the conclusion of a public hearing, make a recommendation upon such modifications. The City Council may then approve or disapprove the modifications without the necessity of a further public hearing and may impose its own conditions and modifications using the standards provided in this chapter.
5. Supermajority vote. A supermajority vote of the City Council shall be required in order to reverse a decision made by the Development Review Commission, Planning and Visioning Commission or Community Preservation Commission to approve, approve with conditions, or deny an application which is properly before the City Council or, in an historic designation application, to approve a designation over an owner's objection. A supermajority vote is not required to reverse any recommendation on a legislative matter, including a text amendment to the Comprehensive Plan or Land Development Regulations, a vacation, street closing or name change.  
For the purposes of this paragraph, the term "reverse" does not mean adding, changing, or removing conditions of approval, or changing a zoning or land use designation to a lesser intense designation. Supermajority means, if eight members are present and voting, an affirmative vote of at least six members and, if less than eight members are present and voting, an affirmative vote of at least five members.
6. New evidence may be heard in all appeal hearings.

*(Code 1992, § 16.70.010.6; Ord. No. 892-G, § 3, 9-4-2008; Ord. No. 945-G, § 1(16.70.010.60), 9-3-2009; Ord. No. 985-G, §§ 101—108, 7-15-2010)*

Attached documents for item Open Forum

## OPEN FORUM SIGN-UP

Council Meeting Date: 4-18-13

**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

Name	Address	Subject
1. <del>John Schopp</del>	<del>1330-41 Ave NE</del>	<del>St Pete TV</del>
2. ✓ Lee Palmer	1721 49 <sup>th</sup> Ave No	St. Pete, Open Forum
3. ✓ Fred Dudley	440 4 <sup>th</sup> Ave N	St. Pete
4. x Rebecca Falkenberry	301 2 St N	
5. <del>Lee Palmer</del>	<del>1721 49 Ave</del>	
6. ✓ Carol Gray	800 2 A NE	
7. x Hal Friedman	1 Bok Dr SE	
8. Jeff Sprengmann	3728 20 St N	
9. ✓ GERRIE DEGREWIA	440 4 <sup>th</sup> Ave N	St. Pete
10. ✓ SARAH CITRONE	440 4 <sup>th</sup> Ave N	St. Pete
11. ✓ GALE Chamberlain	"	"
12. ✓ Denise Deja	535 7 St N	
13. ✓ Joseph Deja	535 7 St N	
(3:42 pm start)		
✓ 14. Bud Rissler		

17  
 14  


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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Arlin Briky APR 18 2013

ADDRESS: 219 4<sup>th</sup> Av, N. # 300

REPRESENTING: myself

AGENDA ITEM NO.: the Lens design vote

FOR: delaying further AGAINST: \_\_\_\_\_

payments until  
**3 MINUTE TIME LIMIT**  
after results of election

*Open Forum*

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Lorraine Mageson APR 18 2013

ADDRESS: 439 Tennessee Ave NE

REPRESENTING: Citizen

AGENDA ITEM NO.: Open Forum

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

*Open Forum*

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Scott Bitterli APR 18 2013

ADDRESS: 1721 49<sup>th</sup> Ave. N.

REPRESENTING: \_\_\_\_\_

AGENDA ITEM NO.: OPEN FORUM / NEW BUSINESS NEWTON MOTION

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

*Open Forum*

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

APR 18 2013

NAME: WAYNE "SKIP" FRASER

ADDRESS: 750-71st Terrace So

REPRESENTING: Concerned Citizens

AGENDA ITEM NO. : Open Forum

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

*Open Forum*

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

APR 18 2013

NAME: JEREMY L. WRITT

ADDRESS: 1710 29TH STREET SOUTH

REPRESENTING: \_\_\_\_\_

AGENDA ITEM NO. : OPEN FORUM

FOR: \_\_\_\_\_ AGAINST: THE LENS W/O A VOTE

*Open Forum*

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

APR 18 2013

NAME: HANI F. MATTIA

ADDRESS: 265 8TH AVE N

REPRESENTING: MYSELF

AGENDA ITEM NO. : OPEN FORUM

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

*Open Forum*

**3 MINUTE TIME LIMIT**



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CITY OF ST. PETERSBURG, PUBLIC HEARING **APR 18 2013**

NAME: NICOLAS WEATHERSBEE

ADDRESS: 620 45 AVE N.

REPRESENTING: VOTE ON THE PIER / STOP THE LENS

AGENDA ITEM NO. : OPEN FORUM

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

*Open Forum*

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: <sup>MR.</sup> H. TULLOCH - ~~NOT SPEAKING~~ **APR 18 2013**

ADDRESS: 555 5<sup>TH</sup> AVE NE, S.P.

REPRESENTING: SELF

AGENDA ITEM NO. : G-1 DELAY CLOSING PIER

FOR: (V) AGAINST: \_\_\_\_\_

*Open Forum*

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: JOE REED **APR 18 2013**

ADDRESS: 705 16<sup>TH</sup> AVE. NE

REPRESENTING: SELF

AGENDA ITEM NO. : \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

*Open Forum*

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Burt Kline APR 18 2013  
 ADDRESS: 1122 2nd St N  
 REPRESENTING: \_\_\_\_\_  
 AGENDA ITEM NO. : \_\_\_\_\_ *Open*  
 FOR: \_\_\_\_\_ AGAINST: *Forum*

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Sherry Suttrich APR 18 2013  
 ADDRESS: 740 Bayou Blvd S  
 REPRESENTING: \_\_\_\_\_  
 AGENDA ITEM NO. : Pier *Open*  
 FOR: \_\_\_\_\_ AGAINST: *Forum*

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Ahmad Shamseddin APR 18 2013  
 ADDRESS: 3166 Shoreline Dr Clearwater  
 REPRESENTING: First TENANT of the pier  
 AGENDA ITEM NO. : \_\_\_\_\_  
 FOR: \_\_\_\_\_ AGAINST: *Open*  
*Forum*

**3 MINUTE TIME LIMIT**



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: AIMEE PAVLOVICH APR 18 2013  
 ADDRESS: 562 43rd AVE NE  
 REPRESENTING: PIER-STL OPEN FORUM  
 AGENDA ITEM NO.: PIER  
 FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Vince ~~the~~ Cocks APR 18 2013  
 ADDRESS: 2950 63rd Ave S St Pete  
 REPRESENTING: \_\_\_\_\_  
 AGENDA ITEM NO.: Pier  
 FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: JOHN BARTALONE APR 18 2013  
 ADDRESS: 1501 Imperial Palms Dr St Pete  
 REPRESENTING: SAVE THE PIER  
 AGENDA ITEM NO.: \_\_\_\_\_  
 FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING  
APR 18 2013

NAME: Howard Taylor  
 ADDRESS: 316 8th St S Unit 504  
 REPRESENTING: self  
 AGENDA ITEM NO.: LENS  
 AGAINST: learning heavily  
 FOR: \_\_\_\_\_

open forum

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING  
APR 18 2013

NAME: Chris Lovett  
 ADDRESS: 4925 38 Ways # 51  
 REPRESENTING: myself  
 AGENDA ITEM NO.: open forum  
 AGAINST: LENS  
 FOR: \_\_\_\_\_

open forum

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Rebecca Falkenberg  
 ADDRESS: 301 Second St No # 18  
 REPRESENTING: ST Pete FC 33701  
 AGENDA ITEM NO.: DO NOT CLOSE THE Pier or  
 FOR: put any \$ toward it until we  
 AGAINST: \_\_\_\_\_

NOTE

**3 MINUTE TIME LIMIT**



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: JEFF SPRINKMAN  
 ADDRESS: 3728 20<sup>th</sup> St N  
 REPRESENTING: St Pete FL 33713 - Myself  
 AGENDA ITEM NO. : Keep Pier Open Until the Vote  
 FOR: Keep the Pier Open Until the Vote AGAINST: \_\_\_\_\_

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Denise Deja  
 ADDRESS: 535 7<sup>th</sup> St North St. Pete 33701  
 REPRESENTING: Stop the Lens  
 AGENDA ITEM NO. : Open Forum  
 FOR: \_\_\_\_\_ AGAINST: Prevent Pier Referendum

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Joseph O Diak  
 ADDRESS: 435 7th St N SP 33701 FL  
 REPRESENTING: Self - stop the hero's  
 AGENDA ITEM NO.: Open forum  
 FOR: \_\_\_\_\_ AGAINST: Present for Renewal

**3 MINUTE TIME LIMIT**

573



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CITY OF ST. PETERSBURG, PUBLIC HEARING

PN  
 NAME: BUD RISSER 2865 Exec Dr  
 ADDRESS: 1844 Bryantwater St Pete FL CW  
 REPRESENTING: Self  
 AGENDA ITEM NO.: Open forum  
 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.

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Lee Palmer  
 ADDRESS: 1721 49<sup>th</sup> Ave No  
 REPRESENTING: \_\_\_\_\_  
 AGENDA ITEM NO.: Open Forum  
 FOR: \_\_\_\_\_ AGAINST: the lens w/o the vote

**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.

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: CAROL GRAY  
 ADDRESS: 800 2ND AVE NE  
 REPRESENTING: \_\_\_\_\_  
 AGENDA ITEM NO.: Pier  
 FOR: \_\_\_\_\_ AGAINST: NO LENS

**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.

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: HAL FREEDMAN  
 ADDRESS: 1 BEACH DR SE  
 REPRESENTING: ~~WOODRIDGE~~ SELF  
 AGENDA ITEM NO.: G1  
 FOR: \_\_\_\_\_ AGAINST: X

Not  
MARVIN

**3 MINUTE TIME LIMIT**

573

Attached documents for item Approving the purchase of replacement aerial trucks from Altec Industries, Inc. for the Fleet Management Department at a total cost of \$542,679.

**SAINT PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of April 18, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Approving the purchase of replacement aerial trucks from Altec Industries, Inc. for the Fleet Management Department at a total cost of \$542,679.

**Explanation:** This purchase is being made from National Joint Powers Alliance Contract No. 060311-All. The vendor will furnish and deliver four aerial trucks. Three will be over-center articulating and one will be telescopic articulating. These vehicles will be assigned to the Parks and Recreation and Stormwater Pavement and Traffic Operations departments and will be used to repair athletic field lighting, trim trees on city property, and to repair and install traffic signals.

The new vehicles, with life expectancies of seven to eight years, are replacing four trucks that are eight to eleven years-old with original base purchase prices ranging from \$84,753 to \$85,978 each. The old vehicles have reached the end of their economic useful life and will be sold at public auction.

The Procurement Department, in cooperation with the Fleet Management Department, recommends for award utilizing National Joint Powers Alliance Contract No. 060311-All:

Altec Industries, Inc. ....\$542,679

Altec Model LRV60 Base	3 EA	@	128,715	386,145
Upgrade LR7 58	3 EA	@	3,468	10,404
<b>Options:</b>				
Custom T-Box and Chip Dump	3 EA	@	3,587	10,761
Engine, LRV57-RM-3	3 EA	@	2,344	7,032
2014 Freightliner	3 EA	@	2,211	6,633
Delivery	3 EA	@	1,260	3,780
Strobe System, 4 point, Spot3	3 EA	@	1,012	3,036
58" Boom Height	3 EA	@	(819)	(2,457)
			141,778	425,334
Altec Model AT40S Base	1 EA	@	97,363	97,363
2013 Dodge 5500	1 EA	@	6,168	6,168
2013 Altec Body	1 EA	@	4,605	4,605
<b>Options:</b>				
Inverter, Pure Sign 3000W	1 EA	@	3,685	3,685
Delivery	1 EA	@	1,260	1,260
44" Directional lightbar	1 EA	@	1,237	1,237
Rope lighting in compartments	1 EA	@	1,189	1,189
Strobe System, 4-point, Spot3	1 EA	@	1,012	1,012
GFCI outlet	1 EA	@	458	458
Cone Holders, Custom	1 EA	@	368	368
			117,345	117,345

Altec Industries, Inc. has met the specifications, terms and conditions of the National Joint Powers Alliance Contract No. 060311-All effective through July 19, 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 State, County or municipal government.

---

**Cost/Funding/Assessment Information:** Funds have been previously appropriated in the Equipment Replacement Fund (5002), Fleet Management, Fleet Mechanical Cost (8002527).

**Attachments:** Price History  
Resolution

**Approvals:**

  
Administrative

  
Budget

**Price History**  
**070-53 Trucks, Articulating**

Item No. Description	1999	2002	2004	2007	2011	2013	% Change
1 Aerial Articulating Telescopic Truck	\$ 78,960		\$ 84,753	\$ 88,680	\$ 106,278	\$ 97,363	-
2 Overcenter Aerial Articulating Truck		\$ 85,978			\$ 127,620	\$ 128,715	-

A RESOLUTION APPROVING THE AWARD OF AN AGREEMENT TO ALTEC INDUSTRIES, INC. AT A TOTAL COST NOT TO EXCEED \$542,679 FOR THE PURCHASE OF FOUR (4) REPLACEMENT AERIAL TRUCKS UTILIZING NATIONAL JOINT POWERS ALLIANCE CONTRACT NO. 060311-AII; 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 four (4) aerial trucks that have reached the end of their economic useful life; and

WHEREAS, pursuant to Section 2-243(e) of the City Code the City is permitted to utilize competitively bid proposals or contracts secured by State, County or municipal government when it is in the best interest of the City; and

WHEREAS, Altec Industries, Inc. has met the specifications, terms and conditions of National Joint Powers Alliance Contract No. 060311-AII; and

WHEREAS, the Procurement & Supply Management Department recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida the award of an agreement to Altec Industries, Inc. at a total cost not to exceed \$542,679 for the purchase of four (4) aerial trucks utilizing National Joint Powers Alliance Contract No. 060311-AII 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 Approving disbursement of up to \$719,000 from the Capital Repair, Renewal and Replacement Sinking Fund Account for Tropicana Field Capital Projects; and approving a supplemental appropriation in the amount of \$719,000 from the unappropriated balance of th

St. Petersburg City Council  
Meeting of April 18, 2013

Consent Agenda A

To: The Honorable Karl Nurse and Members of City Council

Subject: Approving disbursement of up to \$719,000 from the Capital Repair, Renewal and Replacement Sinking Fund Account for Tropicana Field Capital Projects; approving a supplemental appropriation in the amount of \$719,000 from the unappropriated balance of the Tropicana Field Capital Projects Fund (3081) to the Tropicana Field FY13 Improvements Project (13845); and providing an effective date.

BACKGROUND: Section 5.01 of the Use Agreement with the Tampa Bay Rays (the "Team" or "Club") established an escrowed sinking fund called the Capital Repair, Renewal and Replacement Sinking Fund Account (the "Capital Account"). This Capital Account is funded by naming rights revenue and ticket fees. The Use Agreement specifies that this Capital Account is to be used by the Team in making capital repairs, renewals and replacements to Tropicana Field. This section further requires that the Team consult with and receive approval from the City regarding expenditures from the Capital Account.

The Club is requesting that various repair, renewal and/or replacement projects be approved for funding from the Tropicana Field Capital Account:

**Mechanical & Lighting Systems:** Replacement of 2 AC Units; Replacement of High Speed loading dock door at Gate 2; Replacement of TV Production transformer; Renewal of interior lighting systems. Estimated cost = \$313,000.

**Traffic/Safety Floor Coating:** Renewal of the floor coating system on the Center Field, Right Field, and Left Field Streets (the interior concourse areas of the stadium). Est. Cost = \$125,000.

**Safety Railings and Spiral Staircase :** Installation of safety rails in the lower seating areas; replacement of the Spiral Staircase located in the Center Field seating area . Est. Cost = \$60,000.

**Exterior Stadium Items:** Repairs to Exterior concrete areas including the parking Spine (the main pedestrian walkway) and ADA related modifications. Est cost = \$171,000.

**Contingency:** A general contingency for all of the above projects is requested in the amount of \$50,000 (approximately 7% of the total estimates).

Total cost for the above items, including the Contingency, is \$719,000. City administration has reviewed these items and concurs with the Club that they meet the requirements established for use of the Capital Account.

RECOMMENDATION: City Administration recommends approval of the attached Resolution.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Capital Repair, Renewal & Replacement Sinking Fund Account. The Capital Account has a current balance of approximately \$2.6 Million. A supplemental appropriation in the amount of \$719,000 from the Tropicana Field Capital Projects Fund (3081) to the Tropicana Field FY13 Improvements Project (13845) is required.

Approvals:

 3-28-13  
City Development Administration

  
Budget

A RESOLUTION APPROVING DISBURSEMENT OF UP TO \$719,000 FROM THE TROPICANA FIELD CAPITAL REPAIR, RENEWAL AND REPLACEMENT SINKING FUND FOR QUALIFYING CAPITAL ITEMS TO TROPICANA FIELD; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$719,000 FROM THE UNAPPROPRIATED BALANCE OF THE TROPICANA FIELD CAPITAL PROJECTS FUND (3081) TO THE TROPICANA FIELD FY13 IMPROVEMENTS PROJECT (13845); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 5.01 of the Use Agreement with the Tampa Bay Rays established an escrowed sinking fund called the Capital Repair, Renewal and Replacement Sinking Fund Account (the Capital Account) to be used by the Club in making capital repairs, renewals, and replacements to Tropicana Field; and

WHEREAS, the Club has brought forward for City approval a series of capital projects for Tropicana Field totaling approximately \$719,000; and

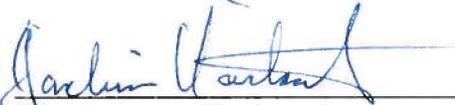
WHEREAS, City Administration has reviewed these items and finds them acceptable for reimbursement from the Capital Account per the established guidelines.

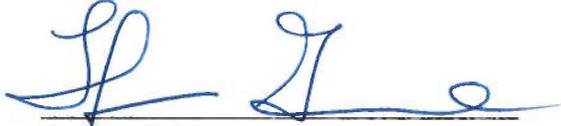
NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of St. Petersburg, Florida, that disbursement of up to \$719,000 for capital items from the Capital Account, subject to receipt by the City of appropriate supporting documentation, is hereby approved.

BE IT FURTHER RESOLVED, that there is hereby approved from the unappropriated fund balance of the Tropicana Field Capital Projects Fund (3081), the following supplemental appropriation for FY13:

<u>Tropicana Field Capital Projects Fund (3081)</u>	
Tropicana Field FY13 Improvements Project (13845)	\$719,000

This resolution shall become effective upon adoption.

  
\_\_\_\_\_  
City Attorney (Designee)

  
\_\_\_\_\_  
Budget & Management

  
\_\_\_\_\_  
City Development Administration

Attached documents for item Awarding a contract to Precision Paving of Tampa, Inc. dba A R General Contractors, Inc., in the amount of \$481,750 for the construction of the Mirror Lake Park Improvements Project; rescinding unencumbered appropriations from the following projects in th

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of April 18, 2013**

**To: The Honorable Karl Nurse, Chair and Members of City Council**

**Subject:** Awarding a contract to Precision Paving of Tampa, Inc. dba A R General Contractors, Inc., in the amount of \$481,750.00 for the construction of the Mirror Lake Park Improvements Project; rescinding unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund (3029); \$100,000.00 from the Demen's Landing Improvements FY12 Project (13739) and \$125,000 from the Park Lighting Improvements FY 13 (13749); approving a supplemental appropriation in the amount of \$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), partially resulting from these rescissions, to the Mirror Lake Park Improvements Project (13245); and providing an effective date (Engineering & CID No. 12204-017; Oracle No. 13245).

**Explanation:** The Procurement Department received six responsive bids for the Mirror Lake Park Improvements Project (see below).

The work consists of providing all labor, materials, equipment, supplies and services, required to demolish existing concrete sidewalk and lighting, and construct a new 0.6 mile long, 10' wide concrete multi-use trail, construct 4,000 square feet of plaza areas with brick pavers, segmental anchor block walls, seating walls, and over water boardwalk. The over water boardwalk is 157 feet long and 10 feet wide with a stainless steel cable railing. Work includes park signage, bike racks, trash receptacles, benches, site electrical work to supply new pedestrian lighting, landscaping including trees, shrubs and groundcover.

The 14.2 acre Mirror Lake Park is located on the western edge of the downtown core on Mirror Lake Drive west of City Hall, and adjacent to the historic assets such as the Mirror Lake Complex, the Mirror Lake Library, the Lyceum and the original St. Petersburg High School. The Parks and Recreation Department has identified the need to upgrade the park to increase the public use and provide useful spaces for community activities. The new park facilities will increase patron comfort, safety, security, and accessibility and the new community gathering plaza at the northwest corner designed to provide for community activities. A request for a sidewalk easement along the bank of Mirror Lake adjacent to the Sebring building has been granted by the State.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within one hundred twenty (120) consecutive calendar days thereafter. Bids were opened on March 12, 2013 and are tabulated as follows:

<b><u>Bidder</u></b>	<b><u>Base Bid &amp; Selected Alternates</u></b>
Precision Paving of Tampa, d/b/a A R General Contractors (Tampa, FL)	\$481,750.00
E-Construction Group, Inc.(St. Petersburg, FL)	\$563,297.06
Certus Builders, Inc. (Tampa, FL)	\$604,238.00
LEMA Construction & Developers, Inc. (St. Petersburg, FL)	\$815,160.34
Center Marine Contracting, LLC (Sanford, FL)	\$823,367.00
R.A.M. Excavating, Inc. (Dunedin, FL)	\$1,015,511.00

The lowest responsive bidder Precision Paving of Tampa, Inc. dba A R General Contractors, has met the specifications, terms and conditions of Bid No. 7450 dated March 12<sup>th</sup>, 2013, and has satisfactorily performed similar work for the City of St. Petersburg and the City of Tarpon Springs. Precision Paving of Tampa, Inc. has met the SBE requirements. The Principal of the firm is James Azzarelli, President.

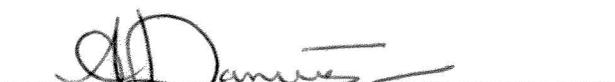
**Recommendation:** Administration recommends awarding this Contract to Precision Paving of Tampa, Inc. dba A R General Contractors, in the amount of \$481,750.00 for the Mirror Lake Park Improvements Project (13245); rescinding unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund (3029); \$100,000 from the Demen's Landing Improvements Project (13739) and \$125,00 from the Park Lighting Improvements FY13 Project (13749); approving a supplemental appropriation in the amount of \$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), partially resulting from these rescissions, to the Mirror Lake Improvements Project (13245); and providing an effective date.

**Cost/Funding/Assessment Information:** Funds will be available after the rescission of unencumbered appropriations from the following projects in the Recreation and Culture Capital Improvement Fund (3029); \$100,000 from the Demen's Landing Improvements Project (13739) and \$125,000 from the Park Lighting Improvements FY13 Project (13749) and a supplemental appropriation in the amount of \$290,000 from the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), partially resulting from these rescissions, to the Mirror Lake Park Improvements Project (13245).

**Attachments:** Site Plan  
Resolution

**Approvals:**

  
\_\_\_\_\_  
**Administrative**

  
\_\_\_\_\_  
**Budget**

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO PRECISION PAVING OF TAMPA, INC. D/B/A A R GENERAL CONTRACTORS IN AN AMOUNT NOT TO EXCEED \$481,750 FOR CONSTRUCTION OF THE MIRROR LAKE PARK IMPROVEMENTS PROJECT (13245); AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; RESCINDING UNENCUMBERED APPROPRIATIONS FROM THE FOLLOWING PROJECTS IN THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND (3029): \$100,000 FROM THE DEMEN'S LANDING IMPROVEMENTS FY 12 PROJECT (13739) AND \$125,000 FROM THE PARK LIGHTING IMPROVEMENTS FY 13 (13749); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$290,000 FROM THE UNAPPROPRIATED BALANCE OF THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND (3029) PARTIALLY RESULTING FROM THESE RESCISSIONS, TO THE MIRROR LAKE PARK IMPROVEMENTS PROJECT (13245); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received six bids for the Mirror Lake Park Improvements Project (13245) pursuant to Bid No. 7450 dated March 12, 2013; and

WHEREAS, Precision Paving of Tampa, Inc. d/b/a A R General Contractors has met the specifications, terms and conditions of Bid No. 7450; 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, the bid and award of an agreement to Precision Paving of Tampa, Inc. d/b/a A R General Contractors in an amount not to exceed \$481,750 for construction of the Mirror Lake Park Improvements Project is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor or Mayor's designee is hereby authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the unencumbered appropriations in the following projects in the Recreation and Culture Capital Improvement Fund (3029) are hereby

rescinded: 100,000 from the Demen's Landing Improvements FY 12 Project (13739) and \$125,000 from the Park Lighting Improvements FY 13 (13749); and

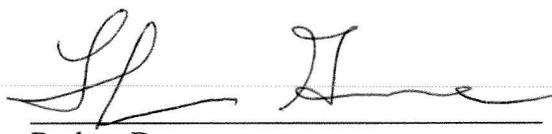
BE IT FURTHER RESOLVED that the following supplemental appropriation for Fiscal Year 2013 resulting partially from these rescissions is hereby approved:

<u>Recreation and Culture Capital Improvement Fund (3029)</u>	
Mirror Lake Park Improvement Project (13245)	\$290,000

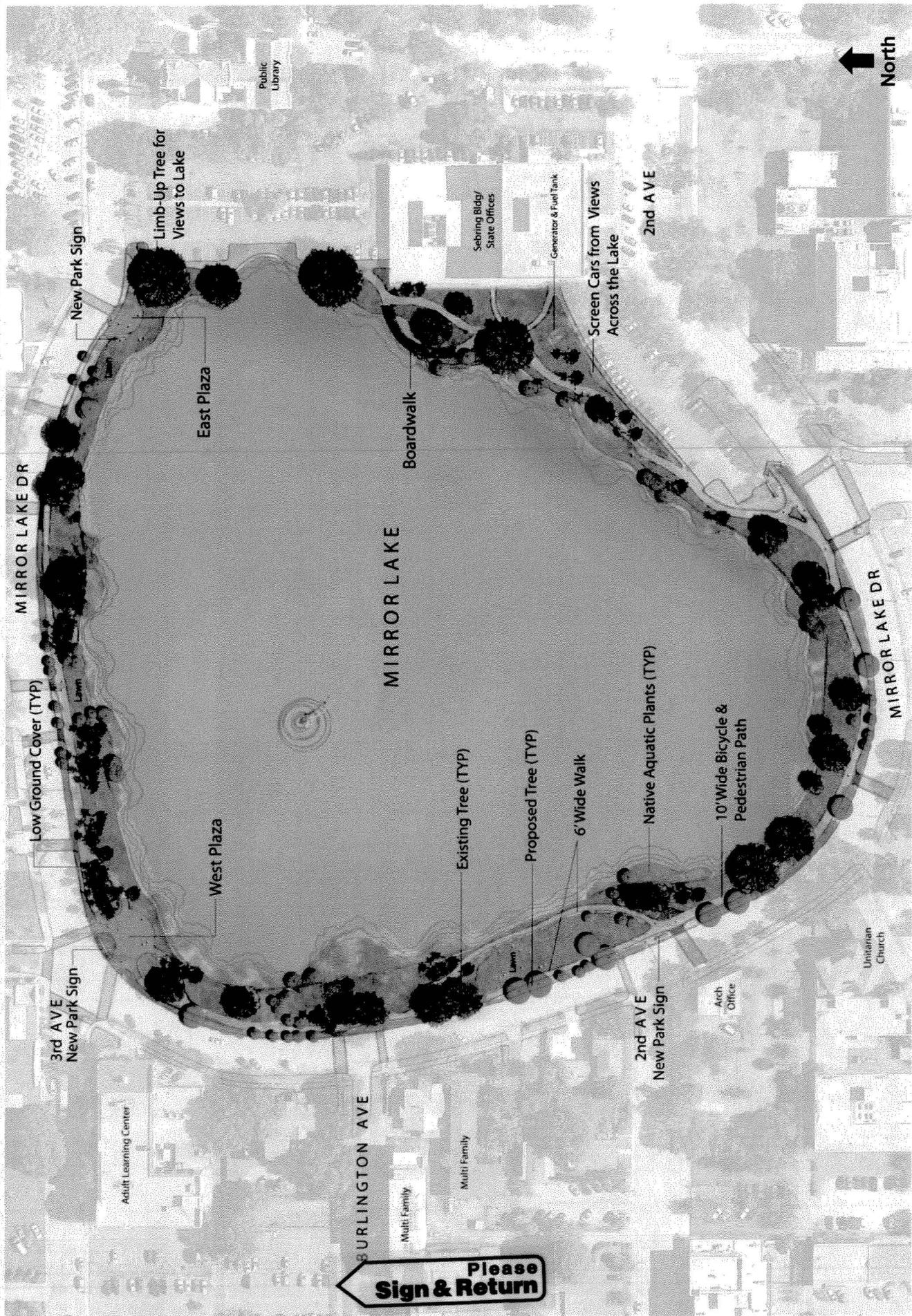
This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

  
\_\_\_\_\_  
Budget Department

# Mirror Lake Park Improvements



Attached documents for item Approving the plat of St. Petersburg Housing Authority Headquarters Subdivision, generally located at 2001 Gandy Boulevard North. (City File 11-20000008)



SAINT PETERSBURG CITY COUNCIL

Meeting of April 18, 2013

**TO:** THE HONORABLE KARL NURSE, CHAIR, AND MEMBERS OF CITY COUNCIL

**SUBJECT:** Resolution approving the plat of *St. Petersburg Housing Authority Headquarters Subdivision*, generally located at 2001 Gandy Boulevard North (Our File: 11-20000008).

**RECOMMENDATION:** The Administration recommends **APPROVAL**.

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**DISCUSSION:**

City Council approved the plat on the consent agenda on August 16, 2012. City Code requires that the plat be recorded within six (6) months of approval by City Council, or the approval of the plat shall lapse. The plat was not recorded by the applicant within the six (6) month period. Therefore, the previous approval of plat has lapsed and the applicant is required to be reapproved by City Council prior to recording.

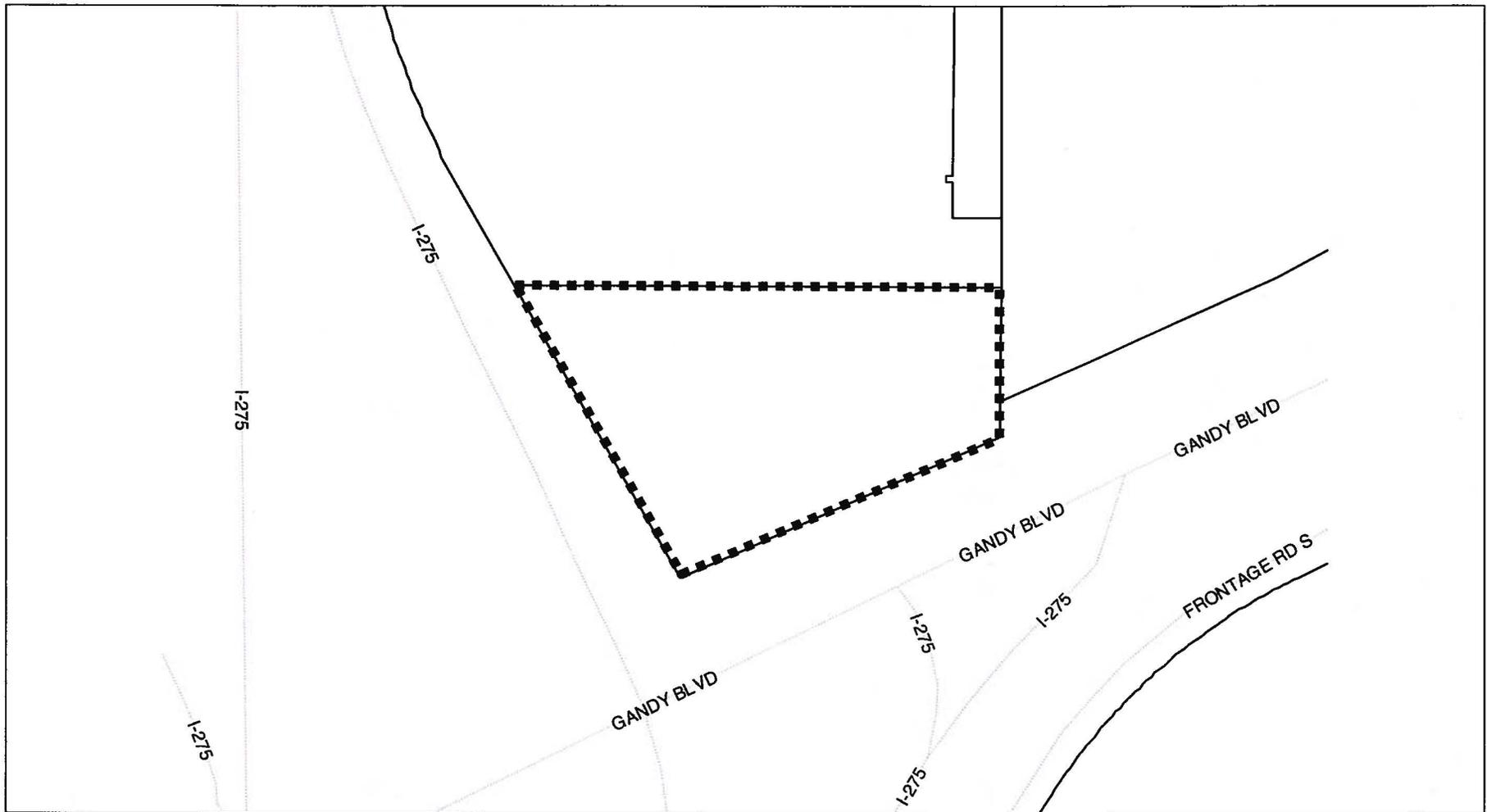
The applicant is requesting approval of a replat for a portion of one (1) platted lot zoned Employment Center (EC) into two (2) lots. The applicant completed the construction of a new headquarters located on the eastern portion of the property. The replat is not required by City Code. The applicant is replatting the property for ownership purposes.

Attachments: Map, Aerial, Resolution

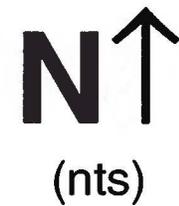
**APPROVALS:**

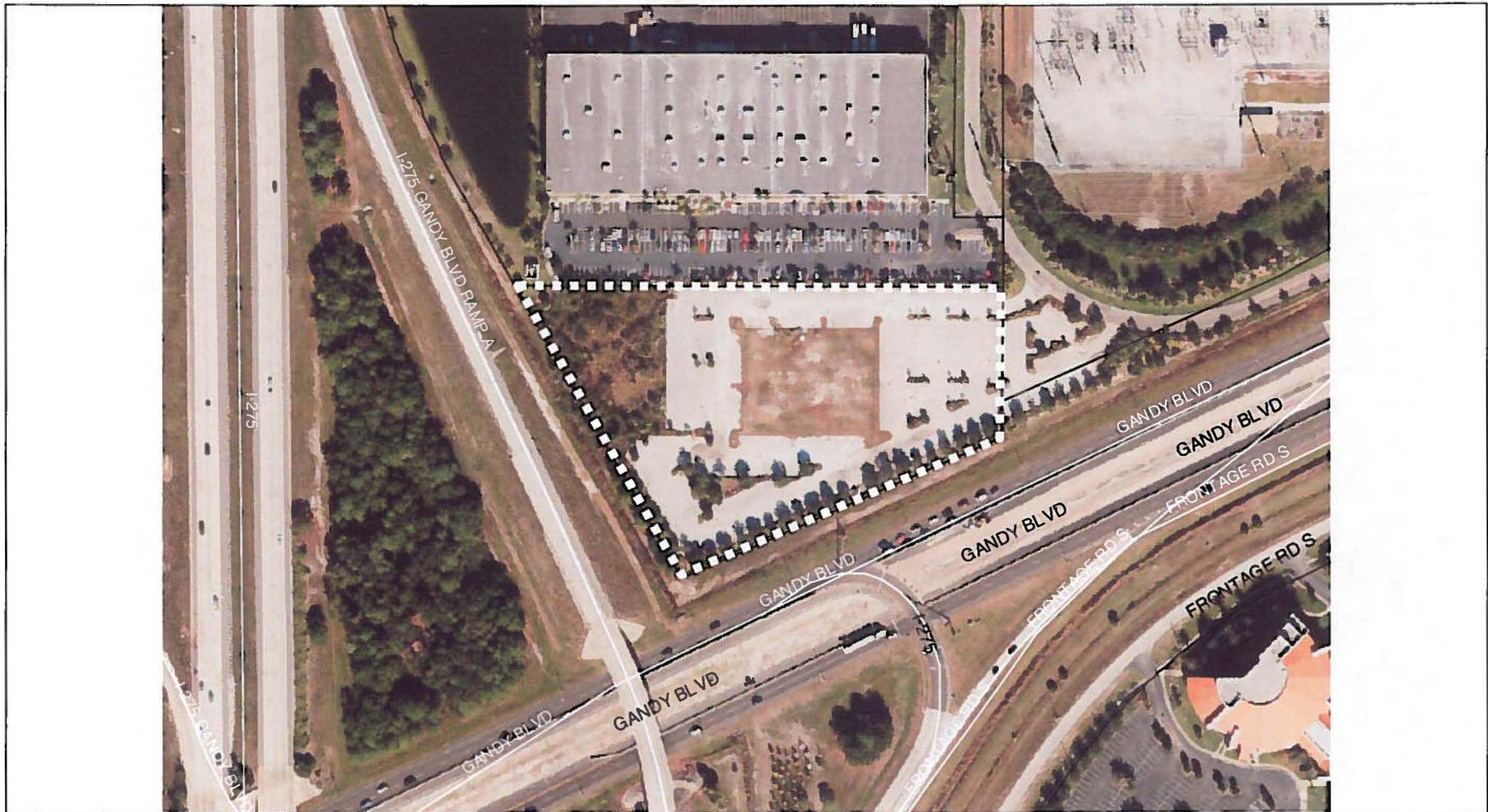
Administrative: Chris Ballester MB  
Budget: NA  
Legal: JAA





Planning & Economic Development Department  
Case No.: 11-20000008  
Address: 2001 Gandy Boulevard North





**st.petersburg**  
[www.stpete.org](http://www.stpete.org)

Planning & Economic Development Department  
Case No.: 11-20000008  
Address: 2001 Gandy Boulevard North



# ST. PETERSBURG HOUSING AUTHORITY HEADQUARTERS SUBDIVISION

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

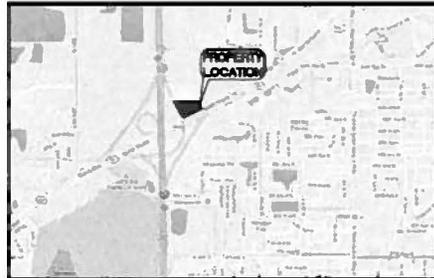
BEING A REPLAT OF A PORTION OF LOT 1 BLOCK 1, GATEWAY BUSINESS PARK, AS RECORDED IN PLAT BOOK 120, PAGE 12 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA  
A PORTION OF SECTION 24, TOWNSHIP 30 SOUTH, RANGE 16 EAST CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA

## LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, SAID PARCEL BEING A PORTION OF LOT 1, BLOCK 1, GATEWAY BUSINESS PARK, AS RECORDED IN PLAT BOOK 120, PAGES 12 THROUGH 14, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SAID SECTION 24; THENCE ALONG THE NORTH BOUNDARY OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, NORTH 89°47'50" WEST, 62.17 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 275, SAID POINT BEING A POINT ON A NON-TANGENT CIRCULAR CURVE, CONCAVE EASTERLY; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, AND 727.60 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1838.86 FEET, A CENTRAL ANGLE OF 22°38'30", A CHORD WHICH BEARS SOUTH 13°39'36" EAST, A CHORD DISTANCE OF 722.87 FEET TO A POINT; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 29°30'54" EAST, 231.13 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, SOUTH 89°50'07" EAST, 760.73 FEET TO A POINT ON THE WEST BOUNDARY OF THE EAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 24; THENCE ALONG SAID WEST BOUNDARY, SOUTH 00°08'20" WEST, 235.45 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CANDY BOULEVARD (S.R. 894); THENCE DEPARTING SAID WEST BOUNDARY, AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 85°56'40" WEST, 548.92 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT OF WAY LINE OF INTERSTATE 275; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, AND ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 29°30'54" WEST, 529.25 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 5.36 ACRES, MORE OR LESS.



VICINITY MAP  
(NOT TO SCALE)

## CERTIFICATE OF APPROVAL OF CITY OF ST. PETERSBURG MAYOR'S OFFICE

STATE OF FLORIDA  
COUNTY OF PINELLAS

APPROVED FOR THE CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012; PROVIDED THAT THE PLAT IS RECORDED IN THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, WITHIN SIX (6) MONTHS FROM THE DATE OF THIS APPROVAL.

BY: \_\_\_\_\_  
MAYOR

## CERTIFICATE OF APPROVAL OF CITY COUNCIL OF ST. PETERSBURG

STATE OF FLORIDA  
COUNTY OF PINELLAS

APPROVED BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012.

BY: \_\_\_\_\_  
COUNCIL CHAIR

## PLAT APPROVAL:

REVIEWED FOR CONFORMITY TO CHAPTER 177, PART 1, FLORIDA STATUTES BY A PROFESSIONAL SURVEYOR AND MAPPER FOR THE CITY OF ST. PETERSBURG, FLORIDA. GEOMETRIC DATA FOR EASEMENTS NOT VERIFIED.

\_\_\_\_\_  
MATTHEW D. PRODEL, P.S.M. DATE  
FLORIDA REGISTERED SURVEYOR AND MAPPER NO. 6125  
CITY OF ST. PETERSBURG

## CERTIFICATE OF APPROVAL OF COUNTY CLERK

STATE OF FLORIDA  
COUNTY OF PINELLAS

I, KEN BURKE, CPA, CLERK OF THE COURT OF PINELLAS COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF THE STATUTES OF FLORIDA PERTAINING TO MAPS AND PLATS AND THAT THIS PLAT HAS BEEN FILED FOR RECORD IN PLAT BOOK \_\_\_\_\_ PAGES \_\_\_\_\_ PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

\_\_\_\_\_  
KEN BURKE, CPA, CLERK DEPUTY CLERK  
PINELLAS COUNTY, FLORIDA

## SURVEYOR'S CERTIFICATE:

I, LEON L. HAMPTON, P.S.M., THE UNDERSIGNED, REGISTERED SURVEYOR AND MAPPER, HEREBY CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012, THIS PROPERTY WAS SURVEYED, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND CORRECTLY REPRESENTS THE LANDS SURVEYED AND THAT IT COMPLIES WITH ALL REQUIREMENTS OF CHAPTER 177, PART 1, OF THE FLORIDA STATUTES, AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN SET ACCORDING TO THE REQUIREMENTS OF SAID CHAPTER 177.

REGISTERED SURVEYOR AND MAPPER  
STATE OF FLORIDA No. 5610  
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SIGNATURE: \_\_\_\_\_  
Leon L. Hampton, P.S.M.

**EMC** Consultants of Florida, Inc.  
Surveyors and Planners  
7816 North Dale Mabry Highway, Suite 200 • Tampa, FL 33614 • 813.931.4000  
fax 813.931.2148 • web: www.emcfla.com • email: info@emcfla.com  
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Sheet 1 of 2

## DEDICATION:

THE UNDERSIGNED CERTIFIES THAT THE HOUSING AUTHORITY OF THE CITY OF ST. PETERSBURG IS THE OWNER OF THE LAND DESCRIBED HEREIN, AND OTHER THAN ITS INTEREST THEREIN, THERE ARE NO OUTSTANDING INTERESTS IN SAID LAND WHICH IS HEREBY PLATTED AS "ST. PETERSBURG HOUSING AUTHORITY HEADQUARTERS SUBDIVISION", AND HEREBY DEDICATES EASEMENTS AS SHOWN ON THIS PLAT AND IN THE DECLARATION OF RESTRICTIONS AND EASEMENTS, RECORDED IN OFFICIAL RECORD BOOK 17445, PAGE 1876, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, FOR THE USES INTENDED THEREIN.

\_\_\_\_\_  
DAY OF \_\_\_\_\_, 2012.

OWNER:  
THE HOUSING AUTHORITY OF THE CITY OF  
ST. PETERSBURG, A PUBLIC BODY CORPORATE  
AND POLITIC ORGANIZED AND EXISTING UNDER  
THE LAWS OF THE STATE OF FLORIDA.

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
PRINTED NAME

BY: \_\_\_\_\_  
COMMISSIONER HARRY HARVEY,  
VICE-CHAIRMAN

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF PINELLAS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012, BY COMMISSIONER HARRY HARVEY, AS VICE-CHAIRMAN OF THE HOUSING AUTHORITY OF THE CITY OF ST. PETERSBURG. HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION

## NOTARY PUBLIC:

SIGN: \_\_\_\_\_ (SEAL) TITLE OR RANK: \_\_\_\_\_

PRINT: \_\_\_\_\_ SERIAL NUMBER, IF ANY: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

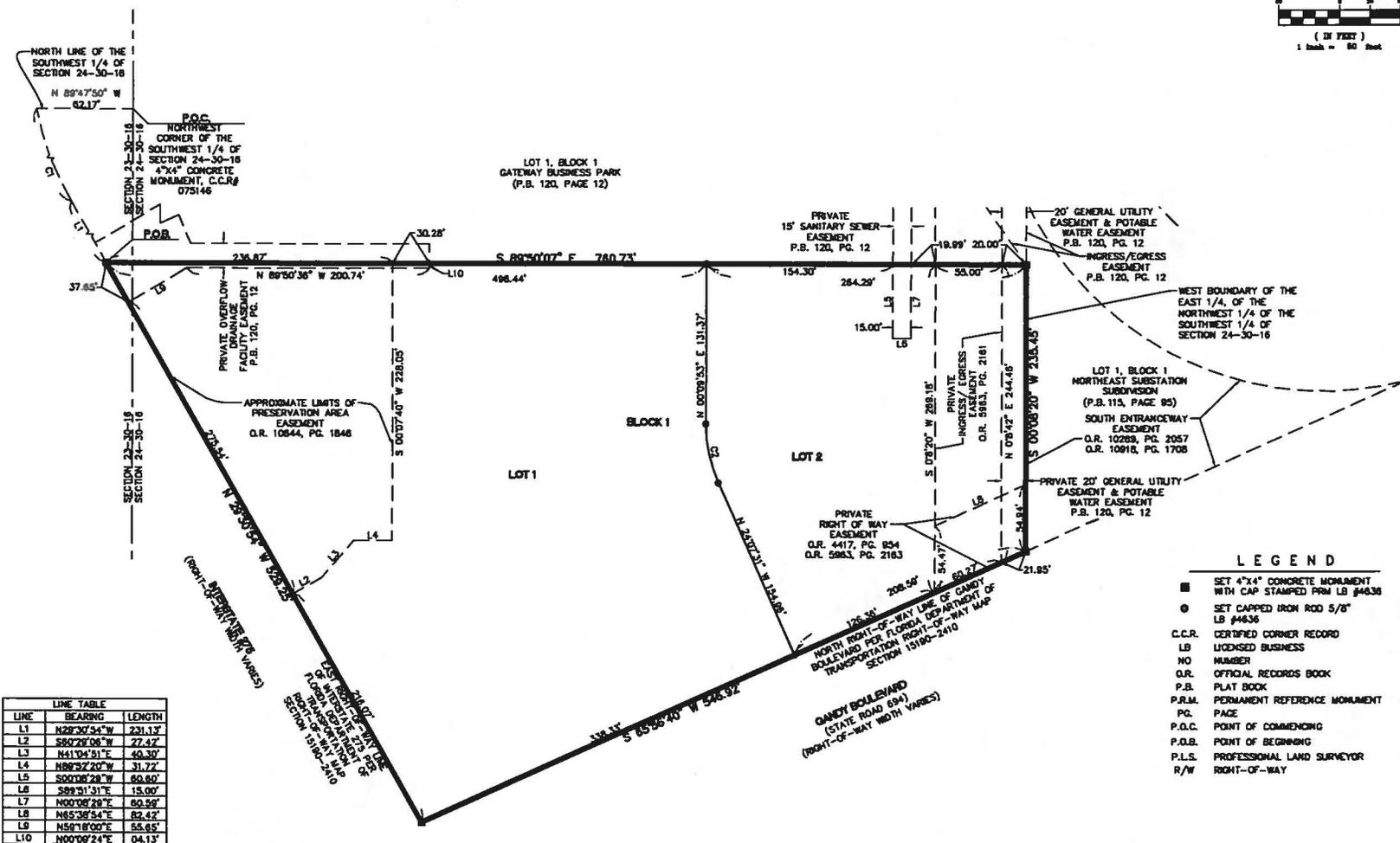
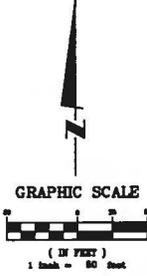
## SURVEYOR'S NOTES:

- 1.) BEARINGS ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF CANDY BOULEVARD BEING SOUTH 65°56'40" WEST, PER PLAT OF "GATEWAY BUSINESS PARK", AS RECORDED IN PLAT BOOK 120, PAGE 12, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
- 2.) SUBDIVISION PLATS BY NO MEANS REPRESENT A DETERMINATION ON WHETHER PROPERTIES WILL OR WILL NOT FLOOD. LAND WITHIN THE BOUNDARIES OF THIS PLAT MAY OR MAY NOT BE SUBJECT TO FLOODING. THE DEVELOPMENT SERVICES DIVISION HAS INFORMATION REGARDING FLOODING AND RESTRICTIONS ON DEVELOPMENT.
- 3.) ALL PLATTED UTILITY EASEMENTS WILL PROVIDE THAT SUCH EASEMENTS WILL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES WILL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.
- 4.) NOTICE THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DEPICTED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

# ST. PETERSBURG HOUSING AUTHORITY HEADQUARTERS SUBDIVISION

PLAT BOOK PAGE

BEING A REPLAT OF A PORTION OF LOT 1 BLOCK 1, GATEWAY BUSINESS PARK, AS RECORDED IN PLAT BOOK 120, PAGE 12 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA  
A PORTION OF SECTION 24, TOWNSHIP 30 SOUTH, RANGE 16 EAST CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA



LINE	BEARING	LENGTH
L1	N22°05'54"W	231.13'
L2	S80°22'06"W	27.42'
L3	N41°04'51"E	40.30'
L4	N88°52'20"W	31.72'
L5	S00°08'28"W	60.60'
L6	S89°31'31"E	15.00'
L7	N00°08'28"E	60.59'
L8	N85°38'54"E	82.42'
L9	N52°18'00"E	55.65'
L10	N00°08'24"E	04.13'

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	1439.88'	727.60'	368.67'	22°38'30"	S 13°38'36" E	722.87'
C2	117.67'	49.88'	23.32'	24°17'24"	N 11°38'49" W	49.91'

- LEGEND**
- SET 4"x4" CONCRETE MONUMENT WITH CAP STAMPED FROM LB #4636
  - SET CAPPED IRON ROD 5/8" LB #4636
  - C.C.R. CERTIFIED CORNER RECORD
  - LB LICENSED BUSINESS
  - NO NUMBER
  - O.R. OFFICIAL RECORDS BOOK
  - P.B. PLAT BOOK
  - P.R.M. PERMANENT REFERENCE MONUMENT
  - PG. PAGE
  - P.O.C. POINT OF COMMENCING
  - P.O.B. POINT OF BEGINNING
  - P.L.S. PROFESSIONAL LAND SURVEYOR
  - R/W RIGHT-OF-WAY

**EMK** Consultants of Florida, Inc.  
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7816 North Dale Mabry Highway, Suite 200 Tampa, FL 33618 • 813 937 8900  
Fax: 813 937 2448 • e-mail: emk@emkfla.com • web: www.emkfla.com  
Corporation • 2000 EMK Consultants of Florida 31229 00 LB No. 4930

Attached documents for item Approving the 2012 Annual Report for the Intown Areawide Development of Regional Impact (IADRI).

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**

**Meeting of April 18, 2013**

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** A Resolution approving the "2012 Annual Report for the Intown Areawide Development of Regional Impact" (IADRI)

**EXPLANATION:** An approved Development of Regional Impact (DRI) is required to submit an annual report describing development activity within the DRI during the past year. Attached is the annual report that has been prepared consistent with the requirements of Section 380.06, Florida Statutes and the Development Order for the Intown Areawide DRI. The reporting period is from 1/30/2012 to 1/29/2013. The report indicates that development activity is in compliance with the adopted Development Order.

In 2012, the City issued 350 building permits in IADRI totaling more than \$17 million. Among those projects approved include Campbell Landings, a 96-unit senior housing complex in University Park; the 7,500-SF Regions Bank branch at 510 Central Avenue, and the substantial renovation of the Birchwood Inn at 340 Beach Drive. Most of the remaining permits were for renovations to existing buildings. Through the issuance of demolition permits, more than 53,000 SF of retail and office space and one dwelling unit were removed within the Intown Areawide DRI. The net effect of this permitting activity on the IADRI development capacity is indicated in Exhibits B through D.

During 2012, the Development Review Commission, Community Redevelopment Agency and/or City Administration approved site plans totaling more than 1,200 dwelling units and 7,500 SF of retail which included the following projects:

Bayway Apartments	235 3 <sup>rd</sup> Ave N	324 units
The Sol	300 block of 4 <sup>th</sup> St S	325 units
Campbell Landings	325 6 <sup>th</sup> St S	96 units
3 <sup>rd</sup> Street South Residences	300 block of 3 <sup>rd</sup> St S	357 units
The Silhouette	145 4 <sup>th</sup> Avenue NE	16 units
Regions Bank	510 Central Avenue	7,752 SF
Urban Edge	300 block of 4 <sup>th</sup> Ave S	125 units

To provide certainty of available capacity to the developers of these projects, the City executed a tradeoff in November 2012 to increase the amount of residential capacity available in IADRI. The City added 816 dwelling units to its residential capacity by trading-off 168,526 SF of retail/sales from its prior 866,510 SF capacity. The net result of the action yielded an amended capacity of 1,483 dwelling units and 697,984 SF of retail/sales (see November 30, 2012, memo in Exhibit F

entitled "Intown Areawide DRI-Land Use Trade-Off to Add Residential Capacity"). After including building activity in 2012, the remaining capacity in these two land use categories is 1,388 dwelling units and 722,290 SF (see Exhibit B).

**ATTACHMENTS:** Resolution and Annual Report

**APPROVALS:**

Administrative:

  
\_\_\_\_\_

Budget:

NA  
\_\_\_\_\_

Legal:

  
\_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE "2012 ANNUAL REPORT FOR THE INTOWN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT"; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that pursuant to Section 380.06, Florida Statutes, and Ordinance No. 1072-F, adopting the Intown Areawide Development of Regional Impact Development Order, the Council approves the "2012 Annual Report for the Intown Areawide Development of Regional Impact."

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:



\_\_\_\_\_  
City Attorney (designee)



\_\_\_\_\_  
Administration

# **2012 ANNUAL REPORT**

**Intown Areawide  
Development of Regional Impact  
(DRI #97)**



**st.petersburg**  
**www.stpete.org**

March 25, 2013

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## **INTOWN AREAWIDE DRI**

### **2012 ANNUAL STATUS REPORT**

- 1) Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.**

The original Development Order (Ordinance #1072-F) was adopted by the City of St. Petersburg on February 2, 1989. The first amendment of the Development Order (Ordinance #21-G) was adopted by the City of St. Petersburg on July 16, 1992, and adopted as amended on October 1, 1992. Ordinance #21-G made only one change to the original Development Order in Section V.B.1., pertaining to the timing of transportation mitigation projects in Phase I and stating that all Phase I roadway improvements shall be completed prior to the issuance of any construction permits for Phase II. The Intown Areawide DRI is still in the first phase of development.

The second amendment to the Development Order (Ordinance #709-G) was adopted by the City of St. Petersburg on January 6, 2005. Ordinance #709-G made two changes to the Development Order in Section 13: 1) extending the buildout date of the DRI from December 31, 2000 to December 30, 2010; and 2) extending the expiration date of the DRI from December 31, 2005 to December 30, 2010. (Subsequent actions by the Florida Legislature as well as through Executive Orders by the governor extended all DRIs in the state by three years in 2007, and then by four years in 2011, and finally by two years in 2012. Consequently, the expiration date of the Intown Areawide DRI is now December 30, 2019.)

The third amendment to the Development Order (Ordinance 852-G) was adopted by the City of St. Petersburg on September 18, 2007, to clarify the requirements to reserve development capacity. The amendment reserves IADRI capacity at the time a building permit is approved. To maintain that reservation the project must begin vertical construction within 6 months of permitting.

In 2008, the City of St Petersburg executed a tradeoff in development capacity to accommodate the numerous residential site plan approvals within the IADRI. The tradeoff included the development needs of LFC-SP Development (Harborside), which was proposed to replace Urban Edge in the 300 block of 4<sup>th</sup> Avenue South, added 124 dwelling units, 16,000 SF of retail, 70 rooms of assisted living and 40 rooms of skilled nursing above what the City approved for Urban Edge (see September 3, 2008, Memo entitled "Intown Areawide DRI-Tradeoff for LFC-SP Development.")

In 2009, the City of St. Petersburg subsequently rescinded the tradeoff in development capacity because it was made unnecessary by two events. First, the developer of Harborside cancelled the project in June 2009 citing borrowing difficulties in the current

lending environment. Also, the two-year grandfathering of approved site plans in IADRI enabled by the third amendment to the Development Order expired in November 2009. Both of these events leave significant remaining capacity to accommodate the project if it is resurrected in the future as well as other downtown projects (see Exhibit B - Development Capacity Summary).

In 2012, the City executed a tradeoff to increase the amount of residential capacity available in IADRI. With more than 1,200 dwelling units approved since May 2012, it was necessary to provide developers certainty that capacity would be available before preparing and submitting construction documents for building permit approval. To that end, the City added 816 dwelling units to its residential capacity by trading-off 168,526 SF of retail/sales from its prior 866,510 SF capacity. The net result of the action yielded an amended capacity of 1,483 dwelling units and 697,984 SF of retail /sales (see November 30, 2012, memo entitled "Intown Areawide DRI-Land Use Trade-Off to Add Residential Capacity). After including building activity in 2012, the remaining capacity in these two land use categories is 1,388 dwelling units and 722,290 SF (see Exhibit D).

- 1a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years.**

None.

- 1b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.**

None.

- 1c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.**

None.

- 2) Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Provide a copy of the order adopted by the annexing local government.**

No.

- 3) Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.**

No changes to the master plan occurred during the reporting period.

- 4) **Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.**

No specific development activity was proposed in the Development Order. Development activity is to occur as market conditions allow over the life of the D.O.

- 5) **Have any undeveloped tracts of land in the development (other than individual single family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.**

This information is not relevant to an Areawide DRI.

- 6) **Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.**

This information is not relevant to an Areawide DRI.

- 7) **List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.**

Attached as Exhibits C and E which summarize building permits issued, site plans approved and demolition permits granted within the IADRI in 2012.

- 8) **Provide a list specifying each development order condition and each developer commitment as contained in the ADA and state how and when each condition or commitment has been complied with during the annual reporting period.**

Attached as Exhibit A.

\*\*\*

- 9) **Provide any information that is specifically required by the development order to be included in the annual report.**

As required in Section 10.2 of the Intown Areawide DRI Development Order the following summaries are provided:

- a. Authorized development within the DRI, for the past reporting year and cumulatively is attached as Exhibit D.
- b. Remaining surplus development capacities within the established thresholds are attached as Exhibit B.

- 10) **Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), F.S**

Person completing the questionnaire:

Name: Rick D. Smith, AICP & CEcD

Title: CRA Coordinator

Representing: City of St. Petersburg

Address: Planning and Economic Development Department  
One 4<sup>th</sup> Street North  
St. Petersburg, FL 33701  
Phone: (727)893-7106  
Fax: (727)892-5465  
E-mail: [rick.smith@stpete.org](mailto:rick.smith@stpete.org)

This statement is to certify that the following agencies have been sent a copy of this report on April 25, 2013, by U.S. mail.

Signed: \_\_\_\_\_

- 1. Tampa Bay Regional Planning Council
- 2. Florida Department of Economic Opportunity
- 3. Florida Department of Environmental Protection
- 4. Southwest Florida Water Management District
- 5. Florida Department of Transportation
- 6. United States Army Corps of Engineers

**EXHIBIT A**

**DEVELOPMENT ORDER CONDITIONS ASSESSMENT**

## 2012 CONDITIONS ASSESSMENT REPORT

### Intown Areawide DRI

#### Section V. A. – Land Use

**V.A.1. Response:**

No changes

**V.A.2. Response:**

None

**V.A.3. Response:**

Attached as Exhibits C and D.

**V.A.4. Response:**

There are no approved advanced reservations.

**V.A.5. Response:**

In 2012, the City executed a tradeoff to increase the amount of residential capacity available in IADRI. With more than 1,200 dwelling units approved since May 2012, it was necessary to provide developers certainty that capacity would be available before preparing and submitting construction documents for building permit approval. To that end, the City added 816 dwelling units to its residential capacity by trading-off 168,526 SF of retail/sales from its prior 866,510 SF capacity. The net result of the action yielded an amended capacity of 1,483 dwelling units and 697,984 SF of retail /sales (see November 30, 2012, memo entitled "Intown Areawide DRI-Land Use Trade-Off to Add Residential Capacity). After including building activity in 2012, the remaining capacity in these two land use categories is 1,388 dwelling units and 722,290 SF (see Exhibit D).

#### Section V. B. – Transportation

**V.B.1. Response:**

The Dr. Martin Luther King, Jr. Street North (9th Street North) and 22nd Avenue North intersection is operating at LOS C and, thus, will not require improvement as this time. Funding has been provided to construct pedestrian safety improvements for the intersection. The 54th Avenue North widening between Haines Road and I-275 has been completed.

**V.B.2. Response:**

No activity has occurred related to Phase II transportation improvements.

**V.B.3. Response:**

No activity has occurred related to Phase III transportation Improvements.

**V.B.4. Response:**

Since Phase I of IADRI has not yet been completed, no Chapter 380.06 transportation network analysis has been conducted.

**V.B.5. Response:**

Transit Planning

The City is in the process of implementing a multi-tiered program of transit service improvements in downtown St. Petersburg and along the Central Avenue corridor to areas located west of downtown. The first tier was implemented in 2005, when the City worked with the Pinellas Suncoast Transit Authority (PSTA) to improve the Downtown Looper Trolley by decreasing headways to 15 minutes and reducing the fare per trip to 25 cents.

The second tier was implemented in 2009 when the City and PSTA initiated the Central Avenue Trolley Shuttle between the Grand Central Terminal and The Pier. The Central Avenue Trolley service was expanded in 2011 to provide residents and visitors a one-seat ride from the St. Petersburg Pier to Pass-a-Grille Beach. The service is a combination of routes previously served by the Pier Trolley, the Looper Group's Central Avenue Shuttle, PSTA's Route 35 and the Suncoast Beach Trolley. This improved service features extended hours of service for the Central Avenue Trolley making it easy for riders to enjoy evening visits to the shops, attractions and restaurants in downtown St. Petersburg and along Central Avenue and Gulf Boulevard. The Central Avenue Trolley also features a new multi-zone fare system that offers free transport between the Pier and BayWalk, a 50-cent fare between BayWalk and PSTA's Grand Central Station and regular PSTA fares between Grand Central Station and Pass-a-Grille.

Bus Rapid Transit

The third tier in the program involves the development of a Bus Rapid Transit (BRT) service along 1<sup>st</sup> Avenues North and South. Since the early 2000s, the City, County and PSTA as well as other stakeholders in Pinellas County have been actively working to develop the area's first BRT project. The goals of the project are to develop and implement a successful BRT project along St. Petersburg's Central Avenue corridor that supports local revitalization and economic

development plans; improves long-term livability; enhances safety and access for pedestrians and bicyclists; attracts new ridership; supports the unique character of the area; and provides service in a cost-effective manner. To date, an alternatives analysis has been completed. The BRT project will connect downtown St. Petersburg to St. Pete Beach on the Gulf of Mexico and will provide service to major destinations in downtown St. Petersburg such the Central Business District, museums, Progress Energy Center for the Arts, Al Lang Stadium, University of South Florida/St. Petersburg and the medical center district along 6<sup>th</sup> Avenue South. The City is in the process of improving pedestrian connections between 1<sup>st</sup> Avenues North and South (one-way pairs) and the Central Avenue corridor in preparation for the BRT.

Total BRT project costs are expected to be in the \$30-35 million range, but this budget will be further refined in the engineering analysis. The vision of the Central Avenue BRT is to support local efforts to create a transit-friendly, pedestrian oriented development pattern by coordinating with other local initiatives such as the Comprehensive Plan, the Vision 2020 plan, the Central Avenue Revitalization Plan, and the Bicycle and Pedestrian Master Plan. This transit enhancement will connect to an improving PSTA bus system as well as provide the opportunity for coordination with regional transit initiatives. During 2010, the City began identifying sites for BRT stops throughout the projected service area, in addition to Downtown. It is anticipated that a transit surtax referendum will be put on the ballot in Pinellas County in November 2014, which could provide a funding source for the operation of the BRT service.

In preparation for the Central Avenue BRT service, the City has applied for and been awarded \$975,000 in Federal Transit Administration (FTA) grants to implement the Central Avenue BRT Corridor Enhancement Project. The City has also programmed \$1 million in local funding as a match for the federal grants and the PSTA is contributing \$300,000 towards station development. The purpose of the federal and local funding is to implement capital projects that will make it easier for pedestrians to walk between the bus stations on 1st Avenues North and South and the commercial establishments on Central Avenue. Potential capital projects include transit shelters, concrete flatwork for the shelters, new ADA accessible curb ramps and sidewalks, textured crosswalks and streetscaping. These improvements will provide an immediate benefit to transit patrons that utilize the PSTA's existing local bus services and support the planned BRT service. The City's project will be constructed completely within right-of-way owned by the City of St. Petersburg, and will replace and improve similar, existing transportation facilities by bringing these facilities up to modern standards, and consequently making them safer and more attractive to transit patrons and the BRT corridor more livable.

#### Mixed-Use Transportation Facility

To support the trolley and BRT transit plans, the City is planning to relocate its downtown PSTA transit hub at Williams Park to a new transportation facility, and is investigating several locations. The City has determined that a new transfer operation at an attractive, safe and service oriented site with more amenities could encourage new ridership amongst residents and visitors and help the City reclaim the recreation/open space land use of Williams Park. A

new downtown transportation center would contribute significantly toward creating a transit system everyone can access throughout downtown, the city and region.

During 2009, the City began identifying sites for its Downtown Transportation Facility, a portion of which was approved for funding with tax increment financing as part of the 2005 amendments to the IRP. Consultant Parsons Brinkerhoff initially identified twenty sites, and after combining several adjacent sites, the list was culled to seventeen (17) sites. These sites were evaluated as to their potential to serve as: 1) a traditional transit terminal; 2) a mixed-use joint development project that contains commercial and/or residential development and parking; 3) a multi-modal facility; and 4) an on-street transit mall. Sites within the Intown tax increment financing district, which is the City's desired area for such a facility, were given special consideration.

Based on the site selection process, six (6) sites were identified for further study and evaluation. Based on input from the Planning and Visioning Commission and the general public and communication between City staff and the property owners of the selected sites, two sites were removed from the list. The remaining four sites include:

- Site A** Pheil Hotel Site (block between 4th and 5th Streets and between Central Avenue and 1st Avenue South)
- Site B** 600 block of Central Avenue (block between 6th and 7th Streets and between Central Avenue and 1st Avenue South)
- Site C** ARC Group development site (blocks between 7th and 8th Streets and between Central Avenue and 2nd Avenue South)
- Site D** American Stage/Echelon Building Site (block between 3rd and 4th Streets and between 2nd and 3rd Avenues South)

After a preferred site is chosen, one design option will be selected for the preferred site and the consultant will produce 30% design plans.

#### Premium Transit Service

The final tier in the transit planning program involves establishment of a premium transit service. In 2010, Pinellas Suncoast Transit Authority (PSTA), Pinellas County Metropolitan Planning Organization (MPO), Tampa Bay Area Regional Transportation Authority (TBARTA) and the Florida Department of Transportation (FDOT) began conducting a formal Federal Transit Administration Alternatives Analysis (AA) to identify options for implementing a premium transit service to connect major residential, employment and activity centers in Pinellas County to the Westshore areas and downtown Tampa in Hillsborough County. The study corridor extends from downtown St. Petersburg to the Gateway area and downtown Clearwater, with a

connection to Hillsborough County via the Howard Frankland Bridge. The goals of the study are to maximize economic development opportunities, pursue transit improvements supported by the public, encourage sustainability through land use initiatives, provide local connections within Pinellas County and efficient regional connections, and attract new transit markets.

The Project Advisory Committee for the Pinellas AA approved a Locally Preferred Alternative (LPA) at their January 30, 2012 meeting, based on their review of technical studies and input from Pinellas County citizens, stakeholder groups and partner agencies along the study corridor. The LPA is a light rail transit system connecting St. Petersburg, Pinellas Park, the greater Gateway area, Largo and Clearwater with a regional connection across Tampa Bay to Hillsborough County. Additional countywide local transit service enhancements are recommended to support the LPA by connecting the light rail service to communities and neighborhoods throughout Pinellas County. In St. Petersburg, the light rail alignment travels from the downtown to the CSX freight corridor, enters I-275 north of 13th Avenue North and follows I-275, 62nd Avenue North, Haines Road, US 19/34th Street, Gandy Boulevard before returning to I-275, with an exit at Roosevelt Boulevard to reach the Gateway area.

The proposed funding sources for the LPA are federal and state funds and a 1 percent local sales tax that would replace PSTA's existing ad valorem tax. The projected cost of the premium transit system is \$1.5 to \$1.7 billion over thirty years. It is anticipated that the system will attract 32,840 new riders in Pinellas County and 39,676 new riders in the Tampa Bay region, create 66,962 high wage jobs and increase gross domestic product by \$4.237 billion over 30 years.

The City of St. Petersburg continues crosswalk, signalization and pedestrian/bicycle improvements throughout IADRI. These projects continue pedestrian and multimodal improvements made over the last few years, including the extension of Pinellas Trail into Downtown in 2008 and the construction of streetscape improvements along Beach Drive NE and 2<sup>nd</sup> Avenue NE to support the revitalization of the Core in general and BayWalk in particular. The City has allocated funding to convert 2<sup>nd</sup> Avenue South between 4<sup>th</sup> Street and 10<sup>th</sup> Street to two-way traffic in its FY2012 Capital Improvements Plan.

More streetscape improvements are on the way in the western part of IADRI along the Central Avenue Corridor. In late 2009, the City amended the Intown West Redevelopment Plan to allow the use of TIF revenues from the Intown West redevelopment trust fund to implement streetscaping improvements within public rights-of-way such as installation of traffic mast arms, landscaping and street trees, enhancements to transit sites, bike lanes, wayfinding signage and decorative sidewalk improvements. The work, which began in 2011, is focused primarily on First Avenues North and South and Central Avenue between Dr. Martin Luther King, Jr. Street and 16<sup>th</sup> Street and will be completed in early 2013.

## Section V. C. – Public Facilities and Services

### **V.C.1. Response:**

The City's commitment to provide police, fire, EMS rescue, potable and non-potable water, sewer and solid waste services to IADRI remains intact.

### **V.C.2. Response:**

Review for emergency access is a routine City review function applicable to all development activity.

### **V.C.3. Response:**

All private property connections to City services are reviewed and inspected by the City. Providing adequate fire flows is required of all development.

### **V.C.4. Response:**

Capacity for water, wastewater, solid waste and electrical service for the IADRI is provided by the responsible service entities consistent with the requirements of the IADRI.

### **V.C.5. Response:**

The City continues to supply water to the Intown Areawide DRI consistent with all local and regional regulations and policies.

### **V.C.6. Response:**

The City continues to supply wastewater service to the Intown Areawide DRI consistent with federal, state and local regulations and policies. The City routinely undertakes future-needs studies based on projections of development capacity in the IADRI and environs.

### **V.C.7. Response:**

The City continues to collect and dispose of solid waste in the Intown Areawide DRI consistent with federal, state and local regulations and policies.

### **V.C.8. Response:**

Assessment of electrical service availability is a routine development review and inspection function of the City in cooperation with Duke Energy.

**V.C.9. Response:**

The City uses the Florida Energy Efficient Building Code as the standard for review of building plans.

**Section V. D. - STORMWATER MANAGEMENT**

**V.D.1. Response:**

The City adopted a drainage ordinance on December 20, 1990 (Ord. #2017-F). That ordinance requires treatment of stormwater quantity and quality in a manner that exceeds SWFWMD regulations. A stormwater management master plan for the entire City was completed in 1995. The plan was developed to identify stormwater improvements needed to achieve consistency with all applicable state, federal and local regulations. Regular cleaning of public streets and parking lots is an ongoing part of the City's overall stormwater management program.

**V.D.2. Response:**

As of January 1, 1990, the City began assessing property owners a monthly stormwater utility fee. The stormwater utility fee was increased by 11% in 2001. In 2002, the City Council approved Ordinance #566-G, amending the stormwater management system utility fee reducing the fee for privately owned (such as non-single family residential) and operated stormwater management systems as well as those properties that do not contribute stormwater runoff directly or indirectly into the City's stormwater management systems. The City also established a uniform schedule of utility rates as well as a fee for non-single family residential parcels.

In October, 2004, the stormwater utility fee was increased to \$6.00 per single family unit as a result of the adoption of Ordinance #684-G. This amount is revised each October by an amount equal to the increase in the Consumer Price Index.

**V.D.3. Response:**

Internal drainage facilities are the responsibility of the property owner.

**V.D.4. Response:**

A Policy in the Comprehensive Plan recommends payment in lieu of drainage improvements for development sites (e.g. in the IADRI area) with limitations to incorporate water quantity and quality controls systems on site. The drainage ordinance was subsequently amended to include the payment in lieu option. The 11-acre lake (Mirror Lake) was designated a water quality treatment site for use of stormwater treatment by an Alum injection system. The system is used to purify untreated water offsite from developments in the IADRI area. Construction was

completed in 2000. One of the goals of the project is to reduce the nitrogen loading (by almost 80 percent) into Tampa Bay, which is also a goal of the Tampa Bay Estuary Program.

**V.D.5. Response:**

All the options described in this condition designed to improve stormwater quality, including use of porous pavement, rooftop storage, offsite improvements, and additional erosion and sediment controls, are available to developers in the DRI provided they meet the minimum requirements of City and SWFWMD regulations.

**V.D.6. Response:**

Provision of maintenance easements for drainage facilities has not been necessary to date.

**Section V. E. – Architectural, Historic and Archaeological Resources**

**V.E.1. Response:**

Historic Preservation Ordinance #832-F and Ordinance #567-F are still in place and continue to be enforced. In 2010, City Council authorized the Community Preservation Commission and Staff to undertake an extensive review of the ordinance. Several subcommittees met throughout 2010 and into 2011, and studied various issues affecting the City's historic preservation program, such as transfer of development rights, economic incentives, landmark designation and notification requirements, archaeology and public involvement. Each subcommittee formulated recommendations. City Staff has evaluated these recommendations and prepared responses. City Council is expected to take action on the recommendations in 2013.

**V.E.2. Response:**

No discovery of archaeological resources has occurred during the reporting period. The City did not designate any properties within IADRI as Local Historic Landmarks during 2012.

**V.E.3. Response:**

The following properties determined eligible or listed on the National Register of Historic Places located within the Intown Areawide DRI had exterior alteration or demolition done during this reporting period.

1. Mirror Lake High School (701 Mirror Lake Drive N). The building is a Local Historic Landmark and a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved replacing the HVAC for one unit.

2. First United Methodist (212 3<sup>rd</sup> Avenue North). The building is a Local Historic Landmark, individually listed on the National Register of Historic Places and a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved replacement of two signs.
3. Garden Cafeteria (232 2<sup>nd</sup> Street North). The building is a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved demolition due to its structural condition.
4. Coliseum (535 4<sup>th</sup> Avenue North). The building is a Local Historic Landmark and a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved installing railings consistent with building code.
5. Snell Arcade (405 Central Avenue). The building is a Local Historic Landmark, individually listed on the National Register of Historic Places and a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved installing exhaust vent.
6. St. Petersburg Carnegie Library (280 5<sup>th</sup> Street North). The building is a Local Historic Landmark, individually listed on the National Register of Historic Places and a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved reinforcement of a rear balcony.
7. First Congregational Church (256 4<sup>th</sup> Street North). The building is a Local Historic Landmark and a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved minor repairs to windows, fascia, siding and installation of replacement louvers in bell tower.
8. St. Petersburg Shuffleboard Court (536 4<sup>th</sup> Avenue North). The building is a Local Historic Landmark and a contributing building to the Downtown St. Petersburg National Register Historic District. The City approved installation of gutters.

## Section V. F. Hazardous Waste

### V.F.1. Response:

Compliance with Ordinances 937-F and 938-F is required of all development in the City. No permitting of hazardous materials storage, handling or transporting has been required in the IADRI.

\*\*\*

## Section V. G. – Recreation and Open Space

### V.G.1. Response:

No displacement of recreational lands has occurred. By amendments to the tax increment financing fund for Intown Community Redevelopment Plan in 2005 and 2006, the City of St. Petersburg expended over \$2.5 million to improve the Waterfront Park system, including the development of a plaza separating the Mahaffey Theater and the new Salvador Dali Museum that opened on January 11, 2011, on the former Bayfront Center site. (Some of this funding was spent to build Albert Whitted Park on three acres of former parking east of the Mahaffey Theater. This lot is located just outside of the IADRI boundaries but within the Intown Redevelopment Area.) The Plaza was completed in 2010 in advance of the Dali's grand opening, which occurred on January 11, 2011.

During 2011, the City undertook waterfront planning efforts. On November 8, 2011, St. Petersburg voters approved an amendment to the City Charter requiring City Council to "develop and approve an inclusive Downtown Waterfront Master Plan by July 1, 2015." The Charter amendment also requires City Council to adopt an ordinance that establishes "criteria for the development of an inclusive Downtown Waterfront Master Plan by July 1, 2012." Administration has drafted a document that sets forth a vision, guiding principles and context for the preparation of a new Downtown Waterfront Master Plan now required by the City Charter. The master plan will guide the development not only of the City's iconic waterfront park system but also major facilities including the Municipal Port, Albert Whitted Airport, Al Lang Field, Progress Energy Center for the Arts, and the Municipal Marina.

## Section V. H. – Hurricane Evacuation

### V.H.1. Response:

No development has occurred that is subject to this D.O. condition for evacuation plans.

## Section V. I. - Housing

### V.I.1. Response:

No dwelling units in the IADRI were demolished in 2012 as a result of City acquisition.

### V.I.2. Response:

Through the variety of programs available, residents who are displaced as part of private development have the opportunity to relocate to safe, suitable housing in the vicinity of IADRI.

**V.I.3. Response:**

See attached Exhibit D.

**V.I.4. Response:**

Investigation of housing programs is an ongoing effort. The Housing Department is responsible for creating and implementing housing rehabilitation and development projects and programs.

The City has developed a comprehensive housing strategy with funding from a number of sources including AMERICAN DREAM DOWN PAYMENT INITIATIVE, HOME, SHIP, CDBG and the City's own Housing Capital Projects Fund. The programs include strategies for new construction and rehabilitation for low and moderate income families. The funds are targeted to specific neighborhoods that are adjacent to the Intown Areawide DRI area. In addition, City Council established an "Affordable Housing Committee" in 2004 by Resolution 2004-24. The Committee has been meeting on a continuing basis since then.

Workforce housing incentives were added to the City's development incentives as part of the overhaul of the City's land development regulations in 2007. These include a density bonus of 6 DUs/acre for developments providing workforce housing in the City's "Corridor" zoning districts (Corridor Residential Traditional, Corridor Residential Suburban, Corridor Commercial Traditional and Corridor Commercial Suburban). The Downtown Center zoning district also exempts workforce housing from FAR calculations (up to 0.5 FAR) and FAR bonuses for onsite provision of housing to income groups below 150 percent of the median income or provide funding to the City's Housing Capital Improvement Projects Trust Fund.

The City has also approved construction of several senior and workforce housing projects in IADRI since 2010. In 2011, the Portland (801 3<sup>rd</sup> Avenue North), which is a workforce housing project with 68 units, opened in the Mirror Lake neighborhood. The Portland is located just north of City Place Senior Residences, which opened in late 2010 with 82 affordable units. In 2012, Campbell Landings, a 96-unit senior housing complex, broke ground in the 300 block of 6<sup>th</sup> Street South. The City also approved a \$6 million renovation to Viridian in 2010, which is a senior housing project located at 518 3<sup>rd</sup> Avenue South.

**Section V.J. – Capital Improvements Program**

**V.J.2. Response:**

The Phase II and III capital improvements were not included in the City's "Adopted Program Budget and Capital Improvement Program: Fiscal Year 2012." In addition, none of the Phase II and III transportation improvements are included in the County's 2012 capital improvements program.

**Sections V. K. to V.N. – Miscellaneous Conditions**

**V.K. Response:**

Compliance with FEMA regulations is a routine review and inspection function of the City.

**V.L. Response:**

Compliance with all applicable building codes, land development regulations, ordinances and other laws is assured through the City's integrated development review process that includes Planning and Economic Development, Engineering, Transportation and Parking, Public Utilities, Fire departments.

**V.M. Response:**

The Intown Areawide DRI brochure is available to all interested persons.

**V.N. Response:**

The conditions agreed to in the tri-party settlement are being implemented, including water quality monitoring and manatee protection. Two water quality reports have been submitted to establish base line water quality condition. The Manatee Protection Plan approved by the Department of Environmental Protection has been implemented.

In 2008, the City of St Petersburg constructed 52 slips in the South Mole. The project was reviewed and approved by Florida Department of Environmental Protection. Among the conditions of approval was erecting signs around the Mole basin notifying boaters of the presence of manatees and providing manatee educational materials.

**EXHIBIT B**

**Development Capacity Summary**

**Phase I, II & III Development Capacity Summary thru 2012**

Development Type	Approved Capacity	Phase I		Phase II**			Phase III**			Total		
		Cumulative thru 2012	Remaining Capacity (with Tradeoff)*	Capacity	Development	Remaining Capacity	Capacity	Development	Remaining Capacity	Capacity	Cumulative Development	Remaining Capacity
Dwelling Units	2,700	2,128	1,388	0	0	0	0	0	0	2,700	2,128	1,388
Rooming Units	916	46	870	0	0	0	0	0	0	916	46	870
Retail/Sales S.F.	1,170,773	279,327	722,920	0	0	0	0	0	0	1,170,773	279,327	722,920
Office S.F.	1,271,244	349,366	921,878	489,438	0	489,438	936,183	0	936,183	2,696,865	349,366	2,347,499
Industrial S.F.	234,500	0	234,500	0	0	0	0	0	0	234,500	0	234,500
Public Safety S.F.	108,000	0	108,000	0	0	0	0	0	0	108,000	0	108,000
Boat Slips	141	126	15	0	0	0	0	0	0	141	126	15
Museum S.F.	86,000	-17,621	103,621	0	0	0	0	0	0	86,000	-17,621	103,621
Trade Exhibit S.F.	50,000	28,989	21,011	0	0	0	0	0	0	50,000	28,989	21,011
Movie Theater Screens	24	20	4	0	0	0	0	0	0	24	20	4

\* Includes the addition of 816 units to Dwelling Unit capacity and a reduction in Retail/Sales SF capacity of 168,526 SF per November 30, 2012, IADRI tradeoff memo.

**EXHIBIT C**

**Projects Permitted and Demolition Permits Issued in 2012**

**Building and Demolition Permits Approved in 2012**

Project Name	Address	File/Permit #	Activity	Dwelling Units	Rooming Units/ Hotel	Trade Exhibition/ Museum	Office SF	Retail SF
<b>BUILDING PERMITS ISSUED</b>				<b>96</b>	<b>-2</b>	<b>7,200</b>	<b>0</b>	<b>12,729</b>
Campbell Landings	365 6th St S	12-10000039	Residential	96				
Birchwood Inn	340 Beach Dr NE	12-2000196	Hotel/Assembly		-2	7,200		5,177
Regions Bank	510 Central Ave	12-6000346	Retail					7,552
<b>BUILDING PERMITS ADJUSTED</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DEMOLITION PERMITS ISSUED</b>				<b>1</b>	<b>0</b>	<b>0</b>	<b>16,000</b>	<b>37,665</b>
Shops of St. Pete	153 2nd Ave N	12-3000439						15,070
Shops of St. Pete	232 2nd St N	12-8000451						12,072
Regions Bank	526 Central Ave	12-6000561						10,523
Not Applicable	1301 Arlington Ave N	12-1000483					8,000	
Not Applicable	230 1st St N	11-10000542					8,000	
Not Applicable	806 Calla Terrace	12-11000288		1				
<b>NET PERMITS ISSUED</b>				<b>95</b>	<b>-2</b>	<b>7,200</b>	<b>-16,000</b>	<b>-24,936</b>

**EXHIBIT D**

**2012 Cumulative Development**

**Cumulative Development in 2012**

Use	2012 Development	Cumulative Development Thru									
		2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Dwelling Units	95	2,128	2,033	2,044	1,966	1,880	1,572	1,457	1,241	954	712
Rooming Units	-2	46	48	48	48	48	48	48	48	-6	20
Retail/Sales SF	-24,936	279,327	304,263	304,263	319,263	319,263	313,259	315,699	302,933	263,733	273,733
Office SF	-16,000	349,366	365,366	365,366	365,366	369,653	372,734	413,534	556,700	325,764	204,530
Industrial SF	0	0	0	0	0	0	0	0	0	0	0
Public Safety SF	0	0	0	0	0	0	0	0	0	0	0
Boat Slips	0	126	126	126	126	126	74	74	74	74	74
Museum SF	0	-17,621	-17,621	-17,621	-24,947	-24,947	-99,071	-147,927	-147,927	41,073	11,029
Trade Exhibit SF	7,200	28,989	21,789	21,789	21,789	21,789	21,789	21,789	21,789	-28,211	44,209
Movie Theater Screens	0	20	20	20	20	20	20	20	20	20	20

**Note: The above table only shows cumulative development data from projects issued building permits through 2012. The development shown above is the net increase (new development less demolition).**

**EXHIBIT E**

**Site Plans Approved in 2012**

Site Plans Approved in 2012

Name	Address	Activity	Dwelling Units	Rooming Units/ Hotel	Trade Exhibition/ Museum	Office SF	Retail SF	Other
<b>SITE PLAN APPROVALS</b>			<b>1,110</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,154</b>	<b>0</b>
Bayway Lofts	200 blk of 3rd Ave N	Apartments	324					
Campbell Landings	325 6th St S	Apartments	96					
The Sol	300 blk 4th St S	Apartments	325					
Residences at 3rd St S	300 blk 3rd St S	Apartments	357				6,602	
Regions Bank	510 Central	Retail					7,552	
Townhomes	400 blk of 3rd St S	Residential	5					
Townhomes	200 blk of 6th St S	Residential	3					
The Sihouette	145 4th Ave NE	Condominiums	16					
Urban Edge	300 blk 4th Ave S	Apartments	125				6,673	
<b>SITE PLAN MODIFICATIONS</b>			<b>-15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Bayway Lofts	200 blk of 3rd Ave N	Apartments	-15					
<b>TOTAL</b>			<b>1,095</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,154</b>	<b>0</b>

**EXHIBIT F**

**Intown Areawide DRI-Land Use Trade-Off to Add Residential Capacity**  
November 30, 2012



## CITY OF ST. PETERSBURG

### Transportation and Parking Management Department

#### MEMORANDUM

TO: Dave Goodwin, Director, Planning and Economic Development Department

FROM: Joe Kubicki, Director

DATE: November 30, 2012

SUBJECT: Intown Areawide DRI – Land Use Trade-Off to Add Residential Capacity

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As you know, there are several multi-family residential projects located in the Intown Areawide Development of Regional Impact (IADRI) that are in the permitting phase and/or received site plan approval since May 2012. These projects are

Fourth Avenue South Residences	326 units
Campbell Landings	96 units
3 <sup>rd</sup> Street South Residences	357 units
Bayway Apartments	324 units
Charles Court Townhomes	5 units
Urban Edge	125 units
<b>Total</b>	<b>1,233 units</b>

The IADRI residential capacity is currently 667 dwelling units, which will be exceeded by 566 units if all of these projects are built. Since our department is responsible for processing land use trade-offs for the IADRI, the purpose of this memorandum is to approve the trade off of retail/sales capacity in the transportation trade-off matrix to create additional residential capacity.

Development capacity in the IADRI is typically reserved with the approval of a building or foundation permit. However, with the large number of residential projects approved in a short period of time, it is necessary for the City to provide certainty that IADRI's residential capacity will not constrain their development rights. To do so, the City will execute the tradeoff to accommodate not only the units in the above projects that have approved site plans, but also include additional units to increase the residential capacity. Consequently, the residential capacity needs to be increased by at least 566 dwelling units, in anticipation that all of these units will be built. To provide additional capacity in the trade-off matrix for residential projects that may be proposed in the future, we have added an additional 250 dwelling units, so the residential capacity needs to be increased by 816 dwelling units.

Your department has indicated that there is a large surplus of retail/sales capacity, which is currently 866,510 square feet, and that this would be most appropriate category for a land use trade-off. We have proceeded to trade off 168,526 square feet of retail/sales capacity to add 816 dwelling units, consistent with the land use trade-off mechanism outlined in Section 5.A.5 of the Development Order. As a result of this trade off, the residential capacity is 1,483 dwelling units and the retail/sales capacity is 697,984 square feet. We have attached the transportation trade-off matrix to this memorandum. Please call me at 892-5274 if you have any questions.

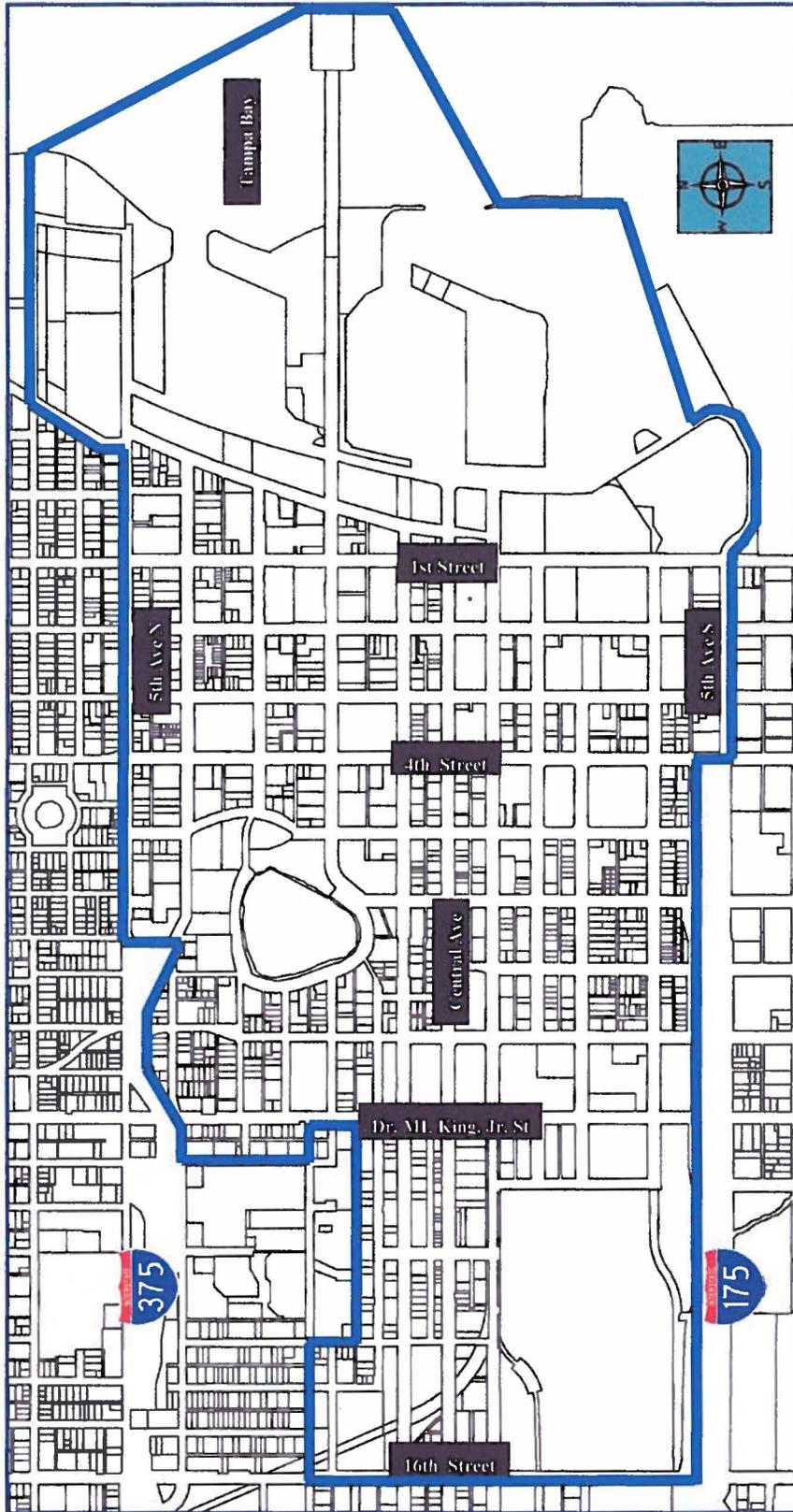
cc: Rick D. Smith, CRA Coordinator, Planning and Economic Development  
Tom Whalen, Planner III, Transportation and Parking Management

**EXHIBIT G**

**Map of Intown Areawide DRI**

# Intown Areawide DRI Boundaries

St. Petersburg, Florida



Attached documents for item Approving the 2012 Annual Report for the Gateway Areawide Development of Regional Impact (GADRI).

**ST. PETERSBURG CITY COUNCIL  
Consent Agenda**

**Meeting of April 18, 2013**

**TO:** The Honorable Karl Nurse, Chair, and Members of City Council

**SUBJECT:** A resolution approving the 2012 Annual Report for the Gateway Areawide Development of Regional Impact (GADRI).

**EXPLANATION:** An approved Development of Regional Impact (DRI) is required to submit an annual report that describes development activity within the DRI during the past year. Attached is the annual report that has been prepared consistent with the requirements of Section 380.06, Florida Statutes and the Development Order (D.O.) for the Gateway Areawide DRI. The reporting period is from 1/17/2012 to 1/16/2013. The report indicates the development is in compliance with the adopted Development Order.

No permits for additional development were approved in the DRI. The Home Shopping Network (205,000 sq. ft. of warehouse and 200,000 sq. ft. of office) and The Reserve II in Carillon (308 multifamily units) received site plan approval. Both site plans modified and renewed previously approved site plans. Currently, the buildout date for the final phase of the DRI is April 29, 2021.

**ATTACHMENTS:** Resolution and Annual Report

**APPROVALS:**

Administrative :

\_\_\_\_\_

OK

Budget:

NA \_\_\_\_\_

Legal:

\_\_\_\_\_

(As to consistency w/attached legal documents)

RESOLUTION NO. 2013-

A RESOLUTION, APPROVING THE 2012 ANNUAL REPORT FOR THE GATEWAY AREAWIDE DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that pursuant to Section 380.06, Florida Statutes and Ordinance No. 1142-F, adopting the Gateway Areawide Development of Regional Impact Development Order, the Council approves the 2012 Annual Report for the Gateway Areawide Development of Regional Impact.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
City Attorney (designee)

  
\_\_\_\_\_  
Administration

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# **2012 ANNUAL REPORT**

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Gateway Areawide  
Development  
of Regional Impact  
(DRI #195)

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**City of St. Petersburg**  
**April 18, 2013**

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Exhibit J - 2012 Cumulative Development	
Location Map	

**GATEWAY AREAWIDE DRI  
ANNUAL STATUS REPORT**

Reporting Period: January 17, 2012 to January 16, 2013  
Development: Gateway Areawide, DRI #195  
Location: St. Petersburg, Pinellas County  
Developer Name: City of St. Petersburg  
Address: 175 - 5th Street North P.O. Box 2842  
St. Petersburg, Florida 33731

- 1) Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

**Response:**

- A. As reported in the 1998 Annual Report, an NOPC was submitted and approved for the following:

1. Amended the approved Land Uses to introduce a movie theater land use category.
2. Amended the Master Plan to reflect the location of the new movie theater land use.
3. Amended the Trade Off Matrix to include the movie theater land use category.
4. Exempted the movie theater land use from paying the Gateway Areawide Transportation Impact Fee and instead will pay the Countywide TIF.
5. Extended the time frames of the D.O. as follows:
  - a. Extended the anticipated buildout date of Phase I by six years and 364 days to December, 2004.
  - b. Extended the anticipated buildout date of Stage I by six years and 364 days to December 30, 2001.
  - c. Extended the D.O. expiration date by one year and 364 days to December 30, 2004.

- B. As reported in the 2000 Annual Report, in December 2000 a proposal was submitted and approved for the following land use trade-off using the Equivalency Matrix of the Development Order (D.O), pursuant to Section 5.A.5.c. of the Gateway Areawide D.O., 4 theater screens, 22 hotel rooms, 818,330 sq. ft of industrial land use and 12,884 sq. ft. of commercial space were

converted to 465,028 sq. ft. of office space and 194 residential units.

- C. As reported in the 2000 Annual Report, on February, 15, 2001 City Council approved a third amendment to the D.O. (Ordinance #462-G), specifically amending Section 5.A.4 of the D.O. for (1) the payment of 5 percent of Transportation Impact Fees to reserve development capacity, (2) the payment of an additional 10 percent of the Transportation Impact Fees for the extension of the development capacity reservations, and (3) an additional 15 percent of the Transportation Impact Fees for a second extension, allowing for no more than two extensions. All property owners in the GADRI were notified twice, by letter, of the intent of the amendment.
- D. As reported in the 2001 Annual Report, the City notified the TBRPC and the DCA pursuant to Section 5.A.5.c. of the Development Order, of its intent to convert 47,570 square feet of retail sales/service, 180 hotel rooms and 20 movie theater screens to 681,224 square feet of office, effectively eliminating movie theaters from the D.O.
- E. As reported in the 2001 Annual Report, City Council passed the fourth amendment to the D. O. (Ordinance #474-G) revising Table I of Section 5.A and Exhibit III to increase Phase I industrial land use by 500,000 sq. ft. and reflect previously approved trade-offs, revising Table II of Section 5.B.4 and Exhibit V to add a new stage 2 roadway project, revising Section 5.B.4, Table III, to add a new stage 2 roadway "Project 5" and increasing pm peak hour trips by 301 trips, Revising Exhibit IV, the trade-off matrix, to reflect the increased pm peak hour trips, increased industrial land use capacity, previously approved trade-offs, and corrected movie theater trade-off ratios.
- F. As reported in the 2001 Annual Report, City Council passed the fifth amendment to the D.O. (Ordinance #505-G), to: 1) removing Wetland L from the Development Order as a preservation area of regional significance; 2) To provide, as a condition for removal of Wetland L as a preservation area of regional significance, mitigation that must be completed prior to any alteration of Wetland L; 3) Revise Exhibit VI to the Development Order to reflect the elimination of Wetland L as a preservation area of regional significance; and 4) Revise the Master Plan, which is Exhibit III to the Development Order, to reflect the elimination of Wetland L as a preservation area of regional significance.

On November 21, 2002, the City Council approved, with a condition, Ordinances 622-L and 638-Z, amending the Future Land Use Plan designation and Official Zoning Map designation (respectively) for Wetland "L." The Future Land Use Plan was amended from Preservation (Primary Activity Center Overlay) to Residential Office Retail (PAC) and the Official Zoning Map designation from IB-P-PRES (Industrial Business-Parkway Preservation) to ROR-2 (Residential Office Retail-2). *The City Council's condition for approving the aforementioned ordinances was as follows:*

Completion of the required off-site mitigation project, consistent with the requirements set forth in Ordinance 505-G, before the end of December 2003.

The selected/permitted offsite mitigation project was habitat creation at Little Bayou. The Little Bayou habitat restoration project has been completed and "Wetland L" has been removed. The project has been certified complete by City Council in conformance with the requirement of Ordinance 505-G.

- G. In December, 2001, the City filed another amendment (NOPC #6) to seek specific approval of a modified Phase II. As per the D.O. the City conducted a transportation network analysis and a housing affordability analysis which were submitted with the application. The air quality analysis was not required per Section 5.M.4. of the Development Order. Per the October 30, 2001, trade-off, the NOPC also included the elimination of movie theaters.

In 2003, City Council passed the sixth amendment to the D.O. (Ordinance #599-G) amending the conditions to the D.O. as follows: (1) modifying the development capacities for Phase I and Phase II (as noted in attached Exhibit H - Development Capacity Summary), (2) extending the Phase I buildout date from December 30, 2004, to December 30, 2007, and the Phase II buildout date from December 30, 2001 to December 30, 2008, (3) extending the D.O. expiration date to December 30, 2008, (4) revising the Transportation Impact Mitigation Plan, (5) revising conditions relating to the reservation of development capacities, (6) approving modifications to the transportation improvement special assessment fee, (7) providing incentives to reduce single occupancy vehicle trips, (8) requiring amendments to the Land Development Regulations to encourage public transit and non-single occupancy vehicle trips, (9) removing certain requirements relating to a housing affordability and implementation plan, (10) adopting a revised master plan map, (11) amending the transportation land use trade-off matrix, (12) amending the capital improvements program, (13) deleting the candidate project list and (14) adding tables from the TBRPC NOPC Report.

- H. In 2002, the City notified TBRPC and the DCA pursuant to Section 5.A.5.c. of the Development Order, of its intent to make three separate land use conversions.

6. GADRI Trade Off to convert 24,084 sq. ft. of office space to 50,000 sq.ft. of industrial space. This conversion resulted in a Phase I capacity of 3,136,168 sq.ft of office space and 1,960,670 of industrial space.
7. GADRI Trade Off to convert 44,400 sq. ft. of office space to 60 hotel rooms. This conversion resulted in a Phase I capacity of 3,091,768 sq.ft of office space and 358 hotel rooms.
8. GADRI Trade Off to convert 106,635 sq. ft. of office space to 22,000 sq. ft of retail space and 90 residential units. This conversion resulted in a Phase I capacity of 2,985,133 sq.ft of office space, 71,546 sq. ft of retail space and 1,789 residential units.

In 2003, the City notified TBRPC and the DCA pursuant to Section 5.A.5.c. of the development order, of its intent to make one land use trade-off (See attachment #1) converting 179,199 sq. ft. of office space and 60 hotel rooms to 48,049 sq. ft. of retail space and 170 residential units. This conversion resulted in a Phase I capacity of 2,805,934 sq. ft. of office space, 119,595 sq. ft. of retail space, 298 hotel rooms and 1,959 residential units.

J. In 2004, the City notified TBRPC and the DCA pursuant to Section 5.A.5.c. of the Development Order, of its intent to make two separate land use conversions.

GADRI Trade Off to convert 112,248 sq. ft. of industrial space, 20,000 sq. ft. of retail space and 100 hotel rooms to 382 residential units in Phase II of the GADRI. This conversion resulted in a Phase II capacity of 387,752 sq. ft. of industrial space, 30,000 sq. ft. of retail space, no hotel rooms and 632 residential units.

GADRI Trade Off to convert 80,000 sq. ft. of industrial space to 84 residential units in Phase II of the GADRI. This conversion resulted in a Phase II capacity of 307,752 sq. ft. of industrial space and 716 residential units.

K. In 2005, the City notified TBRPC and the DCA pursuant to Section 5.A.5.c. of the Development Order, of its intent to make two separate land use conversions.

1. GADRI Trade Off to convert 63 hotel rooms to 46,620 sq. ft. of office, 38 hotel rooms to 8,170 sq. ft. of retail space, and 77 hotel rooms to 118,349 sq. ft. of industrial space. This conversion resulted in a Phase I capacity of 127,765 sq. ft. of retail space, 2,852,554 sq. ft. of office space, 2,079,019 sq. ft. of industrial space and 120 hotel rooms.

2. GADRI Trade Off to convert 20,690 sq. ft. of office to 60 multifamily dwelling units. This conversion resulted in a Phase I capacity of 2,831,864 sq. ft. of office space and 2,019 multifamily units.

L. In 2006, the City notified TBRPC and the DCA pursuant to Section 5.A.5.c. of the Development Order, of its intent to make four separate land use conversions.

1. GADRI Trade Off to convert 286,310 sq. ft. of office to 830 multifamily dwelling units. This conversion resulted in a Phase I capacity of 2,545,657 sq. ft. of office space and 2,849 multifamily units.

2. GADRI Trade Off to convert 69,188 sq. ft. of industrial to 33,349 sq. ft. of office, and 11,945 sq. ft. of retail to 41,091 sq. ft. of office. This conversion resulted in a Phase I capacity of 2,619,745 sq. ft. of office space, 2,009,831 sq. ft. of industrial space and 115,820 sq. ft. of retail space.

3. GADRI Trade Off to convert 301,250 sq. ft. of office to 874 multifamily dwelling units, and 108,750 sq. ft. of office to 31,646 sq. ft. of retail. This conversion resulted in a Phase I capacity of 2,209,745 sq. ft. of office space, 3,723 multifamily units and 147,466 sq. ft. of retail space.
  4. GADRI Trade Off to convert 15,521 sq. ft. of office to 32,222 sq. ft. of industrial. This conversion resulted in a Phase I capacity of 2,194,224 sq. ft. of office space and 2,042,053 sq. ft. of industrial space.
- M. In 2009, the City notified TBRPC and the DCA pursuant to Section 14 of Chapter 2009-96, Laws of Florida, extending the Phase I buildout date to December 30, 2012, the Phase II buildout date to December 30, 2013 and the DRI expiration date to December 30, 2013.
- N. In 2010, the City notified TBRPC and the DCA pursuant to Section 5.A.5.c. of the Development Order, of its intent to make one land use conversion.
1. GADRI Trade Off to convert 24,910 sq. ft. of retail to 85,692 sq. ft. of office and 2,579 sq. ft. of retail to 18,419 sq. ft. of industrial.
- O. In 2010, the City notified TBRPC and the DCA pursuant to Section 14 of Chapter 2009-96, Laws of Florida, extending the Phase I buildout date to December 30, 2014, the Phase II buildout date to December 30, 2015 and the DRI expiration date to December 30, 2015.
- P. In 2011, the City notified the TBRPC and the DEO pursuant to Florida Statute 380.06, extending the Phase I buildout date to December 30, 2018, the Phase II buildout date to December 30, 2019 and the DRI expiration date to December 30, 2019.
- Q. In 2012, the City notified the TBRPC and the DEO pursuant to Executive Orders 12-140, 12-192, 12-217 and 12-199 extending the Phase I buildout date to April 29, 2020, the Phase II buildout date to April 29, 2021 and the DRI expiration date to April 29, 2021.
- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;

**Response:**

None

- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

**Response:**

None

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S .

**Response:**

None

- 2) Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Provide a copy of the order adopted by the annexing local government.

**Response:** No

- 3) Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

**Response:**

None

- 4) Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

**Response:**

No specific development activity was proposed in the Development Order. Development activity is to occur as market conditions allow over the life of the D.O.

- 5) Have any undeveloped tracts of land in the development (other than individual single family lots) been sold to a separate entity or developer? If so, identify the tract, its size, and the buyer. Provide maps which show the tracts involved.

**Response:**

This information is not relevant to an Areawide DRI.

- 6) Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

**Response:**

This information is not relevant to an Areawide DRI.

- 7) List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

**Response:**

Attached as Exhibit IA & IB.

- 8) Provide a list specifying each development order condition and each developer commitment as contained in the ADA and state how and when each condition or commitment has been in compliance during the annual reporting period.

**Response:**

Please refer to Exhibit G for an assessment of compliance with development order conditions.

- 9) Provide any information that is specifically required by the development order to be included in the annual report. The following information is specifically required by the development order to be included in the annual report:

- a) Authorized development by gross building square footage within the GAADA area for the past reporting year and cumulatively.

**Response:**

Attached as Exhibit J.

- b) Remaining surplus development capacities within the established thresholds.

**Response:**

Remaining development capacities available for all use categories are summarized in Exhibit H.

- c) The status of any requirements of this order which were to have been acted upon during the past 12 months.

**Response:**

None

- d) Summary of land use categories for which approved site plans were filed during the year.

**Response:**

See response to questions 7) and 9)a. above.

- e) Summary of status of transportation facilities.

**Response:**

STAGE 1 PROJECTS:

<u>Roadway</u>	<u>From</u>	<u>To</u>	<u>Improvement</u>
1) S.R. 686	S.R. 688	28th St. N.	6 lane
2) S.R. 686	28th St. N.	I-275	6 lane
3) S.R. 688	Site	S.R. 686	6 lane
4) Gandy Blvd	M.L.King	I-275	6 lane
5) Gandy Blvd	I-275	28th St. N.	6 lane

Phase I, Stage 1, TIMP projects #s 1 & 2 (widening Roosevelt Boulevard between I-275 and Ulmerton Road) have been constructed. Total cost of the project was \$1.05 million dollars. The project was funded by the City of St. Petersburg.

Phase I, Stage 1 TIMP project #3 (widening Ulmerton Road between I-275 and Roosevelt Blvd.) has been constructed. Construction was completed. The total cost of the project was \$2.5 million and funded by the City of St. Petersburg.

Phase I, Stage I, TIMP projects #4 & 5 (Gandy Boulevard widening between 9<sup>th</sup> St and 28th St. N). The project was coordinated with project #7 described below and is complete.

## STAGE II PROJECTS

<u>Roadway</u>	<u>From</u>	<u>To</u>	<u>Improvement</u>
6) S.R. 686WB	I-275 NB off ramp	S.R. 686 WB Rt. Turn lane To 28 <sup>th</sup> Street	Turn Lane Gap Completion
7) 16 <sup>th</sup> Street	Gandy Blvd	NB 16 <sup>th</sup> Street	Intersection Realignment
8) I-275	EB S.R. 688	SB I-275 and M.L. King St.	Two Ramps
9) 118 <sup>th</sup> Ave. N. at 28 <sup>th</sup> Street			Intersection Reconstruction

In addition, the following four Stage II projects are complete:

Phase I, Stage II, TIMP project #6 (S.R. 686 turn lane gap completion from the northbound I-275 off ramp to the westbound S.R. 686 right turn lane to 28<sup>th</sup> Street).

Phase I, Stage II, TIMP project #7 (Gandy Boulevard at 16<sup>th</sup> Street intersection/reconstruction - including the realignment of North Frontage Road).

Phase I, Stage II, TIMP project #8 (construction of two I-275 ramps from eastbound S.R. 688 to southbound I-275 and southbound Dr. Martin Luther King, Jr. Street).

Phase I, Stage II, TIMP project #9 (intersection reconstruction of 118<sup>th</sup> Avenue North at 28<sup>th</sup> Street).

10) Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), F.S.

Person completing the questionnaire:

Name: Gary Jones  
Title: Planner III, Planning & Economic Development  
Representing: City of St. Petersburg

This statement is to certify that the following agencies have been sent a copy of this report on April 26, 2013 by U.S. mail.

Signed: \_\_\_\_\_.

- a. Tampa Bay Regional Planning Council
- b. Florida Department of Community Affairs
- c. Florida Department of Transportation
- d. Florida Department of Environmental Protection
- e. Southwest Florida Water Management District
- f. Army Corps of Engineers

**EXHIBIT G**

**DEVELOPMENT ORDER CONDITIONS ASSESSMENT**

**GATEWAY AREAWIDE DRI**  
**DEVELOPMENT ORDER**  
**CONDITIONS ASSESSMENT**

**SECTION V.A. - LAND USE**

**V.A.1. Response:**

No trade-offs were approved in 2012.

**V.A.2. Response:**

No transportation impact fee credits for existing square footage were given during the reporting period.

**V.A.3. Response:**

No development credits were given during the reporting period.

**V.A.4. Response:**

On February 15, 2001, the St. Petersburg City Council, adopted the third amendment (Ordinance #462-G) of the D.O., establishing a land use capacity reservation process and fee payment schedule for the ADRI. Since the adoption of the amendment, approximately \$4,682,991.50 has been collected for capacity reservations. No advance reservations were issued during the reporting period.

**V.A.5. Response:**

No trade-offs were approved in 2012.

**V.A.6. Response:**

Construction of Phase I has commenced.

## **SECTION V.B - TRANSPORTATION**

### **V.B.1. Response:**

The Gateway Areawide Transportation Improvement Special Assessment Fee (Ordinance #2012-F) was adopted by City Council on November 8, 1990. That Ordinance, known as the GATISAF, implements the provisions of condition V.B.1. Assessment fees were increased during 1993 in response to increased cost estimates for the construction of Phase I TIMP road improvements.

### **V.B.2. Response:**

Assessment fees were increased during 1993 in response to increased cost estimates for the construction of Phase I and Phase II TIMP road improvements.

Stage II improvement costs have been updated.

### **V.B.3. Response:**

Funds are available.

### **V.B.4. Response:**

No changes have occurred in the transportation improvement projects.

### **V.B.5. Response:**

No Phase II construction permits have been issued. See response to question 9 e) on pages 7 and 8 of this report for detail on construction of the transportation projects.

### **V.B.6. Response:**

Phase II GATISAF fees have been collected to secure Phase II development rights. Funds will be available for Phase II TIMP completion.

### **V.B.7. Response:**

None required.

### **V.B.8. Response:**

No transportation corridors have been dedicated.

**V.B.9. Response:**

There have been no substitute transportation projects to the Phase I/Stage 2 or Phase II projects.

**V.B.10. Response:**

Additional funds leveraged from GATISAF revenues have not been obtained in 2012 for mobility improvements in the GADRI. However, Gandy Boulevard improvements totaling more than \$100 million are scheduled for 2013 which will increase road capacity.

**SECTION V.C - MASS TRANSIT**

**V.C.1. Response:**

The City continues to work with the PSTA to accommodate transit usage throughout St. Petersburg.

**V.C.2. Response:**

Phase II of Carillon complies with this condition.

**V.C.3. Response:**

The City will continue to coordinate with PSTA to ensure transit facility provision.

**V.C.4. Response:**

PSTA did not make any changes to services in 2012.

**V.C.5. Response:**

PSTA has not required any special amenities.

**V.C.6. Response:**

The City supports all MPO efforts to increase the usage of high occupancy vehicles. Bay Area Commuter Services (BACS) provides transportation demand management programs that help improve air quality, reduce traffic congestion, improve mobility and reduce parking demand. BACS programs include vanpooling, Share a Ride and the Guaranteed Ride Home. Participants in the program included employees from the following: Certegy, Home Shopping Network, Raymond James, Franklin/Templeton, Jabil, and

Aegon/Western Reserve among others. There were 172 people registered with TBARTA at the beginning of the reporting period, and 149 people registered at the end of the reporting period who commuted to a company in the GADRI area.

**V.C.7. Response:**

Land Development Regulations (LDR's) were adopted in 2007. The new LDR's will, in part, encourage the use of public transit and non-single occupant commuter vehicles through the application of the following enhancements:

- locating buildings adjacent to a public street and/or providing walkway connections to bus stops and public sidewalks.
- providing bicycle storage areas in appropriate locations.
- providing preferred parking spaces for car and vanpoolers.
- mixed use development projects that reduce single-occupancy vehicle trips and trip lengths and increase walking and bicycling trips.

**V.C.8. Response:**

The City has not received any requests for employee participation in single-occupancy/peak hour trip reduction programs.

**SECTION V.D. - PUBLIC FACILITIES**

**V.D.1. Response:**

The City continues to provide police, fire, EMS rescue and solid waste collection services to the Gateway Areawide DRI.

**V.D.2. Response:**

Potable water commitments from the City to the Carillon area remain intact. St. Petersburg supplies potable water to all of the GADRI.

**V.D.3. Response:**

Wastewater service was transferred from the City of Largo to the City of St. Petersburg in 2006.

**V.D.4. Response:**

Septic tanks or on-site wastewater treatment are not permitted in the City of St. Petersburg.

**V.D.5. Response:**

Review for emergency access is a routine function of the City's development review process.

**V.D.6. Response:**

Provision of adequate fire flows is required through the City's development review process.

**V.D.7. Response:**

Building permits are not issued unless water, wastewater, solid waste and electrical facilities/services are available.

**V.D.8. Response:**

Potable water charges and facility connections are handled as described in condition V.D.2.

**V.D.9. Response:**

Wastewater charges and facility connections are handled as described in condition V.D.3.

**V.D.10. Response:**

Solid waste collection is handled as described in condition V.D.1.

**V.D.11. Response:**

Certificates of occupancy are not issued unless electrical service is properly provided.

**V.D.12. Response:**

A permit was issued by the Pinellas County Water and Navigation Authority for the Wetland "L" mitigation project in Little Bayou. This project is now complete. Future mitigation projects will continue to be required to receive Pinellas County Water and Navigation Authority approval.

**V.D.13. Response:**

All development in the Gateway ADRI will be subject to minimum fire protection standards.

## **SECTION V.E. - STORMWATER MANAGEMENT**

### **V.E.1. Response:**

The City adopted a Drainage Ordinance on December 20, 1990 (Ord. #2017-F). That Ordinance requires treatment of stormwater quantity and quality in a manner that exceeds SWFWMD regulations. An update of the storm water management master plan for the entire City was completed in 1995. The plan was developed to achieve consistency with all applicable state, federal and local regulations including the NPDES program. Regular public street and parking lot cleaning is a part of the City's overall stormwater management plan.

### **V.E.2. Response:**

As of January 1, 1990 the City began assessing property owners a monthly storm water utility fee. The stormwater utility fee was increased by 11% in 2001.

In 2002, Section 27-237(c) of the City Code relating to the stormwater management fee was amended to reduce the fee for non-single family residential properties which provide no stormwater discharge into the system or provide treatment for stormwater.

In October 2004, the stormwater utility fee increased to \$6.00 per single family unit as a result of the adoption of Ordinance #684-G.

In October 2005, the stormwater utility fee increased to \$6.15 per single family unit as a result of the adoption of Ordinance #684-G.

In October 2006, the stormwater utility fee increased to \$6.40 per single family unit as a result of the adoption of Ordinance #684-G.

In October 2007, the stormwater utility fee increased to \$6.65 per single family unit as a result of the adoption of Ordinance #684-G.

In October 2008, the stormwater utility fee increased to \$6.85 per single family unit as a result of the adoption of Ordinance #684-G, and remained the same for 2009.

In October 2010, the stormwater utility fee decreased to \$6.84 per single family unit as a result of the adoption of Ordinance #684-G. This amount will increase or decrease each October by an amount equal to the increase in the Consumer Price Index.

### **V.E.3. Response:**

Internal drainage facilities are the responsibility of the property owners.

**V.E.4. Response:**

No off-site drainage improvements have been constructed in the Gateway ADRI since adoption of the D.O.

**V.E.5. Response:**

All options described in this condition are available to developers in the ADRI provided that the minimum requirements of City and SWFWMD regulations are met.

**V.E.6. Response:**

Provision of maintenance easements for drainage facilities has occurred in Carillon Phase II.

**SECTION V.F. - WATER CONSERVATION**

**V.F.1. Response:**

The City of St. Petersburg and Largo will supply non-potable water for irrigation purposes. The ADRI is in compliance with this condition.

**V.F.2. Response:**

Sites without non-potable water will be required to install shallow well irrigation systems.

**V.F.3. Response:**

All potable water usage in the City is metered. All landscaping must comply with the City's Landscape Ordinance.

**V.F.4. Response:**

Water saving devices are required by the City's building code.

**V.F.5. Response:**

The property owners are responsible for private on site irrigation wells. The DRI is in compliance with this condition.

## **SECTION V.G. - ENERGY CONSERVATION**

### **V.G.1. Response:**

The City uses the Florida Building Code as the minimum standard.

### **V.G.2. Response:**

Developers are encouraged to use all energy saving techniques that are feasible given the particular situation.

### **V.G.3. Response:**

The City encourages energy efficient operations and the use of recyclable/ recycled materials.

## **SECTION V.H. - ARCHITECTURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES**

### **V.H.1. Response:**

No development of identified archaeological sites has been proposed.

### **V.H.2. Response:**

Implementation of this condition occurs at the time of site plan review.

### **V.H.3. Response:**

No discovery of archaeological resources occurred during the reporting period.

## **SECTION V.I. - HAZARDOUS WASTE**

### **V.I.1. Response:**

Compliance with hazardous waste Ordinances is mandatory throughout the City.

### **V.I.2. Response:**

Compliance with Ordinances 937-F and 938-F is mandatory throughout the City.

**V.I.3. Response:**

Compliance with Ordinances 937-F and 938-F is mandatory throughout the City.

**V.I.4. Response:**

No amendment to City Ordinances 937-F or 938-F has been proposed.

**SECTION V.J. - RECREATION/OPEN SPACE**

**V.J.1. Response:**

No parks related activity occurred during the reporting period.

**V.J.2. Response:**

No parks related activity occurred during the reporting period.

**V.J.3. Response:**

In 2011, a purchase and sale agreement between Pinellas County and Florida Gateway Development LLC was mutually terminated, and the site is currently for sale. An amendment to the GADRI is required if redevelopment moves forward and this site remains part of the DRI.

**V.J.4. Response:**

No parks related activity occurred during the reporting period.

**V.J.5. Response:**

The City is responsible for the maintenance of all City owned public parks.

**SECTION V.K. - HURRICANE EVACUATION**

**V.K.1. Response:**

No new development was completed in 2012.

**V.K.2. Response:**

The City will not issue final Certificates of Occupancy on projects requiring hurricane mitigation plans until they have been implemented.

**V.K.3. Response:**

This condition was in compliance during the 1990 reporting year.

**V.K.4. Response:**

No facilities of the type described in this condition are proposed for the DRI.

**SECTION V.L. - NATURAL RESOURCES**

**V.L.1. Response:**

No development impacting environmental preservation areas occurred during the reporting period.

**V.L.2. Response:**

Wetland losses and mitigation were approved in the first amendment to the Development Order and see V.L.1 above.

In 2001, the fifth amendment to the Development Order eliminated Wetland L and transferred mitigation from the GADRI to the Little Bayou tract at a 2 to 1 ratio. Little Bayou is located in the same watershed as the GADRI and allows public access.

**V.L.3. Response:**

Mitigation areas and littoral shelves were part of the approved dredge and fill permits for the Carillon Phase II environmental preservation area (See V.L.1). Development is in compliance with this condition of the Development Order.

**V.L.4. Response:**

No activity occurred in these areas during the reporting period.

**V.L.5. Response:**

Listed species have not been observed in any areas approved for development.

**V.L.6. Response:**

The City's Land Development Regulations require property owners to maintain vegetation in good condition. The removal of vegetation or trees required by the City's Land Development Regulations and the failure to replace required vegetation or trees when such is removed is unlawful.

**V.L.7. Response:**

Soil erosion control measures are enforced for all land development in St. Petersburg.

**V.L.8. Response:**

Individual developers are responsible for site-specific soil investigations.

**V.L.9. Response:**

No land development on closed landfills occurred during the reporting period.

**V.L.10. Response:**

No areas containing threatened vegetation were disturbed during the reporting period.

**V.L.11. Response:**

No areas containing threatened vegetation were disturbed during the reporting period.

**V.L.12. Response:**

No wells were located during the reporting period.

**V.L.13. Response:**

No areas of pine flatwoods were disturbed during the reporting period.

**V.L.14. Response:**

Soil erosion and fugitive dust control measures are required for all land development in St. Petersburg.

**V.L.15. Response:**

All development is subject to the City's Land Development Regulations which requires permits and mitigation for removal or disturbance of native trees.

**V.L.16. Response:**

All development is subject to the City's Land Development Regulations which requires permits and mitigation for removal or disturbance of native trees.

**V.L.17. Response:**

All development is subject to the City's Land Development Regulations which requires permits and mitigation for removal or disturbance of native trees.

**V.L.18. Response:**

Use of native vegetation is required in the City's Land Development Regulations.

**V.L.19. Response:**

No encroachment or dredge and fill activities were requested or approved during the reporting period.

**SECTION V.M. - AIR QUALITY**

**V.M.1. Response:**

No activity related to the City's Land Development Regulations performance standards occurred during the reporting period.

**V.M.2. Response:**

No activity related to Pinellas County air quality regulations occurred in the DRI during the reporting period.

**V.M.3. Response:**

The City has adopted an impact fee ordinance to provide funding for the air quality analysis. Currently, the Stage I, Phase I development is almost complete and the City is moving towards the development of Stage II Phase I. As per Section V.M.3 of the D.O., prior to the issuance of permits for Phase I Stage II projects, the City must complete an air

quality analysis of the area. This requirement was established in 1989 when the Tampa Bay air-shed (which includes Pinellas County) was designated a “non attainment” area for pollutant ozone. However, the Tampa Bay air-shed was re-designated in February 1996, from “non attainment” to “attainment /maintenance” of the one-hour ozone standard.

The U.S. EPA promulgated this action in the Federal Register notice [December 5, 1995 (62FR62748)].

In June 2004, the criteria for ozone measurement changed from the peak 1-hour standard to an 8 hour average standard (highest 8 hour average in a 24 hour period). Pinellas County operated under both standards until the end of June 2005. The Tampa Bay air-shed is currently designated as “attainment” for the 8 hour average standard. Pinellas County is in compliance at this time.

The County has met the National Ambient Air Quality Standards (NAAQS) for the six (Lead, Ozone, Nitrogen Dioxide, Carbon Monoxide and Particulate Matter) criteria pollutants as well as the new 8 hour ozone standard (3 year average of 4<sup>th</sup> high) for the 2012 reporting period. Consequently, at this time, no air quality analysis is required for Stage II of the GADRI.

**V.M.4. Response:**

Please see V.M.3 above.

**SECTION V.N. - FLOOD DAMAGE PREVENTION**

**V.N.1. Response:**

Projects currently proposed or under construction are located within the 100 year flood-plain. However, compensation for fill is not required because the projects are within a tidal surge area. The projects do not affect the conveyance or storage capabilities of Tampa Bay, therefore, none of the permitting agencies require compensation (SWFWMD, City of St. Petersburg or Pinellas County).

**V.N.2. Response:**

All GADRI projects comply with all provisions of the City’s Land Development Regulations.

**V.N.3. Response:**

All buildings within the 100 year flood plain are required to have a finished floor elevation 1 foot above the base flood elevation.

## **SECTION V.O. - HOUSING**

### **V.O.1. Response:**

The City has conducted a housing affordability analysis for Phase II of the GADRI and determined that there are no unmet affordable housing needs are created by Phase II development. The City will continue to support and pursue housing rehabilitation and new construction projects that increase the supply of affordable housing units. The City participated in the financing of the Wyngate affordable housing project on 4<sup>th</sup> Street North at 112<sup>th</sup> Avenue that added 264 new affordable housing units within one mile of the Gateway Areawide DRI. This project was completed during 2004.

## **SECTION V.P. - BUILDING CONSTRUCTION**

### **V.P.1. Response:**

All development in the City must comply with fire prevention provision of the building code.

### **V.P.2. Response:**

All development in the City must comply with the minimum standards of the Florida Building Code version that is in effect at the time of plan submittal.

### **V.P.3. Response:**

All development in the City must comply with minimum handicapped standards.

### **V.P.4. Response:**

All construction activity within the flood plain is required to meet FEMA standards.

## **SECTION V.Q. - CAPITAL IMPROVEMENT PROGRAM**

### **V.Q.1. Response:**

There are three projects in the Capital Improvements Program for the GADRI. The first two projects, Channel #2 excavation and box culverts, are scheduled to be performed prior to be end of Phase I (Phase I, Stage II) of the Development Order. The GADRI is still in Phase I of development. The two projects have not been scheduled at this time. It is anticipated that these two projects may not be required as a result of a separate project

completion. A new drainage culvert was added along the east side of 16<sup>th</sup> Street North between 102<sup>nd</sup> Avenue North and the north side of Blue Heron Lake. The purpose was to control runoff without using the lake, thereby leaving the lake in a more pristine condition. This new culvert joins the aforementioned Channel #2 and eventually drains to Tampa Bay.

The third project, an upgrade of the sewer pump station (LS 42) at the Jim Walter location at 8<sup>th</sup> Street North and 102<sup>nd</sup> Avenue North, was completed in 1995. Pumping capacity at this location was expanded from 2,000 gallons per minute to 3,300 gallons per minute(gpm). The Sufficiency Response to the Gateway Areawide Application for Development Approval recommended an increase to 3,000 gallons per minute.

The lift station 42 - 24" forcemain is complete and has increased the capacity to 7,000 gpm. The build-out peak hour flow rate to LS 42 is 6,500 gpm.

The lift station 49, located at 118<sup>th</sup> Avenue and 28<sup>th</sup> Street North, is complete and included a 5,300 foot 16" Force main pipe with a 1,500 gpm capacity connecting to lift station 82.

**V.Q.2. Response:**

The initial design has been completed for a sewer improvement project that includes 11,500 linear feet of 24" forcemain from lift station 82, Gateway Center Business Park to lift station 42, Jim Walter. The final design phase of this project is on hold since the level-of-service of the existing forcemain is sufficient to meet demand.

**Exhibit H**  
**Development Capacity Summary**

## Exhibit H

### DEVELOPMENT CAPACITY SUMMARY GATEWAY AREAWIDE DRI

DEVELOPMENT TYPE	PHASE I CAPACITY	PHASE I DEVELOPMENT	REMAINING PHASE I CAPACITY	PHASE II CAPACITY	PHASE II DEVELOPMENT	REMAINING PHASE II CAPACITY	TOTAL CAPACITY	TOTAL DEVELOPMENT	REMAINING TOTAL CAPACITY
Office S.F.	2,279,916	1,465,261	814,655	700,000	0	700,000	2,979,916	1,465,261	1,514,655
Industrial S.F.	2,060,472	2,018,089	42,383	307,752	0	307,752	2,368,224	2,018,089	350,135
Retail/Sales S.F.	119,977	57,084	62,893	30,000	0	30,000	149,977	57,084	92,893
Hotel Rooms	120	0	120	0	0	0	120	0	120
Residential Units	3,723	948	2,775	716	0	716	4,439	948	3,491

Source: City of St. Petersburg Economic Development Department, January 17, 2013

**Exhibit IA**  
**Projects Permitted in 2012**

**EXHIBIT IA**

- 7) List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

**Projects Permitted in 2012**

<b>Name/address</b>	<b>Issued in 2012/ Permit #</b>	<b>Activity</b>	<b>Residential Units</b>	<b>Hotel Rooms</b>	<b>Retail sq.ft.</b>	<b>Industrial sq.ft.</b>	<b>Office sq.ft.</b>	<b>Status</b>
NONE								
<b>TOTAL</b>			0	0	0	0	0	

**Exhibit IB**  
**Site Plans Approved in 2012**

## EXHIBIT IB

### Site Plans Approved in 2012

Name/address	Case #	Activity	Residential Units	Hotel Rooms	Retail sq.ft.	Industrial sq.ft.	Office sq.ft.	Status
Home Shopping Network	12-31000029	Office/Warehouse				205,000	200,000	Office is reserved. Industrial capacity is available but not reserved.
The Reserve II	12-31000031	Multifamily Residential	308					Capacity available but not reserved.
<b>TOTAL</b>			308	0	0	205,000	200,000	

**Exhibit J**  
**2012 Cumulative Development**

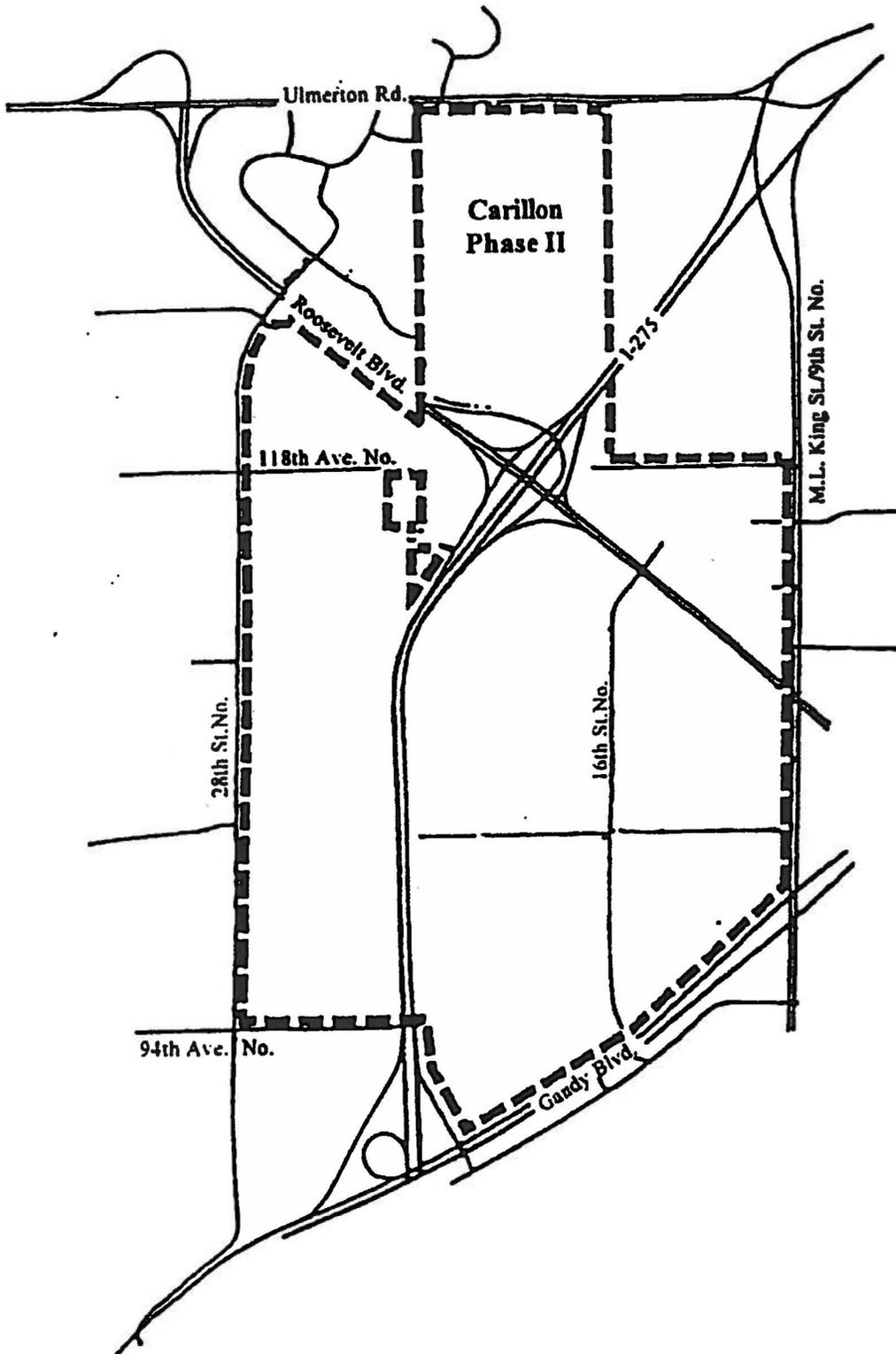
## EXHIBIT J

### 2012 Cumulative Development

Use	2012 Permitted Development	2011 Cumulative	2012 Cumulative
Dwelling Units	0	948	948
Hotel Rooms	0	0	0
Retail/Sales (sq.ft.)	0	57,084	57,084
Office (sq.ft.)	0	1,450,743	1,450,743
Industrial (sq.ft.)	0	2,018,089	2,018,089

**LOCATION MAP**

# Gateway Areawide DRI



Attached documents for item Authorizing the Mayor or his designee to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35th Avenue South, St. Petersburg, within a portion of City-own

# ST. PETERSBURG CITY COUNCIL

## Consent Agenda

Meeting of April 18, 2013

**TO:** The Honorable Karl Nurse, Chair and Members of City Council

**SUBJECT:** A resolution authorizing the Mayor, or his Designee, to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, for a period of thirty-six (36) months, at a rent of \$10.00 for the entire term and to execute all documents necessary to effectuate same; and providing an effective date. *(Requires affirmative vote of at least six (6) members of City Council.)*

**EXPLANATION:** On December 30, 2002, the City of St. Petersburg (“City”) acquired a 4.3 acre tract of upland and submerged lands, including a house, outbuilding, and dock located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg (“Premises”) with participating funding by grants from a Florida Communities Trust (“FCT”) and the U.S. Environmental Protection Agency.

The FCT grant management plan for the Clam Bayou preserve identified the Premises potential use as an educational center and parking area. In exploring opportunities to utilize this facility for the intended use, it was found through discussions with the University of South Florida College of Marine Science (“USF-CMS”) that the facility offered a unique setting for environmental and marine science research and USF-CMS would be interested in acting as the lead agency in coordinating use of the facility as an educational center. On April 22, 2004, via Resolution No. 2004-237, City Council approved a 3-year license agreement for USF-CMS to be the primary administrator of a marine science educational center within the Premises for the term commencing May 1, 2004 and ending on April 30, 2007. Subsequently, with approval of City Council Resolution Nos. 2007-215 and 2010-179, USF-CMS continued its use of the Premises for two additional 3-year terms, with the same terms and conditions provided in the previous license agreement.

Real Estate & Property Management received a request from the USF-CMS to renew the license agreement for the use of the Premises. USF-CMS continues to coordinate and conduct programs in environmental/marine science involving schools situated in St. Petersburg, thereby contributing to City and USF-CMS recognition in the region for support of these programs. In order to help sustain the programming efforts of the facility, USF-CMS utilizes grant and various joint funding to support certain fee-based programs for environmental and marine science.

USF-CMS has executed a new License Agreement (“Agreement”) for a term of thirty-six (36) months, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed in the preceding term. The rental rate is ten

dollars (\$10.00) for the entire term. All costs of utilities and building maintenance, interior and exterior, shall be the expense of USF-CMS with the exception that the City will provide mowing/grounds maintenance. In addition, USF-CMS shall make any improvements to the buildings necessary to occupy the Premises for the intended use and to make enhancements necessary to accommodate future programs. The City retains the right to use the Premises for City staff retreats, meetings, sponsored programs, management workshops, or other City uses at times, and/or in area, not in conflict with programs being conducted by USF-CMS. The Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the scheduled date of termination.

City Council Resolution No. 79-740A, dated October 4, 1979, establishes policies for the sale and leasing of City-owned park and waterfront property. This resolution requires that when leasing City property to a non-profit, private organization “. . . the organization pays operating costs plus a reserve for replacement.” Since USF-CMS is responsible for maintenance and improvements to the buildings necessary to occupy the Premises for its intended use and to make enhancements necessary to accommodate future programs, the City is charging nominal rent and recommending that the reserve for replacement requirement be waived in an effort to minimize operating costs. Under the terms of the Agreement, the City is under no obligation to provide or locate a replacement facility under any circumstances.

Section 1.02(c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for residentially-zoned Waterfront and Park property for three (3) years or less with approval by an affirmative vote of at least six (6) members of City Council. The subject property is zoned NS-E (Neighborhood Suburban Estate).

**RECOMMENDATION:** Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, for a period of thirty-six (36) months, at a rent of \$10.00 for the entire term and to execute all documents necessary to effectuate same; and providing an effective date.

**COST/FUNDING/ASSESSMENT INFORMATION:** N/A

**ATTACHMENTS:** Illustration and Resolution

**APPROVALS:** Administration: R. Mussett 3-27-13 BB

Budget: N/A

Legal: [Signature]

(As to consistency w/attached legal documents)

Legal: 00172411.doc V. 1



# Aerial of Premises



Resolution No. 2013 - \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH THE UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES, A PUBLIC BODY CORPORATE, FOR THE USE OF PROPERTY LOCATED AT 4240 – 35<sup>TH</sup> AVENUE SOUTH, ST. PETERSBURG, WITHIN A PORTION OF CITY-OWNED CLAM BAYOU, FOR A PERIOD OF THIRTY-SIX (36) MONTHS, AT A RENT OF \$10.00 FOR THE ENTIRE TERM AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg (“City”), as licensor herein, owns a 4.3 acre tract of upland and submerged lands, including a house, outbuilding, and dock located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg (“Premises”) situated in Pinellas County, Florida, identified by Pinellas County Property Appraiser’s Parcel Identification Number: 34-31-16-99582-001-0010 and legally described as:

Tract A: Beginning 640 Feet North of the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 31 South, Range 16 East, Run East 350 Feet; thence North 200 Feet; thence West 350 Feet; thence South 200 Feet to the Point of Beginning.

Tract B: Beginning at a point 640 Feet North of the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 31 South, Range 16 East, thence run West 490 Feet; thence North 44°59’ West 282.75 Feet; thence East 687 Feet; thence South 200 Feet to the Point of Beginning; and

WHEREAS, on December 30, 2002, the Premises was acquired with participating funding by grants from a Florida Communities Trust (“FCT”) and the U.S. Environmental Protection Agency; and

WHEREAS, through the efforts of the Honorable Congressman C. W. Bill Young, the City received a line item appropriation in the federal budget for the U.S. Environmental Protection Agency (“EPA”) in the amount of \$1,000,000 that was awarded as an EPA Grant and has been used in the acquisition of properties in the Clam Bayou area; and

WHEREAS, the City submitted the FCT Project Number 00-042-P10 Clam Bayou Expansion Project Management Plan ("Management Plan") as part of the FCT Grant approval process which was incorporated in the grant agreement approved by the City Council of the City of St. Petersburg; and

WHEREAS, the Management Plan for the Clam Bayou preserve identified the Premises potential use as an educational center and parking area; and

WHEREAS, the University of South Florida, College of Marine Science ("Licensee") expressed its desire to acquire from the City the right to occupy and utilize the Premises for the purpose of conducting environmental and marine science research and educational programs through its existing programs and through linkages with other educational and research programs at the University of South Florida and other agencies including, but not limited to, the Pinellas County public and private schools; and

WHEREAS, on April 22, 2004, via Resolution No. 2004-237, City Council approved a 3-year license agreement for the Licensee to be the primary administrator of a marine science educational center within the Premises for the term commencing May 1, 2004 and ending on April 30, 2007; and

WHEREAS, subsequently, with approval of City Council Resolution Nos. 2007-215 and 2010-179, the Licensee continued its use of the Premises for two additional 3-year terms, with the same terms and conditions provided in the previous license agreement; and

WHEREAS, the Licensee has executed a new License Agreement ("Agreement") for a term of thirty-six (36) months at a rental rate of ten dollars (\$10.00) for the entire term, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed during the preceding term; and

WHEREAS, the Licensee is an institution of the State of Florida that is self insured under Florida Statute Section 768.28 Chapter 284, Part III and will provide insurance amounts as governed by statute protecting the City against all claims or demands that may arise or be claimed on account of Licensee's use of the Premises; and

WHEREAS, all costs of utilities and building maintenance, interior and exterior, shall be the expense of the Licensee with the exception that the City will provide mowing/grounds maintenance; and

WHEREAS, Licensee shall make any improvements to the buildings necessary to occupy the Premises for the intended use and to make enhancements necessary to accommodate future programs; and

WHEREAS, the City retains the right to use the Premises for City staff retreats, meetings, sponsored programs, management workshops, or other City uses at times, and/or in area, not in conflict with programs being conducted by the Licensee; and

WHEREAS, the Agreement is in accordance with the policies established in Resolution No. 79-740A, with the exception that a waiver of the reserve for replacement is requested; and

WHEREAS, since the Licensee is responsible for maintenance and improvements to the buildings necessary to occupy the Premises for its intended use and is required to make enhancements necessary to accommodate future programs, the Administration recommends waiver of the reserve for replacement requirement; and

WHEREAS, under the terms of the Agreement, the City is under no obligation to provide or locate a replacement facility under any circumstances; and

WHEREAS, Section 1.02(c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for residentially-zoned Waterfront and Park property for three (3) years or less with approval by an affirmative vote of at least six (6) members of City Council; and

WHEREAS, the subject property is zoned NS-E (Neighborhood Suburban Estate).

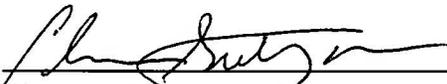
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is hereby authorized to execute a License Agreement with the University of South Florida Board of Trustees, a public body corporate, for the use of property located at 4240 – 35<sup>th</sup> Avenue South, St. Petersburg, within a portion of City-owned Clam Bayou, as legally described above, for a period of thirty-six (36) months, at a rent of \$10.00 for the entire term and to execute all documents necessary to effectuate same; and

This Resolution shall become effective immediately upon its adoption.

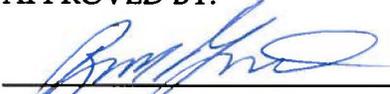
LEGAL:

  
\_\_\_\_\_  
City Attorney (Designee)  
Legal: 00172411.doc V. 1

APPROVED BY:

  
\_\_\_\_\_  
Clarence Scott, III, Administrator  
Leisure & Community Services

APPROVED BY:

  
\_\_\_\_\_  
Bruce E. Grimes, Director  
Real Estate and Property Management

Attached documents for item Authorizing the Mayor or his designee to accept a Walmart Foundation grant in the amount of \$1,000 for the enhancement of life safety programs managed by St. Petersburg Fire & Rescue; and to execute all documents necessary to effectuate this transaction.

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of April 18, 2013**

TO: The Honorable Karl Nurse, Chair, and Members of City Council

SUBJECT: A resolution authorizing the Mayor or his designee to accept a Walmart Foundation grant in the amount of \$1,000 for the enhancement of life safety programs managed by St. Petersburg Fire & Rescue; and to execute all documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION: The City's Fire & Rescue Department ("Department") members applied for a Walmart Foundation ("Walmart") grant ("Grant"). The Department meets the eligibility requirements for the Grant and the purchase of smoke detectors for the Home SAFE Program is an appropriate use of Grant funds.

Walmart has awarded the City a \$1,000 Grant to be used for the enhancement of life safety programs, and the City wishes to accept the Grant.

The Department intends to purchase \$1,000 worth of printed and promotional materials for distribution during classroom presentations.

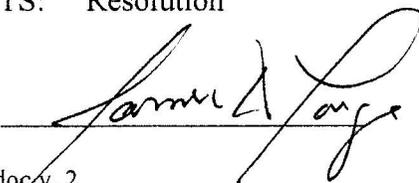
RECOMMENDATION: Administration recommends adoption of the attached resolution authorizing the Mayor or his designee to accept a Walmart Foundation grant in the amount of \$1,000 for the enhancement of life safety programs managed by St. Petersburg Fire & Rescue; and to execute all documents necessary to effectuate this transaction; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: The additional revenue has been deposited into the General Public Safety Fund (1733). The appropriation is included in the Miscellaneous Trust Fund line item of the 2013 Budget Ordinance.

ATTACHMENTS: Resolution

Approvals:

Administration:



Budget:



Resolution No. 2013 - \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A WALMART FOUNDATION GRANT IN THE AMOUNT OF \$1,000 FOR THE ENHANCEMENT OF LIFE SAFETY PROGRAMS MANAGED BY ST. PETERSBURG FIRE & RESCUE; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Fire & Rescue Department ("Department") members applied for a WalMart Foundation ("Walmart") grant ("Grant"). The Department meets the eligibility requirements for the Grant and the enhancement of life safety programs managed by St. Petersburg Fire & Rescue is an appropriate use of Grant funds; and

WHEREAS, Walmart has awarded the City a \$1,000 Grant to be used for the purchase of printed and promotional materials for distribution during classroom presentations; and

WHEREAS, the City wishes to accept the Grant; and

WHEREAS, the Department intends to purchase \$1,000 worth of printed and promotional materials for distribution during classroom presentations; and

WHEREAS, the additional revenues have been deposited into the General Public Safety Fund (1733), and the appropriation is included in the Miscellaneous Trust Fund line item of the 2013 Budget Ordinance.

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 accept a Walmart Foundation grant in the amount of \$1,000 for the enhancement of life safety programs managed by St. Petersburg Fire & Rescue; and to execute all documents necessary to effectuate this transaction;

This resolution shall become effective immediately upon its adoption.

Approvals:

Legal: \_\_\_\_\_

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Administration: \_\_\_\_\_

