

COUNCIL MEETING

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

CITY OF ST. PETERSBURG

November 25, 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, 1st Floor, City Hall, 175 Fifth Street North, on the Monday preceding the regularly scheduled Council meeting. *The agenda and backup material is also posted on the City's website at www.stpete.org and generally electronically updated the Friday preceding the meeting and again the day preceding the meeting. The updated agenda and backup material can be viewed at all St. Petersburg libraries.* An updated copy is also available on the podium outside Council Chamber at the start of the Council meeting.

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

A. Meeting Called to Order and Roll Call.

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

B. Approval of Agenda with Additions and Deletions.

Open Forum

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

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

C. Consent Agenda (see attached)

D. Awards and Presentations

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

Setting December 5, 2013 as the public hearing date for the following proposed Ordinance:

1. [Ordinance 98-H amending the City Code to repeal the current Section 16.40.050; to adopt a new Section 16.40.050; to re-adopt flood hazard maps; to adopt procedures and criteria for development in flood hazard areas, and for other purposes; to adopt local administrative amendments to the Florida Building Code; and to format existing provisions to be consistent with the Florida Building Code.](#)

F. Reports

1. [Bayfront Medical Center Update - Kathryn Gillette, President & CEO. \[To be heard at 4:00 p.m.\]](#)
2. [Mahaffey Theater Update. \(Oral\) \[Deferred to the 12/5/13 Meeting\]](#)
3. [Tourist Development Council. \(Councilmember Curran\) \(Oral\) \[Deferred to the 12/5/13 Meeting\]](#)
4. [Tampa Bay Estuary Program. \(Councilmember Kornell\)](#)

5. [Resolution urging the Members of the Florida Legislature to oppose legislation that would mandate the use of a uniform chart of accounts for all government entities. \[MOVED to Consent "B" as CB-14\]](#)
6. [Resolution approving the indigent status of the National Christian League of Councils and authorizing the waiver of City fees and costs for the 29th Annual National Dr. Martin Luther King, Jr. Drum Major for Justice Parade.](#)
7. [Proposed labor agreements between the City of St. Petersburg and the St. Petersburg Association of Firefighters \(SPAFF\):](#)
 - (a) Ratifying the proposed labor agreement between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF) for the Firefighters, Paramedics, and Lieutenants bargaining unit covering the job classifications within this bargaining unit effective October 1, 2013 through September 30, 2016.
 - (b) Ratifying the proposed labor agreement between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF) for the Fire Captains and District Chiefs collective bargaining unit covering the job classifications within this bargaining unit effective October 1, 2013 through September 30, 2014.
8. [Pinellas Planning Council. \(Councilmember Kennedy\)](#)
 - (a) Pinellas Countywide Industrial Land Use Ordinance.
 - (b) Pinellas Planning Council Greenlight Pinellas Support Resolution.
9. [Tampa Bay Transportation Management Area \(TBTMA\). \(Councilmember Kennedy\) \(Oral\)](#)

G. New Business

1. [Requesting a presentation to the Public Services & Infrastructure Committee by Andrew Wolfe, a local beekeeper and honey producer, regarding honeybee infestations. \(Councilmember Kornell\)](#)
2. [Referring to the Budget, Finance & Taxation Committee for discussion, lending practices as a criteria when considering our primary bank. \(Chair Nurse\)](#)
3. [Referring to the Public Services & Infrastructure Committee for discussion the addition of new Code Enforcement Officers who are also sworn officers. \(Councilmember Kornell\)](#)

H. Council Committee Reports

1. [Budget, Finance & Taxation Committee. \(11/18/13\)](#)

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 Numbers 1525, 1526 and 1527.](#)
2. [Confirming the preliminary assessment for Building Securing Number 1182.](#)
3. [Confirming the preliminary assessment for Building Demolition Numbers 409 and 503.](#)
4. [Ordinance 1053-V approving a vacation of the easements, right-of-ways and right-of-way easements within the northern 240 feet of the block fronting Gandy Boulevard in between Snug Harbor Drive and San Fernando Boulevard. \(City file 13-33000005\)](#)
5. [Ordinance 1054-V approving a vacation of the cul-de-sac at the terminus of Hartford Street North in the block bound by 34th Street North, 36th Avenue North, 35th Street North and 38th Avenue North. \(City File 12-33000012\)](#)
6. [Ordinance 94-H amending the St. Petersburg City Code; prohibiting loud and raucous noise emanating from motor vehicles in the right of way; and clarifying the definition of privately owned outdoor places.](#)
7. [Ordinance 95-H amending the Weeki Wachee Ordinance.](#)
8. [Ordinance 96-H providing for the sale and consumption of alcoholic beverages in Williams Park on February 1, 2014 and in Elva Rouse Park on March 8, 2014.](#)
9. [Ordinance 97-H enacting Year-End Appropriation Adjustments for Fiscal Year 2013 Operating Budget & Capital Improvement Program Budget & Adjustments to the Fiscal Year 2014 Budget.](#)

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.***

10. [Ordinance 089-HL approving the designation of the Custer-Moore Residence, located at 1014 Alhambra Way South, as a local historic landmark. \(City File HPC 13-90300004\)](#)

K. Open Forum

L. Adjournment



**Consent Agenda A
November 25, 2013**

NOTE: Business items listed on the yellow Consent Agenda cost more than one-half million dollars while the blue Consent Agenda includes routine business items costing less than that amount.

(Purchasing)

1. [Insurance Renewal Agreements:](#)
 - (a) Renewing an agreement with Metropolitan Life Insurance Company for voluntary dental DHMO and PPO insurance at an estimated annual premium of \$791,250.
 - (b) Renewing a blanket purchase agreement with Standard Insurance Company for group ancillary insurance at an estimated annual premium of \$782,044.
 - (c) Renewing an agreement with CompBenefits Company for voluntary vision insurance at an estimated annual premium of \$173,722.
2. [Approving awards to Kimmins Contracting Corporation and Marvin Oster Investments, Inc. d/b/a Drew Park Metals for the sale of recyclable metal and metal products for an estimated annual sales revenue of \\$500,934.](#)

(City Development)

3. [Approving disbursement of up to \\$1,303,000 from the Capital Repair, Renewal and Replacement Sinking Fund Account for Tropicana Field Capital Projects; approving a supplemental appropriation in the amount of \\$1,303,000 from the un-appropriated balance of the Tropicana Field Capital Projects Fund \(3081\) to the Tropicana Field FY14 Improvements Project \(14401\).](#)

(Public Works)

4. [Authorizing the Mayor or his designee to execute Change Order No. 1 to the contract with LEMA Construction & Developers, Inc. in the amount of \\$140,000 for the Solar Parks Project for a total contract amount of \\$1,702,820. \(Engineering Project No. 10237-017, Oracle No.12710\)](#)

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda B November 25, 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. [Renewing blanket purchase agreements with Cross Construction Services, Inc., Cross Environmental Services, Inc., H & H Fergusons' Contracting, Inc. and Sonny Glasbrenner, Inc. for demolition and removal of structures at an estimated annual cost of \\$440,000.](#)
2. [Approving a contract and increasing the allocation to ABM Security Services, Inc. for security guard services at The Pier in the amount of \\$240,000, which increases the total contract amount to \\$295,000.](#)
3. [Renewing blanket purchase agreements with Southeastern Paper Group Inc., Sani-Chem Janitorial Supplies, Inc. and American Chemical & Building Maintenance Supply, Inc. for janitorial supplies at an estimated annual cost of \\$250,000.](#)
4. [Renewing a blanket purchase agreement with Boley Centers, Inc. for management services for summer youth intern program \(SYIP\) for the Community Services Department at an estimated annual cost of \\$250,000.](#)
5. [Accepting a proposal from AGC Electric, Inc., a sole source supplier, for a three-year agreement to supply, install and maintain pedestrian crosswalk assemblies for the Transportation & Parking Department in an amount not to exceed \\$195,000.](#)

(City Development)

6. [Authorizing the Mayor or his designee to execute a Supplemental Joint Participation Agreement with the Florida Department of Transportation \("FDOT"\) providing an additional \\$151,000 in funding for the Airport - Terminal Hangar Project \(#13279\); and all other documents necessary to effectuate this resolution.](#)

(Leisure & Community Services)

7. [Authorizing the Mayor or his designee to accept a ROOM TO RUN™ Dog Park Appreciation Project Appreciation Grant \("Grant"\) from the Nutro Company for the Coquina Key Dog Park Improvements Project in the amount of \\$2,000; and to execute all documents necessary to effectuate the Grant; and approving a supplemental appropriation in the amount of \\$2,000 from the increase in the unappropriated balance of the General Fund \(0001\), resulting from these additional revenues, to the Parks & Recreation South District #4 \(1902369\) Coquina Key Dog Park Improvements Project \("Project"\) \(TBD\).](#)

(Public Works)

8. [Authorizing the Mayor or his designee to execute Task Order No. 12-03-CH2/W to the agreement between the City of St. Petersburg and CH2M Hill in the amount of \\$195,217, for design and bidding phase engineering services for the Northwest Water Reclamation Facility \(NWWRF\) Coarse Screening Structure & Odor Control Facilities project. \(Engineering Project No. 14014 111; Oracle No. 13823\)](#)
9. [Authorizing the Mayor or his designee to execute Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg and Black & Veatch Corporation in the amount of \\$472,031 for engineering design services related to the Southwest Wastewater Treatment Plant Gas Generator and Electrical Improvements. \(Engineering Project No. 13082-111; Oracle No. 14018\)](#)

(Appointments)

10. [Confirming the reappointment of David E. Ramsey and J. Martin Knaust as regular members to the Public Arts Commission to serve four-year terms ending April 30, 2017.](#)
11. [Confirming the reappointments of Carol Mickett and Erin M. Hinton-Aber as regular members to the Arts Advisory Committee to serve three-year terms ending September 30, 2016.](#)

(Miscellaneous)

12. [Authorizing the Mayor or his designee to accept a one year contract between the School Board of Pinellas County, Florida and the City of St. Petersburg for the continuation of the School Resource Officer Program in the public school system of Pinellas County; and to execute all documents necessary to effectuate this transaction.](#)
13. [Proposed labor agreements between the City of St. Petersburg and the St. Petersburg Association of Firefighters \(SPAFF\): \[MOVED to Reports as F-7\]](#)
 - (a) Ratifying the proposed labor agreement between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF) for the Firefighters, Paramedics, and Lieutenants bargaining unit covering the job classifications within this bargaining unit effective October 1, 2013 through September 30, 2016.
 - (b) Ratifying the proposed labor agreement between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF) for the Fire Captains and District Chiefs collective bargaining unit covering the job classifications within this bargaining unit effective October 1, 2013 through September 30, 2014.
14. [Resolution urging the Members of the Florida Legislature to oppose legislation that would mandate the use of a uniform chart of accounts for all government entities.](#)
15. [Authorizing the Mayor or his designee to accept a one-year Pinellas County Solid Waste Operations Municipal Reimbursement Grant in the amount of \\$190,438 to fund recycling and recycling education programs, and to execute all documents necessary to effectuate this transaction.](#)
16. [Accepting a bid from Kimszal Contracting, Inc. to paint the Mid-Core parking garage for the Transportation and Parking Management Department at a total cost of \\$158,900.](#)

17. Authorizing the Mayor or his designee to accept an extension of the Expiration Date of the Grant Period of Performance of the FY 2010 Staffing for Adequate Fire and Emergency Response (“SAFER”) federally funded grant to April 30, 2014, and to execute other 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

Monday, November 18, 2013, 9:30 a.m., Room 100

City Council Workshop - Rental Properties

Monday, November 18, 2013, 3:00 p.m., Room 100

Budget, Finance & Taxation Committee

Monday, November 25, 2013, 8:00 a.m., Room 100

Public Services & Infrastructure Committee

Monday, November 25, 2013, 9:15 a.m., Room 100

City Council Transportation Workshop

Monday, November 25, 2013, 1:00 p.m., Room 100

CITY OF ST. PETERSBURG

Board and Commission Vacancies



Arts Advisory Committee

1 Regular Member
(Terms expire 9/30/13)

City Beautiful

2 Regular Members
(Terms expire 12/31/14 & 12/31/15)

Civil Service Board

1 Regular & 2 Alternate Members
(Terms expire 6/30/14, 6/30/15 & 6/30/16)

Code Enforcement Board

1 Regular Member (Engineer)
(Terms expire 12/31/13)

Commission on Aging

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

Community Preservation Commission

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

Planning & Visioning Commission

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

PROCEDURES TO BE FOLLOWED FOR QUASI-JUDICIAL PROCEEDINGS:

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

Attached documents for item Ordinance 98-H amending the City Code to repeal the current Section 16.40.050; to adopt a new Section 16.40.050; to re-adopt flood hazard maps; to adopt procedures and criteria for development in flood hazard areas, and for other purposes; to adopt local

ST. PETERSBURG CITY COUNCIL

Meeting of November 25, 2013

- TO:** The Honorable Karl Nurse, Chair, and Members of City Council
- SUBJECT:** City File LDR-2013-02: Amendment to the Land Development Regulations (“LDRs”), Chapter 16, City Code of Ordinances.
- REQUEST:** First reading of the attached ordinance providing for the repeal and replacement of Section 16.40.050 titled, “Floodplain Management.” This amendment involves LDRs that are applied city-wide and is necessary for the City’s continuing participation in the National Flood Insurance Program (“NFIP”).
- ANALYSIS:** The updated 2010 Florida Building Code (“FBC”) became effective on March 15, 2012, which resulted in local floodplain management regulations and ordinances conflicting with or duplicating parts of the FBC. As the City is one of the participating communities in the National Flood Insurance Program (“NFIP”), the floodplain management ordinance has to be repealed and replaced. The Florida Division of Emergency Management (“DEM”), the Florida Building Commission and the Federal Emergency Management Agency (“FEMA”) worked on a new state model ordinance. National experts were contracted by DEM to review local governments’ proposed ordinances to ensure consistency with the 2010 flood provisions of the FBC and NFIP federal regulations. Working with City staff, the DEM consultants have been in process over the past year of reviewing and revising the City’s proposed amendment to the LDRs.
- The City Attorney’s office and Construction Services and Permitting Division, in conjunction with the review provided by the consultants retained by DEM, have prepared the attached proposal to amend the LDRs, Chapter 16, City Code of Ordinances. The proposal includes repealing and removing the existing Section 16.40.050 and the adoption of a new Section 16.40.050. This amendment involves LDRs that are applied city-wide and are necessary for the City’s continuing participation in the NFIP.
- As of this date, the DEM consultant has not yet approved the City’s final proposed version of the ordinance as several other recent changes/additions have been made, which have been incorporated into the attached ordinance. Those changes were finalized after the staff report was prepared and provided to the DRC and are as follows:

1. Inclusion of a new requirement to increase the minimum elevation requirement of the FBC for residences in flood hazard areas (Whereas clause and Section 3).
2. Revisions to the substantial improvement and substantial damage determinations.
3. Addition of a new definition for "Declaration of Land Restriction (Nonconversion Agreement)" and "Market Value" and a change in the definition of "Substantial Improvement."
4. Addition of administrative amendments to the FBC (Section 2) regarding: modifications of the strict application of the requirements of the FBC; minimum plan review criteria for buildings, commercial and residential; building permits issued on the basis of an affidavit; variances in flood hazard areas.
5. In addition to the inclusion of a new requirement to increase the minimum elevation requirement of the FBC, Section 3 of the ordinance includes new technical amendments to the FBC, Residential for: enclosed areas below design flood elevation; elevation requirements; walls below design flood elevation; enclosed areas below the design flood elevations.
6. Additional amendments to the FBC, Buildings for: requirements of enclosed areas and flood hazard documentation.

SUMMARY:

Administration:

The Administration recommends APPROVAL.

Development Review Commission:

On November 6, 2013 the Development Review Commission ("DRC"), acting as the Land Development Regulation Commission ("LDRC"), is scheduled to review and make a recommendation to the City Council on the proposed LDR amendments. City staff will provide the DRC recommendation as part of their public hearing presentation.

Citizen Input:

As of this writing, no public comments have been received.

Recommended City Council Action:

1. CONDUCT the first reading of the proposed ordinance; and
2. SET the second reading and (adoption) public hearing for December 5, 2013.

ATTACHMENTS: Ordinance to Amend the LDRs
DRC Staff Report
Housing Affordability Impact Statement

ORDINANCE NO. XX-XX

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CITY CODE TO REPEAL THE CURRENT SECTION 16.40.050.; TO ADOPT A NEW SECTION 16.40.050.; TO RE-ADOPT FLOOD HAZARD MAPS, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; TO FORMAT EXISTING PROVISIONS TO BE CONSISTENT WITH THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of St. Petersburg, Florida and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of St. Petersburg, Florida was accepted for participation in the National Flood Insurance Program on May 28, 1971 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the Florida Building Code to implement the National Flood Insurance Program; and

WHEREAS, prior to July 1, 2010, the City of St. Petersburg adopted certain higher and more specific standards, in part for the purpose of participating in the National Flood Insurance Program's Community Rating System and pursuant to section 553.73(5), Florida Statutes, is formatting such standards to be compatible with the Florida Building Code, including provisions for (a) limitations on enclosures below buildings; (b) limitations on use of nonstructural and noncompacted earthen fill; (c) limitations on installation of manufactured homes in certain flood hazard areas; (d) requirement to locate buildings at least 10 feet landward of the reach of mean high tide; and (e) submission of operations and maintenance plans for dry floodproofed buildings.

WHEREAS, the City of St. Petersburg is adopting a requirement to increase the minimum elevation requirement of the Florida Building Code, Residential for dwellings in flood hazard areas and, pursuant to section 553.73(5), Florida Statutes; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code.

THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN:

SECTION 1. The St. Petersburg City Code is hereby amended by repealing and removing Section 16.40.050. in its entirety and adopting a new Section 16.40.050., to read as follows:

ARTICLE I. Floodplain Management

16.40.050.1. GENERALLY.

16.40.050.1.1. Title. These regulations shall be known as the Floodplain Management Ordinance of the City of St. Petersburg, Florida, hereinafter referred to as “this section.”

16.40.050.1.2. Scope. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

16.40.050.1.3. Intent and Purpose.

The purpose of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary or prolonged disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate practices, at the time of initial construction, in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

5. Minimize damage to public and private facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize future flood blight areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22;
9. Protect human life and health;
10. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
11. Ensure that property owners are notified yearly the property is in a flood prone area;
12. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; and
13. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

16.40.050.1.4. Findings of fact.

1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life; loss of property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditure for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands, which are inadequately elevated, floodproofed or otherwise protected from flood damage.

16.40.050.1.5. Coordination with the Florida Building Code. This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

16.40.050.1.6. Warning. The degree of flood protection required by this section and the Florida Building Code is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps (FIRM) and the requirements of Title 44

Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency (FEMA), requiring the City to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

16.40.050.1.7. Disclaimer of Liability. This section shall not create liability on the part of the City, its officers, agents, elected or appointed officials or employees thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

16.40.050.2. APPLICABILITY.

16.40.050.2.1. Conflict. Where there is a conflict between a general requirement and a specific requirement in this section, the specific requirement shall be applicable. Where the requirements of this section and another law, code or regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

16.40.050.2.2. Areas to which this section applies. This section shall apply to all flood hazard areas within the City as established in 16.40.050.2.3.

16.40.050.2.3. Basis for establishing flood hazard areas. The Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated August 18, 2009, and all subsequent amendments and revisions, and the accompanying FIRMs, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Planning and Economic Development Department, One 4th Street N, St. Petersburg, FL 33701.

16.40.050.2.4. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to 16.40.050.5. the Building Official may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the City indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the owner or owner's authorized agent (hereinafter "applicant") obtains a Letter of Map Change that removes the area from the special flood hazard area.

16.40.050.2.5. Other laws. The provisions of this section shall not be deemed to nullify any provisions of state or federal law.

16.40.050.2.6. Abrogation. This section supersedes any ordinance or City Code in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances or City Codes including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. This section shall not repeal, abrogate, or impair any existing deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

16.40.050.2.7. Interpretation. In the interpretation and application of this section, all requirements shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the City; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

16.40.050.3. ADMINISTRATION.

16.40.050.3.1. Designation. The Building Official is designated as the Floodplain Administrator for the purposes of this section. The Building Official may delegate the performance of certain duties to other employees.

16.40.050.3.2. General. The Building Official is authorized and directed to administer and enforce the provisions of this section. The Building Official shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to this section.

16.40.050.3.3. Applications and permits. The duties of the Building Official shall include, but not be limited to:

1. Review all applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review all applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries and a person contesting the determination shall have the opportunity to appeal the interpretation;
4. When interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Building Official shall make the necessary interpretation;
5. Provide available flood elevation and flood hazard information;
6. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

7. Review all applications to determine whether proposed development will be reasonably safe from flooding;
8. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance;
9. Coordinate with and provide comments to the Building Department employees to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section;
10. Review all applications for permits to ensure that the permit requirements of this section have been satisfied;
11. Advise applicant that additional federal and state permits may be required and ensure that all required stated and federal permits have been received. The Building Official shall require that copies of such permits be provided and maintained on file with the City permit.

16.40.050.3.4. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Building Official shall:

1. Require the applicant to obtain an appraisal of the current market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

For the purpose of making this determination, the cost to perform the improvements and the cost to perform the repairs shall not be cumulative from project to project. Costs of improvements and costs of repairs shall include all costs attributed to a project and shall be determined:

1. By submission of a detailed cost estimate by a licensed contractor, provided such estimate includes all work required to complete the work described in the permit application;

2. By submission of a summation of the prevailing market cost for all materials and labor including all expenses normally charged or incurred if the work were performed by a contractor (e.g., construction supervision and management, insurance, overhead and profit, demolition, etc.); or
3. By the Building Official if the applicant's submission and supporting data do not, in the opinion of the Building Official, reasonably reflect the actual project cost; alternatively, the Building Official may require submission of another estimate. If determined by the Building Official, the Building Official may use (a) the most recent (at the start of construction) square foot valuation data for this area published by the International Code Council; or (b) the replacement cost (at the start of construction) identified by a qualified independent appraiser.

16.40.050.3.5. Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall review requests that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to this section.

16.40.050.3.6. Notices and orders. The Building Official shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

16.40.050.3.7. Inspections. The Building Official shall make the required inspections as specified in this section for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Building Official shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

16.40.050.3.8. Other duties of the Building Official. The Building Official shall have other duties, including but not limited to:

1. Establish procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to 16.40.050.3.4.;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA and ensure that the entity responsible for maintenance within the altered or relocated portion of said watercourse is identified so that the flood-carrying capacity is not diminished;
3. Inform an applicant that if the watercourse being altered or relocated is noted as a water/drainage feature on the City's Future Land Use Map, any change to the watercourse would require a Comprehensive Plan amendment to change the map, subject to agency and local government review including the Departments of Economic Opportunity, Environmental Protection, State, Transportation, Tampa Bay Regional Planning Council and Pinellas County;

4. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations. Such submissions shall be made within six (6) months of such data becoming available;
5. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete; and
6. Notify FEMA when the corporate boundaries of the City are modified.

16.40.050.3.9. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Building Official shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including FIRMs; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, in addition to documentation kept by the Zoning Official, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Planning and Economic Development Department, One 4th Street N., St. Petersburg, FL 33701.

16.40.050.4. PERMITS.

16.40.050.4.1. Permits required. Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Building Official and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable City, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the City does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

16.40.050.4.2. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Building Official may determine that a floodplain development permit or approval is required in addition to a building permit.

16.40.050.4.3. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, Florida Statutes.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), Florida Statutes, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

16.40.050.4.4. Permit Procedures. To obtain a permit or approval the applicant shall first file an application with the Building Official in writing on a form furnished by the City with any required fee prior to the start of development. The information provided shall include, but shall not be limited to, the following:

1. Identify and describe the development to be covered by the permit or approval;
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site;
3. Indicate the use and occupancy for which the proposed development is intended;
4. Be accompanied by a site plan or construction documents as specified in this section;
5. The plans or construction documents must be in duplicate and drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structure, fill, storage of materials, drainage facilities and their location;

6. State the valuation of the proposed work;
7. Evidence that the proposed development will fully comply with all the provisions of this section;
8. Base flood elevation data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than 50 lots or five acres, whichever is less;
9. Be signed by the applicant or the applicant's authorized agent;
10. Give such other data and information as required by the Building Official.

16.40.050.4.5. Validity of permit or approval. The issuance of a permit pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Code, or any other ordinance or City Code. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Building Official from requiring the correction of errors and omissions.

16.40.050.4.6. Issuance of permit. The Building Official shall issue a permit if the application fully complies with the provisions of this section, and shall deny the application and refuse to issue a permit if the application does not fully comply with the provisions of this section.

16.40.050.4.7. Expiration. A permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

16.40.050.4.8. Suspension or revocation. The Building Official is authorized to suspend or revoke a permit if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other City, state or federal ordinance, regulation or requirement.

16.40.050.4.9. Other permits required. Permits shall include a condition that all other applicable City, state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Southwest Florida Water Management District; section 373.036, Florida Statutes
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, Florida Statutes and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, Florida Statutes
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, Florida Statutes.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

6. Federal permits and approvals.

16.40.050.5. SITE PLANS AND CONSTRUCTION DOCUMENTS.

16.40.050.5.1. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the FIS, they shall be established in accordance with 16.40.050.5.2(2) or (3).
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the FIS, such elevations shall be established in accordance with 16.40.050.5.2 (1).
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Building Official is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a licensed professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

16.40.050.5.2. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Building Official shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

16.40.050.5.3. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed professional engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in 16.40.050.5.4. and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the FIS or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in 16.40.050.5.4.

16.40.050.5.4. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

16.40.050.6. INSPECTIONS.

16.40.050.6.1. General. Development for which a permit is required shall be subject to inspection.

16.40.050.6.2. Development other than buildings and structures. The Building Official shall inspect all development to determine compliance with the requirements of this section and the conditions of issued permits.

16.40.050.6.3. Buildings, structures and facilities exempt from the Florida Building Code. The Building Official shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued permits.

16.40.050.6.4. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Building Official:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with 16.40.050.5.2(3)(b), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

16.40.050.6.5. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Building Official a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in 16.40.050.6.4.

16.40.050.6.6. Manufactured homes. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

16.40.050.7. APPEALS AND VARIANCES.

16.40.050.7.1. General. The Development Review Commission (hereinafter referred to as the "Commission") shall hear and decide on requests for appeals and requests for variances from the strict application of this section. Pursuant to section 553.73(5), Florida Statutes, the Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

16.40.050.7.2. Appeals. Appeals to the Commission may be made in the manner provided in the appeals section by any person aggrieved or affected by any order, written decision, or determination made by the Building Official in the administration and enforcement of this section. Any person aggrieved by the decision of the Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes. The Building Official shall maintain the records of all appeals, both granted and denied and report any variances to FEMA as requested.

16.40.050.7.3. Limitations on authority to grant variances. The Commission may authorize variances from the provisions of this section after receipt of an application which provides all relevant information required by the Building Official. For variance procedures, see 16.70.040.1.12. of the City Code for planning and zoning decisions. The Commission shall base its decisions on variances on technical justifications, the considerations for issuance in 16.40.050.7.7., and the conditions of issuance, all of which are contained in 16.40.050.7.8., and the comments and recommendations of the Building Official, including those based upon the Florida Building Code. The Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

16.40.050.7.4. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in 16.40.050.5.3.

16.40.050.7.5. Historic buildings. A variance is authorized to be issued for the repair, improvement, reconstruction, restoration or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Buildings, upon a determination that the proposed repair, improvement, reconstruction, restoration or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, reconstruction, restoration and rehabilitation shall be subject to the requirements of the Florida Building Code. Historic properties may be required to obtain a certificate of appropriateness pursuant to the City Code. No fee shall be required for the variance application and, if the historic structure has a current certificate of appropriateness, no notice of the variance shall be required.

16.40.050.7.6. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of 16.40.050.7.4., is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

16.40.050.7.7. Considerations for issuance of variances. In reviewing requests for variances, the Commission shall consider all technical evaluations, all other applicable provisions of the Florida Building Code, this section, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future individual owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion for the proposed use;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the Comprehensive Plan, the FIS for the area and this section;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges;
11. The necessity to the development of a waterfront location; and
12. Economic hardship and self-created hardship are not relevant factors and shall not be considered as reasons to grant a variance.

16.40.050.7.8. Conditions for issuance of variances. After consideration of the factors listed above and the purposes of this section variances shall be granted by the Commission only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
2. Determination by the Commission that:
 - a. Failure to grant the variance would result in exceptional hardship, based on the considerations set forth for issuance of a variance, due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship; and
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - d. The variance receives the affirmative vote of at least a majority of the Commission.

- e. No variance shall be granted for development which was constructed without a permit, or beyond the scope of a permit, unless it meets the considerations set forth for the issuance of a variance and receives the affirmative vote of a super-majority of the Commission.
3. No variance, if granted, shall be effective until a copy of the variance with the name of the owner and the legal description of the property is recorded in the Office of the Clerk of the Court so that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Building Official to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the base flood elevation increases risks to life and property. The application shall provide notice to, and each application shall acknowledge that, the granting of a variance will result in increased premium rates for flood insurance (in some cases amounts as high as \$25 for \$100 of insurance coverage or increases of 100% or greater) and construction pursuant to the variance increases risks to life and property.

16.40.050.8. VIOLATIONS.

16.40.050.8.1. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

16.40.050.8.2. Declaration of violation.

1. Where a violation of this section has been found to exist by:
 - a. A court of competent jurisdiction;
 - b. The Code Enforcement Board;
 - c. The written admission of a property owner; or
 - d. The City Council.

The violation has not been corrected, the City Council may declare the property to be in violation of this section and forward the declaration to FEMA. The issuance of the declaration may cause the property to be denied flood insurance and no permits will be issued for any improvements to the property except permits for the maintenance of structures existing at the time the declaration is made and permits for the removal of violations of this section.

2. The declaration shall be approved by resolution of the City Council and should meet the requirements of section 1316 of the National Flood Insurance Act of 1968 as implemented by part 73 of 44 CFR and any other applicable law. The declaration shall be recorded in the public records. The owner/occupant shall be required to obtain a new certificate of occupancy stating the existence of a compliant structure from the Building Official to ensure compliance. The declaration may be rescinded by resolution of the City Council, provided that the resolution meets the requirements of section 1316 of the National Flood Insurance Act.
3. Structures existing on the property at the time a declaration is approved by City Council shall not be, in addition, cited for violating the requirements of this section. Violations of the City Code, not including violations of this section, which exist on the date of the declaration, may be cited.
4. Any violation existing on the date of the declaration for which no building permit was issued which does not meet the requirements of the Florida Building Code (except the provisions of this section) shall be removed. Any violation which is required to obtain a building permit to correct shall be removed (except the provisions of this section).
5. The Building Official may require such documents and certificates and perform such inspections as are reasonably necessary prior to issuing a certificate of occupancy.
6. Any work done after the date of the declaration is a violation of this section, may be cited for violating this section, and shall be removed. No variances to this subsection shall be granted.

16.40.050.8.3. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Building Official is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

16.40.050.8.4. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

16.40.050.9. DEFINITIONS.

16.40.050.9.1. Scope. Unless otherwise expressly stated, the following words and terms shall have the meanings shown in this section.

16.40.050.9.2. Terms defined in the Florida Building Code. Where terms are not defined in this section or the City Code and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in the Florida Building Code.

16.40.050.9.3. Terms not defined. Where terms are not defined in this section, the City Code, or the Florida Building Code, such terms shall have the ordinarily accepted meanings such as the context implies.

16.40.050.9.4. Definitions.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the FIRM.

Basement means the portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure means any structure consisting of walls and a roof, built of permanent construction that is impervious to the elements, and built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Coastal construction control line means the line established by the State of Florida pursuant to section 161.053, Florida Statutes, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Declaration of Land Restriction (Nonconversion Agreement). A form signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, certain enclosures below elevated buildings.

Design flood means the flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the City's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the City's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before May 28, 1971.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 28, 1971.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Fill means any material (usually soil, dirt, sand or similar nonbiodegradable material) used to elevate the grade of property to a level higher than the grade of the property as it existed prior to the start of construction.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area means the greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the City's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM) means the official map of the City on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the City.

Flood Insurance Study (FIS) means the official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain development permit or approval means an official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway or regulatory floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a Florida licensed professional engineer using standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent facility (use) means a facility (use) which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is:

- (1) Determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings;
- (2) Listed individually on the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (3) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (4) Individually listed on the state inventory of historic places as long as the state historic preservation program is approved by the Secretary of the Interior; or
- (5) Individually listed as a local landmark pursuant to the City's historic preservation program as long as the City's historic preservation program is certified by the state as a certified local government program, and the state historic preservation program is approved by the Secretary of the Interior.

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective FIRM or FIS. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with this section. .

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or FIS; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the on-elevation requirements of the Florida Building Code or ASCE 24.

Mangrove stand means an assemblage of trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia germinans*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and, buttonwood (*Conocarpus erecta*).

Manufactured home means a structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

Mean sea level means the mean sea level set forth in the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum of 1988.

National Geodetic Vertical Datum (NGVD) means the vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means for the purposes of administration of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 28, 1971 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 28, 1971.

Park trailer means a transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Project means any work done for which a permit is required during the time period from when the work begins until the permit is closed and shall include all work and permits necessary to make a structure safe to be occupied. A permit may be closed by issuance of a certificate of occupancy or an approved final inspection.

Recreational vehicle means a vehicle, including a park trailer, which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Standard exterior door means a movable barrier used to seal or close-off entry to a building which is constructed of wood, metal or glass, not more than thirty-six (36) inches wide and that swings on hinges.

Start of construction means the date the building permit was issued, for either new construction or substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement occurred within 180 days of the date of the permit was issued. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would be equal to or exceed 50 percent of the market value of the building or structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

16.40.050.10. BUILDINGS AND STRUCTURES.

16.40.050.10.1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to 16.40.050.4.3., buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of 16.40.050.16.

16.40.050.10.2. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 or Section 1612, or Florida Building Code, Residential Section R322, as applicable.
- (2) Minor structures and non-habitable major structures as defined in section 161.54, Florida Statutes, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

16.40.050.11. SUBDIVISIONS.

16.40.050.11.1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures; and
4. .

16.40.050.11.2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation on flood hazard area, floodway boundaries and flood zones, and design flood elevations, as appropriate shall be shown on preliminary plats.
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with 16.40.050.5.2(1).; and
3. Compliance with the site improvement and utilities requirements of 16.40.050.12.

16.40.050.12. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

16.40.050.12.1. Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. In coastal high hazard areas (Zone V), buildings and structures are located a minimum of ten (10) feet landward of the reach of mean high tide;
3. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
4. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

16.40.050.12.1.1. Use of nonstructural fill in flood hazard areas (Zone A). In flood hazard areas other than coastal high hazard areas (Zone A), fill on the outside of the footprint of the foundation of single-family through quadruplex residential structures on lots which are not part of a development with a master grading plan approved by the POD is prohibited, except for fill in the front yard which is necessary in the construction of a driveway to a garage and the front entrance for access to the structure. If a site plan with lot elevations and proposed fill is submitted for plan review prior to issuance of a permit and approved in advance by the Building Official, and if the use of fill does not create any additional stormwater runoff onto abutting properties, minor amounts of fill shall be allowed to:

1. Provide adequate lot grading for drainage;
2. Raise a side yard up to the elevation of an abutting property; and
3. The use of fill shall not create any additional stormwater runoff onto abutting property.

16.40.050.12.1.2. Use of nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas (Zone V), limited noncompacted fill (not exceeding six inches in depth) may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstructions) prior to generating excessive loading forces, ramping effects or wave deflection. The Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, along with the any supporting data required by the Building Official, which demonstrates that the following factors have been fully considered:

1. Particle composition of fill material does not have a tendency for excessive material compaction.
2. Volume and distribution of fill will not cause wave deflection to adjacent properties;
3. Slope of fill will not cause wave run up or ramping; and
4. The use of fill shall not create any additional stormwater runoff onto abutting property.

16.40.050.12.2. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

16.40.050.12.3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

16.40.050.12.4. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in 16.40.050.5.3(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

16.40.050.12.5. Limitations on placement of fill. Subject to the limitations of this section , fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A

only), fill shall comply with the requirements of the Florida Building Code, state and federal laws.

16.40.050.12.6. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by 16.40.050.5.3(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with 16.40.050.16.8(3).

16.40.050.13. MANUFACTURED HOMES.

16.40.050.13.1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, Florida Statutes., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

16.40.050.13.1.1. Limitations on location. Installation of manufactured homes in regulated floodways and in coastal high hazard areas is prohibited, unless an installation it to replace an existing manufactured home in an existing manufactured home park.

16.40.050.13.2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and Section 16.40.050.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and Section 16.40.050.

16.40.050.13.3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

16.40.050.13.4. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with 16.40.050.13.5. or 16.40.050.13.6. as applicable.

16.40.050.13.5. General elevation requirement. Unless subject to the requirements of 16.40.050.13.6., all manufactured homes that are placed, replaced, or substantially improved on

sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

16.40.050.13.6. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to 16.40.050.13.5., including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A) or R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.

16.40.050.13.7. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section for such enclosed areas.

16.40.050.13.8. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section.

16.40.050.14. RECREATIONAL VEHICLES AND PARK TRAILERS.

16.40.050.14.1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

16.40.050.14.2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in 16.40.050.14.1. for temporary placement shall meet the requirements of 16.40.050.13. for manufactured homes.

16.40.050.15. TANKS.

16.40.050.15.1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

16.40.050.15.2. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 16.40.050.15.3. shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V).

16.40.050.15.3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

16.40.050.15.4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

16.40.050.16. OTHER DEVELOPMENT.

16.40.050.16.1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in Section 16.40.050. or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the requirements of 16.40.050.12.4. if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of Florida Building Code for wet locations.

16.40.050.16.2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of 16.40.050.12.4.

16.40.050.16.3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the requirements of 16.40.050.12.4.

16.40.050.16.4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of 16.40.050.12.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of 16.40.050.5.3(3).

16.40.050.16.5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

16.40.050.16.6. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without

requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

16.40.050.16.7. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

16.40.050.16.8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 2. The Florida Building Code, which has previously been adopted by the City, is hereby amended by the following amendments to read as follows:

ARTICLE 2. Florida Building Code Amendments

DIVISION 1. Administrative amendments to the Florida Building Code, Building

Add a new Sec. 104.10.1 as follows:

104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code*. The Building Official shall coordinate with the Floodplain Administrator

to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Modify Sec. 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one- and two-family)

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

SECTION 3. The Florida Building Code which has previously been adopted by the City, is hereby amended by the following amendments to read as follows:

DIVISION 2. Technical amendments to the Florida Building Code, Residential

Modify Sec. R322.2.1 as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet 2 feet (610 mm) if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

Modify Sec. R322.2.2 as follows:

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and shall not be temperature-controlled. The limitation on partitions does not apply to crawlspace foundations. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). Access to enclosed areas shall be the minimum necessary to allow for permitted uses and limited to garage door and no more than two standard exterior doors.

Modify Sec. R322.3.2 as follows:

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:
 - 1.1 Located at or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher, if the lowest horizontal structural

member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or

- 1.2 Located at the base flood elevation plus 2 feet 1-foot (305 mm), or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

Modify Sec. R322.3.4 as follows:

R322.3.4 Walls below design flood elevation. Walls ~~and partitions~~ are permitted below the elevated floor, provided that such walls ~~and partitions~~ are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls ~~and partitions~~ below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and shall not be

temperature-controlled. The limitation on partitions does not apply to crawlspace foundations. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). Access to enclosed areas shall be the minimum necessary to allow for permitted uses and limited to garage door and no more than two standard exterior doors.

SECTION 4. The Florida Building Code which has previously been adopted by the City, is hereby amended by the following amendments to read as follows:

DIVISION 3. Technical amendments to the Florida Building Code, Building

1612.4.1 Requirements for enclosed areas. In addition to the requirements in ASCE 24 for enclosed areas below elevated buildings, the following limitations apply:

1. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and shall not be temperature-controlled. The limitation on partitions does not apply to crawlspace foundations.
2. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). Access to enclosed areas shall be the minimum necessary to allow for permitted uses and limited to garage door and no more than two standard exterior doors.

1612.5 Flood hazard documentation. The following documentation shall be prepared and sealed by a registered design professional and shall be submitted to the building official:

1. For construction in flood hazard areas not subject to high-velocity wave action:
 - 1.1. The elevation of the lowest floor, including basement, as required by the foundation inspection and the final inspection in Section 110.3.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.2.1, ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of ASCE 24.
 - 1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24 and shall include an operation and maintenance plan.

SECTION 5. Words that are ~~struck through~~ shall be deleted from the existing Florida Building Code and language which is underlined shall be added to the existing Florida Building Code. Provisions not specifically amended shall continue in full force and effect.

SECTION 6. 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 7. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)



STAFF REPORT | LDR 2013-02

Staff Report to the St. Petersburg Development Review Commission
Prepared by the City Attorney's Office, in coordination with the
Planning and Economic Development Department

For Public Hearing on November 6, 2013
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

-
- Subject:** City File LDR 2013-02: Amendment to the Land Development Regulations ("LDRs"), Chapter 16, City Code of Ordinances.
- Request:** It is requested that the Development Review Commission ("DRC") review and recommend approval of the attached proposed amendment to the LDRs, based on consistency with the Comprehensive Plan. Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission ("LDRC"), is responsible for reviewing and making a recommendation to the City Council on proposed LDR amendments, excepting those related to historic and archeological preservation.
- Background:** The updated 2010 Florida Building Code ("FBC") became effective on March 15, 2012. Upon that date, local floodplain management regulations and ordinances may conflict with or duplicate parts of the flood provisions in the FBC. Consequently, all of Florida's National Flood Insurance Program ("NFIP") participating communities are required to repeal and replace the local floodplain management ordinances to coordinate with the FBC. The Florida Division of Emergency Management ("DEM"), the Florida Building Commission and the Federal Emergency Management Agency ("FEMA") worked on a new state model ordinance. National experts were contracted by DEM to review local governments' proposed ordinances to ensure consistency with the 2010 flood provisions of the FBC and NFIP federal regulations. Working with City staff, the DEM consultants have been in process over the past year of reviewing and revising the City's proposed amendment to the LDRs.
- Proposal:** The City Attorney's office and Construction Services and Permitting Division, in conjunction with the review provided by the consultants retained by DEM, have prepared the attached proposal to amend the LDRs, Chapter 16, City Code of Ordinances. The proposal includes repealing and removing the existing Section 16.40.050 and the adoption of a new Section 16.40.050. This amendment involves LDRs that are applied city-wide and are necessary for the City's continuing participation in the NFIP.

Summary of Changes:

- Removal of all duplicative sections of the City Code which are now contained in the FBC.
- Inclusion of administrative amendments of the FBC regarding: the Building Official handling modifications to the strict application of FBC; building permits issued on the basis of an affidavit; and variances in flood hazard areas.
- Removal of the following terms in the definition section: accessory structure; appraisal report; area of special flood hazard; breakaway wall; elevated building; flood opening; flood proofing; lowest horizontal structure; replacement cost; structure; substantial improvement of existing manufactured home parks.
- Inclusion of the following new terms in the definition section: alteration of a watercourse; ASCE 24; coastal construction line; design flood; design flood elevation; encroachment; existing building and existing structure; flood damage-resistant materials; flood hazard area; floodplain development permit or approval; floodway encroachment analysis; Florida Building Code; Letter of Map Change; light-duty truck; park trailer; special flood hazard area; watercourse.
- Broadening stated intent and purpose of floodplain section to include the FBC.
- Additional requirements added as follows: submission of additional data to establish flood hazard areas; the issuance of floodplain development permits or approvals.
- Revisions to Building Official's responsibilities, as floodplain administrator, including: expansion of requirements as to floodplain management records and applications and permits, substantial improvement and substantial damage determinations, review of requests for modifications to the strict application of the FBC, inspections.
- In order to be consistent with state statute, permits shall include a condition that all other applicable permits, including state and federal, are obtained before the start of the permitted development. Issuance of a permit on the part of the City does not give the applicant a right to a state or federal permit, nor does it create any liability for the City should the applicant fail to obtain the necessary approvals or permits from those agencies.
- Addition of new sections that: recognizes exemption from the FBC for certain buildings, structures, and facilities; expansion of information requirements for development in flood hazard areas; analysis and certifications for development in floodways, riverine flood hazard areas or the alteration of a watercourse; submission of additional data to support site plan and construction documents; inspection section which addresses manufactured homes and exempted buildings, structures and facilities.
- Revisions to the permit procedures including: additional information requirements for the application stage; the deletion of requirements at the construction stage; the addition of the length a permit may be valid, authorization for suspension or revocation of a permit, other permits that are required.

- Extensive revisions to appeals and variances section including: the Development Review Commission taking over the responsibility from the Community Preservation Commission for the hearing of appeals and variance requests; limitations on the authority of the DRC to grant variances, specifically allowing variances for certain circumstances related to historic buildings and functionally dependant uses, but disallowing variances for proposed development in a floodway; and expansion of the considerations for issuance of a variance and the conditions for a variance.
- Removal of existing code sections related to: general requirements for construction and improvements in all areas of special flood hazard; specific requirements for A-zones; specific requirements for Coastal High Hazard Areas; floodways; and standards for streams in A-zones without established base flood elevations.
- New sections for: buildings and structures; subdivisions; site improvements; utilities; and limitations. Expansion of the manufactures homes section and expansion of the recreational vehicles section, including the addition of park trailers.
- New section which addresses other development including fences, retaining walls, sidewalks, driveways, roads and watercourses in regulated floodways, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses in coastal high hazard areas, and nonstructural fill in coastal high hazard areas.

Compliance with the Comprehensive Plan:

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposed amendments:

Objective C1: The City of St. Petersburg shall attempt to reduce the potential for property damage and safety hazards caused by storm flooding through complying with or exceeding of minimum FEMA regulations.

Policy C1.1: The City will actively enforce minimum building standards identified in the adopted Flood Damage Prevention Ordinance for construction within the 100-year flood plain.

Policy C1.2: The City will cooperate with the Federal Emergency Management Agency to regularly update the 100-year flood plain and to continue FEMA regulations.

Objective CM11: The City will reduce natural hazard impacts through compliance with FEMA regulations and by targeting repetitive flood loss and vulnerable properties for mitigation.

Policy CM11.1: Variances to required flood elevations shall not be approved unless documented to be in the best interest of the public health, safety and welfare.

Policy CM11.2: The City shall enforce applicable recommendations of Post-Disaster Hazard Mitigation plans, required under Section 406 of the Disaster Relief Act of 1974.

Policy CM11.3: The City shall minimize the disturbance of natural shorelines which provide stabilization and protect landward areas from storm impacts.

Objective LU7: The City will continue to revise and amend the land development regulations, as necessary, to ensure compliance with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C.]¹. The City will amend its land development regulations consistent with the requirements of Chapter 163.3202, Florida Statutes [and Chapter 9J-24 F.A.C.], so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

Policy LU7.1: Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-24 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

Objective LU20: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

Policy LU20.1: The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

Housing Affordability Impact Statement:

The proposed amendments will have a no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

Recommendation:

The Planning and Economic Development Department finds that the proposed amendments to the LDRs, Chapter 16, City Code of Ordinances, are consistent with the Comprehensive Plan and recommends APPROVAL.

Process:

The Planning and Economic Development Department is prepared to bring forward these proposed amendments to the City Council for the required first reading on November 25, 2013, and second reading and public hearing on December 5, 2013.

Attachments:

1. Ordinance to Amend the LDRs
2. Housing Affordability Impact Statement

¹ Chapter 9J-24 F.A.C. is no longer a valid reference in State statute. As of this writing, the city's Comprehensive Plan has not been updated to reflect this legislative change.

**City of St. Petersburg
Housing Affordability Impact Statement**

Each year, the City of St. Petersburg receives approximately \$2 million dollars in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. Initiating Department: Planning and Economic Development

II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2013-02).

III. Impact Analysis:

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No (No further explanation required.)

Yes Explanation:

If Yes, the per unit cost increase associated with this proposed policy change is estimated to be: \$_____.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No (No further explanation required)

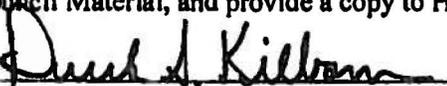
Yes Explanation:

IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

CHECK ONE:

- The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)


Department Director (signature)

10.28.2013
Date

MANAGER, URBAN PLANNING & HISTORIC PRESERVATION

OR

- The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Department Director (signature)

Date

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development

Attached documents for item Bayfront Medical Center Update - Kathryn Gillette, President & CEO.
[To be heard at 4:00 p.m.]

Attached documents for item Mahaffey Theater Update. (Oral) [Deferred to the 12/5/13 Meeting]

Attached documents for item Tourist Development Council. (Councilmember Curran) (Oral)
[Deferred to the 12/5/13 Meeting]

Attached documents for item Tampa Bay Estuary Program. (Councilmember Kornell)

Attached documents for item Resolution urging the Members of the Florida Legislature to oppose legislation that would mandate the use of a uniform chart of accounts for all government entities.
[MOVED to Consent "B" as CB-14]

Attached documents for item Resolution approving the indigent status of the National Christian League of Councils and authorizing the waiver of City fees and costs for the 29th Annual National Dr. Martin Luther King, Jr. Drum Major for Justice Parade.



st. petersburg

MEMORANDUM

TO: Honorable Chair and Members of City Council

FROM: Public Issue Speech Staff Committee

DATE: November 6, 2013

SUBJECT: Report of Public Issue Speech Meeting

The Public Issue Speech Committee appointed to review the Application for and Affidavit of Indigency submitted by the sponsors of public issue speech events, met in City Hall on Wednesday, November 6, 2013 at 10:00 a.m. The meeting was noticed to the public.

Roll call was taken and those present were: Tish Elston, City Administrator, Jeannine S. Williams, Legal, and Thomas J. Jackson, Recreation Manager. Also present was Sevell Brown III of NCLC (National Christian League of Councils).

The Committee reviewed the document (Application for and Affidavit of Indigency) submitted by Sevell Brown III on behalf of the Local Chapter of the NCLC. The purpose of the request is to stage the traditional parade in honor of Dr. Martin Luther King, Jr. in downtown St. Petersburg on Monday, January 20, 2014.

The Committee concluded that the Application for and Affidavit of Indigency submitted by Sevell Brown III supported the claim that the organization is financially unable to purchase liability insurance or pay for City services associated with staging the parade.

Thomas J. Jackson moved that the Committee find the event deemed to constitute speech and public issue and the request for waiver of liability insurance and fees for the City services be granted on the basis of indigency. The motion was seconded by Jeannine S. Williams and passed unanimously.

The meeting was adjourned at 10:12 a.m.

Cc: Tish Elston, City Administrator
John Wolfe, City Attorney
Clarence Scott, City Service Administrator
Sherry McBee, Parks & Recreation Director
Mike Jefferis, Assistant Parks & Recreation Director
Jeannine S. Williams, Legal Staff
Cathy Davis, City Clerk Staff
John Armbruster, Parks & Recreation Manger

RESOLUTION NO. _____

A RESOLUTION APPROVING THE INDIGENT STATUS OF THE NATIONAL CHRISTIAN LEAGUE OF COUNCILS AND AUTHORIZING THE WAIVER OF CITY FEES AND COSTS FOR THE 29TH ANNUAL NATIONAL DR. MARTIN LUTHER KING, JR. DRUM MAJOR FOR JUSTICE PARADE AND PROVIDING AN EFFECTIVE DATE.

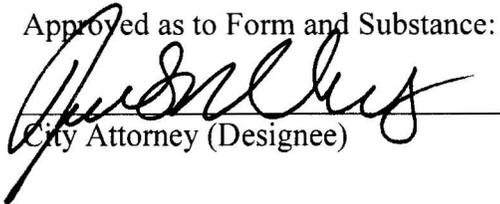
WHEREAS, the National Christian League of Councils submitted an application for and affidavit of indigency requesting the waiver of City fees and costs regarding the 29th Annual National Dr. Martin Luther King, Jr. Drum Major for Justice Parade to be held on January 20, 2014; and

WHEREAS, the Public Issue Speech Committee met on November 6, 2013, and determined that the National Christian League of Councils fulfilled the public issue speech and indigent status requirements in its application for and affidavit of indigency for the waiver of City fees and costs.

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the indigent status of the National Christian League of Councils is approved and that City fees and costs for the 29th Annual National Dr. Martin Luther King, Jr. Drum Major for Justice Parade are waived.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

APPLICATION FOR AND AFFIDAVIT OF INDIGENCY

(Note: pursuant to City Code § 25-54(e), the City reserves the right to request any information or documentation reasonably required to support the information supplied in this Application/Affidavit. Each space in this Application/Affidavit must be completed for the Application/Affidavit to be considered complete. Incomplete submissions will not be considered.

I, Sevell C. Brown III, a United States citizen, being first duly

sworn, do depose and make under oath the following application and affidavit, pursuant to the

Outdoor Public Assembly Ordinance, City Code § 25-54, for a waiver of City costs and fees for 29th Annual MLK National Drum Major Justice Parade (EVENT).

I am either an individual applicant not representing any organization, or am the National Director (OFFICER/POSITION) of the following:

National Christian League of Councils NCLC (ORGANIZATION) and am in

a position to know of my own financial condition or the financial condition of said organization, and

that either I (if an application on behalf of an individual) or the NCLC (ORGANIZATION), after the

payment of basic expenses necessary for the continued operation and existence of the individual or

organization (whichever is applicable), am/is unable to make payment of costs and fees which would

be charged by the City for this public assembly, by divesting myself/itself of any property, monies,

or any items of value.

I. BRIEF STATEMENT OF THE NATURE OF THE EVENT:

The 29th Annual National MLK Drum Major Justice Parade is a traditional parade in the sense of the May Day Thanksgiving Day & Rose Bowl Parade with floats, marching bands, businesses, & organizations that are celebrating the Federal King Holiday in a monumental special salute & tribute to the legacy & works of Dr. King & his principles.

II. ORGANIZATION'S ADDRESS:

(Note: if organization occupies or is located in or at any street address, such address must be provided. Post Office Box addresses will not be sufficient)

III. FINANCIAL STATUS OF ORGANIZATION:

1. Does the Organization own any real property? N (Y/N) If Yes:

a. Description: _____

b. Full Address: _____

c. In Whose Name?: _____

d. Tax Assessor Value: \$ _____

e. Mortgage Owed: \$ _____

Owed to: _____

f. Amount Income from Property: \$ _____

2. OTHER ASSETS/PROPERTY:

a. Automobile (s): Make: N/A Model: _____

In whose name registered?: _____

Present value of car: \$ _____

Amount owed: \$ _____

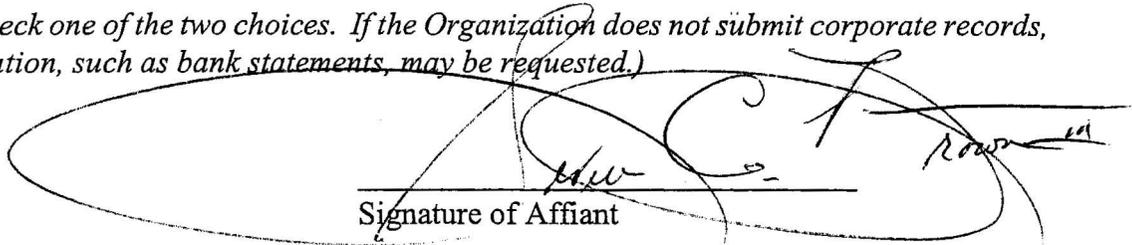
Owed to: _____

If application is for an organization, is the organization incorporated in any form under the laws of any state? _____ Yes X No. State: _____

Copies of the Organization's most recent balance sheet and income statement are attached and made a part of this application.

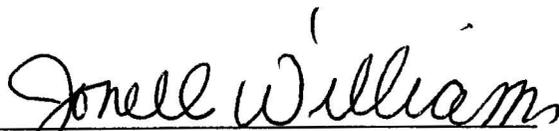
This Organization does not create balance sheets or income statements.

(Note: Please check one of the two choices. If the Organization does not submit corporate records, other documentation, such as bank statements, may be requested.)



Signature of Affiant

Sworn to and subscribed before me this
 30 day of OCTOBER 20 13 .



Notary Public/State of Florida
My Commission Expires:



JONELL WILLIAMS
MY COMMISSION # DD 981667
EXPIRES: August 13, 2014
Bonded Thru Budget Notary Services

INDIGENCY.AFF



NATIONAL CHRISTIAN LEAGUE OF COUNCILS
 PO BOX 12732
 SAINT PETERSBURG, FL 33733-2732

Account Summary	Account Type	Account Number	Statement Period
	Primary Business Checking		09/30/2013 - 10/29/2013
Description			Description
Beginning Balance	\$265.61-	Minimum Collected Balance	\$265.00-
Deposits/Credits	\$372.00	Minimum Collected Balance Date	10/25/2013
Checks	\$0.00	Average Collected Balance	\$264.00-
Withdrawals/Debits	\$12.00	Number of Days in Statement Period	30
Ending Balance	\$106.39		
Deposits/	Date	Amount	Description
Credit	10/28	72.00	UAF PAID ITEMS PENALTY REFUND
	10/28	300.00	DEPOSIT
Withdrawals/	Date Paid	Amount	Description
Debits	09/30	12.00	MAINTENANCE FEE
			TR DATE 09/30
Balance	Date		Balance
Activity	09/30		265.61-
History	10/28		106.39

Attached documents for item Proposed labor agreements between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF):

ST. PETERSBURG CITY COUNCIL

CONSENT AGENDA

Meeting of
November 25, 2013

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

SUBJECT: Ratifying the proposed labor agreement between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF) for the Firefighters, Paramedics, and Lieutenants bargaining unit covering the job classifications within this bargaining unit effective October 1, 2013, through September 30, 2016.

The City and SPAFF have reached a tentative agreement on the terms of a three-year collective bargaining agreement with the Firefighters, Paramedics, and Lieutenants bargaining unit. The members ratified the agreement on October 21, 2013. If approved and ratified by Council, the proposed agreement will be effective October 1, 2013.

The agreement provides a 2% general wage increase in fiscal year 2014 for members of the unit who are at the maximum steps of their respective labor grades. No members of the unit will receive general wage increases in fiscal years 2015 and 2016. Throughout the term of the agreement, unit members who have not reached the maximum step rates for their respective labor grades shall progress to the next higher steps on their classification anniversary dates.

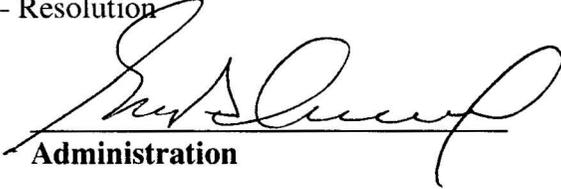
Effective January 1, 2016, all members of the unit will receive a Relief Day (R-Day) every seventh shift, a reduction from every fourteenth shift, which will reduce their average work week from 52 hours per week to 48 hours per week over the course of a year. The City will hire 18 new firefighters by January 1, 2016 in order to offset the reduced work week. The cost of the new hires will come from salary savings as a result of the employees forgoing all or part of general wage increases in fiscal years 2014, 2015, and 2016. Additionally, all unit members' annual leave and illness leave accrual rates will be reduced by 20% beginning January 1, 2016.

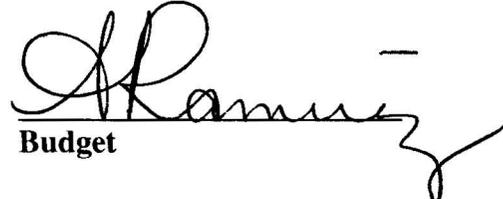
Cost/Funding Information:

Specific costs for the fiscal year 2014 pay increases are within the fiscal year 2014 budget provisions and will come from funds within the operating budget for the General Fund, Fire Department.

Attachment – Resolution

Approvals:


Administration


Budget

**A RESOLUTION APPROVING THE
NEGOTIATED AGREEMENT WITH THE
ST. PETERSBURG ASSOCIATION OF
FIREFIGHTERS REPRESENTING THE
FIREFIGHTERS, PARAMEDICS, AND
LIEUTENANTS FOR THE PERIOD OF
OCTOBER 1, 2013 THROUGH SEPTEMBER
30, 2016, AND ESTABLISHING AN
EFFECTIVE DATE FOR THIS
RESOLUTION**

WHEREAS, the City of St. Petersburg and the St. Petersburg Association of Firefighters have reached a three-year agreement;

WHEREAS, the agreement provides a 2% general wage increase in fiscal year 2014 for all members of the unit who are at the maximum steps of their respective pay grades;

WHEREAS, the agreement provides 0% general wage increases for all members in the unit in fiscal years 2015 and 2016;

WHEREAS, unit members who have not yet reached the maximum step rates in their labor grades will progress to the next higher steps on their classification anniversary dates;

WHEREAS, effective January 1, 2016, unit members will receive a Relief Day (R-Day) every 7th shift;

WHEREAS, no later than January 1, 2016, the department will increase staffing by 18 firefighters;

WHEREAS, effective January 1, 2016, unit members' annual leave and illness leave accruals rates will be reduced by 20%; and

WHEREAS, the agreement also includes provisions for other terms and conditions of employment.

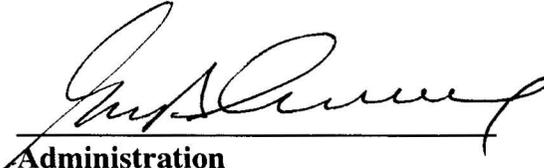
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St Petersburg, Florida, that the Agreement with the St. Petersburg Association of Firefighters, for the period of October 1, 2013, through September 30, 2016, is approved.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:



City Legal



Administration

ST. PETERSBURG CITY COUNCIL

CONSENT AGENDA

**Meeting of
November 25, 2013**

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

SUBJECT: Ratifying the proposed labor agreement between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF) for the Fire Captains and District Chiefs collective bargaining unit covering the job classifications within this bargaining unit effective October 1, 2013, through September 30, 2014.

The City and SPAFF have reached tentative agreement on the terms of a one-year collective bargaining agreement with the Fire Captains and District Chiefs bargaining unit. The members ratified the agreement on October 21, 2013. If approved and ratified by Council, the proposed agreement will be effective October 1, 2013.

The agreement provides a 2% general wage increase in FY 2014 for all members of the unit. Those unit members who have not reached the maximum step rates for their respective labor grades shall progress to the next higher steps on their classification anniversary dates.

Cost/Funding Information:

Specific costs for the pay increases are within the budget provisions for FY 2014 and will come from funds within the operating budget for the General Fund, Fire Department.

Attachment – Resolution

Approvals: R. Mussett 11-12-13
Administration

[Signature]
Budget

**A RESOLUTION APPROVING THE
NEGOTIATED AGREEMENT WITH THE ST.
PETERSBURG ASSOCIATION OF
FIREFIGHTERS REPRESENTING THE FIRE
CAPTAINS AND DISTRICT CHIEFS FOR THE
PERIOD OF OCTOBER 1, 2013 THROUGH
SEPTEMBER 30, 2014, AND ESTABLISHING
AN EFFECTIVE DATE FOR THIS
RESOLUTION**

WHEREAS, the City of St. Petersburg and the St. Petersburg Association of Firefighters have reached a one-year agreement;

WHEREAS, the agreement provides a 2% general wage increase in FY 2014 for all members of the unit;

WHEREAS, unit members who have not yet reached the maximum step rates in their labor grades will progress to the next higher steps on their classification anniversary dates; and

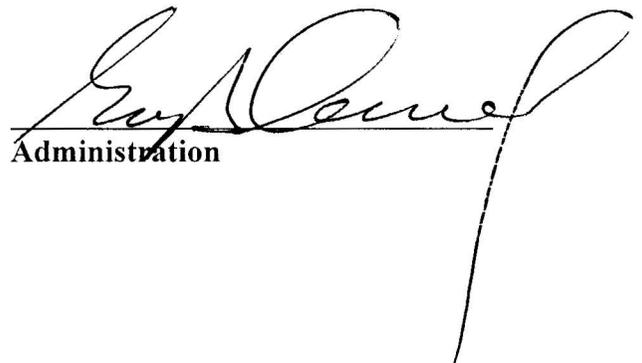
WHEREAS, the agreement also includes provisions for other terms and conditions of employment.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St Petersburg, Florida, that the Agreement with the St. Petersburg Association of Firefighters, for the period of October 1, 2013, through September 30, 2014, is approved.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:


City Legal


Administration

Attached documents for item Pinellas Planning Council. (Councilmember Kennedy)

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: III C.

MEETING DATE: November 13, 2013

SUBJECT: Amendment of the Countywide Rules re: Preservation of Industrial Lands
(continued from October meeting)

RECOMMENDATION:

Council Consider at Public Hearing and Adopt Accompanying Resolution No. 13-3
Recommending Approval of the Amendment of the Countywide Rules to the Countywide
Planning Authority

I. BACKGROUND

The public hearing for this ordinance amending the Countywide Rules to address preservation of industrial lands was continued from last month. The Council staff had received a number of comments from the Planners Advisory Committee (PAC) and other stakeholders immediately prior to the September 30th PAC meeting, which did not afford the staff enough time to revise the ordinance before the October 9th PPC meeting. Additionally, the staff wanted the PAC members to have the opportunity to review a revised ordinance prior to the public hearing. The Council staff was able to provide the PAC members with the revised ordinance on October 17th, in advance of their November 4th meeting.

The comments received from the PAC members at their November meeting are described below in Section 5. The PAC voted for approval (8-2), with one amendment. The Council staff provided some minor revisions after the PAC meeting.

The ordinance amends Article 4 with the addition of the criteria for the evaluation of proposed Countywide Plan Map amendments involving industrial lands. The ordinance amends the review criteria in Article 5 to reinforce the concept that Countywide Plan Map amendments are required to be consistent with all of the Countywide Plan and Rules (and not just Article 4), to establish the preservation of industrial land as a priority, and to provide reference to the conversion criteria established in Article 4. As in the previous iteration of the ordinance, Article 7 has been amended with the addition of four definitions of words used in the conversion criteria.

PINELLAS PLANNING COUNCIL ACTION:

10/9/13: Council continued Public Hearing to November 13, 2013 PPC Meeting (vote 9-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: Amendment of the Countywide Rules re: Preservation of Industrial Lands

II. THE CONVERSION CRITERIA

Section 5.5.3 of the Countywide Rules, which provides review criteria to be considered in the evaluation of Countywide Plan Map amendments, has been amended to establish that preservation of industrial land is a priority and to refer to the conversion criteria provided in Article 4:

Preservation of Industrial Land. *If the amendment involves the conversion from the Industrial Limited (IL) or Industrial General (IG) category, the extent to which the amendment area can continue to provide for target employment opportunities as evaluated and set forth in Section 4.2.7.9.*

Article 4 has been amended with the addition of Section 4.2.7.9, which provides the conversion criteria for industrially-designated land as follows:

Having identified the importance of preserving industrial land in Pinellas County, the Pinellas Planning Council (PPC) and the Countywide Planning Authority (CPA) shall utilize the following criteria to evaluate Plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category. In conducting this evaluation, the PPC and CPA shall make a determination, based upon a balancing of the following criteria, as to whether or not the amendment area can continue to provide for target employment opportunities, with or without the proposed amendment:

1. Target Employment Opportunities

The extent to which the uses within the proposed category can potentially provide target employment opportunities, as compared to those that can potentially be available within the current industrial plan category.

2. Amendment Site Characteristics

Under the current or proposed category, the extent to which the site can continue to support target employment uses due to the site's size, configuration, and physical characteristics, and is able to accommodate the provision of site access, loading, and other necessary site improvements.

The extent to which the proposed site will be, or is now, used for unique and high-priority functions such as water-dependent or working waterfront uses.

3. Amendment Area Characteristics

The extent to which the uses within the current or proposed category relate to surrounding and nearby uses and plan classifications, including their compatibility with such uses and plan classifications.

SUBJECT: Amendment of the Countywide Rules re: Preservation of Industrial Lands

The extent to which industrial uses can expand, consolidate, or benefit from or provide benefit to, adjoining or nearby properties.

The extent to which the proposed site will be used for unique and high-priority functions such as transit-oriented uses.

4. *Supporting Transportation and Infrastructure Characteristics*

The location of the property in relationship to, and the current or proposed uses' need for, access to the arterial and thoroughfare network, mass transit, airport, and rail, as well as other infrastructure and service facilities, including water, sewer, stormwater, and parking, and their respective capacities.

5. *Supporting Redevelopment Plans and/or Special Area Plans*

The extent to which any amendment is included as part of a community redevelopment plan and/or special area plan that has evaluated and addressed the potential to support target employment uses in the redevelopment area proposed to be reclassified from an industrial designation.

The balancing of these criteria by the Council and the CPA is intended to provide sufficient detail for consideration in the evaluation of individual Countywide Plan Map amendments that would propose to change an industrial plan category that now provides opportunities for target employment opportunities.

III. *PROPOSED DEFINITIONS*

Included in the ordinance are definitions to provide additional clarification of words used in the conversion criteria. The following four terms are defined as follows:

Target Employment - *high-wage, primary employment that pays wages of at least 115 percent of the average area or state wage (whichever is lower) and imports a minimum 51 percent of its revenue from outside of Pinellas County.*

Transit-oriented Use - *a use that benefits from proximity to transit in a built environment characterized by compact, mixed-use, pedestrian-friendly, and higher density/intensity development. This may include target employment uses.*

Water-dependent Use - *a use that requires a location adjacent to a water body because of the intrinsic nature of its operations, such as seaports, marinas, and marine-related facilities.*

Working Waterfront - *property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-dependent*

SUBJECT: Amendment of the Countywide Rules re: Preservation of Industrial Lands

facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.

IV. RECOMMENDATION

Staff recommends the Council consider at public hearing and adopt the accompanying Resolution No. 13-3 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority.

V. PLANNERS ADVISORY COMMITTEE (PAC)

Several issues were raised at the PAC meeting. Bob Klute of Largo proposed a de minimus criterion, whereby industrial parcels under a specified acreage threshold would not be required to be preserved. Council staff stated that the intention was not to provide specific numbers or thresholds and that the site and amendment area location criteria should address the issue. In addition, the 2008 *Target Employment and Industrial Land Study (TEILS)* cites such a variety of parcel sizes as being used by Target Employers that setting a specific acreage threshold might suggest an amendment is acceptable, when the parcel is still viable for other reasons.

Greg Rice of Dunedin questioned the relevance of the pre-recession data and employment projections provided in the *TEILS*. The Council staff noted that there is a need for new jobs to maintain the long-term strength of our local economy, independent of short-term fluctuations in the job market, and therefore the need to preserve industrial land for employment opportunities remains. However, the job market statistics cited for the state (the ones that fluctuate) were provided in the *TEILS* for comparison purposes. The jobs shown as needed in Pinellas County are based on data derived from our long-term local economic conditions and needs.

The PAC members also asked if the 2008 study was going to be updated; the Council staff indicated it would inquire with Economic Development staff if they have more recent data to share with PAC. The suggestion was made that the criteria address market issues; the Council staff noted that they did not think it appropriate to address such variables as price and length of time on the market.

Matt McLachlan of Safety Harbor requested that the Amendment Area Characteristics criterion address uses of both the current and proposed categories, not just uses of the proposed category; PAC members recommended approval of the ordinance with this amended language (vote 8-2).

SUBJECT: Amendment of the Countywide Rules re: Preservation of Industrial Lands

VI. LIST OF ATTACHMENTS

- Attachment 1 Resolution No. 13-3:
 Exhibit I – Ordinance (Clean)
 Exhibit II – Ordinance (Strikethrough/Underline)
- Attachment 2 Draft PAC Summary Actions Sheet

**PINELLAS PLANNING COUNCIL
RESOLUTION NO. 13-3**

A RESOLUTION APPROVING THE AMENDMENT OF THE RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN, AS AMENDED; PROVIDING CRITERIA TO EVALUATE PROPOSED COUNTYWIDE PLAN MAP AMENDMENTS SEEKING TO CONVERT INDUSTRIAL LAND TO OTHER PLAN CATEGORIES, ADDING DEFINITIONS OF KEY TERMS USED IN ASSOCIATION WITH THE PROPOSED CRITERIA AND RECOMMENDING THE APPROVAL OF SAID COUNTYWIDE RULE AMENDMENTS BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, ACTING IN THEIR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989 and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, and 11-18; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 5(7)(b), Chapter 88-464, Laws of Florida, as amended, is authorized to develop rules, standards, policies and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(4)(a) of Chapter 88-464, Laws of Florida, as amended, is authorized to initiate amendment to a rule, standard, policy or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the requisite procedures concerning notice and public hearing by the Pinellas Planning Council for amendment of the Countywide Rules have been met; and

WHEREAS, after consideration at public hearing, the Pinellas Planning Council has determined that amendments to the Countywide Rules are necessary to provide criteria for the evaluation of proposed Countywide Plan Map amendments seeking to convert industrial land to other plan categories.

NOW, THEREFORE, BE IT RESOLVED by the Pinellas Planning Council that:

Section I. The Council hereby approves the amendment of the Countywide Rules set forth in Exhibit I (clean ordinance) and Exhibit II (underline/strike-through version of ordinance) attached hereto.

Section II. The Council hereby transmits a copy of this Resolution, including Exhibits I and II, to the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, for consideration and action.

Section III: The Council hereby recommends said Countywide Rule amendments, as set forth in Exhibits I and II, be approved by the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority.

This Resolution offered and adopted at the November 13, 2013 meeting of the Pinellas County Planning Council as hereinafter set forth:

Councilmember _____ offered the foregoing Resolution which was seconded by Councilmember _____ and the vote was:

AYES:

NAYS:

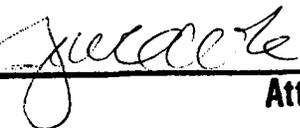
ABSENT AND NOT VOTING:

ATTEST:

Michael C. Crawford, Interim Executive Director
Pinellas Planning Council

Councilmember Jim Kennedy, Chairman
Pinellas Planning Council

**APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY**

By 
Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 89-4, AS AMENDED, THE COUNTYWIDE PLAN ADOPTION ORDINANCE, BY AMENDING THE “RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN,” AS AMENDED; ADDRESSING CRITERIA TO BE CONSIDERED WHEN LAND INCLUDED ON THE COUNTYWIDE FUTURE LAND USE PLAN MAP THAT IS INDUSTRIALLY-DESIGNATED IS PROPOSED TO BE CONVERTED TO ANOTHER DESIGNATION; ADDING DEFINITIONS FOR “TARGET EMPLOYMENT,” “TRANSIT-ORIENTED USE,” “WATER-DEPENDENT USE,” AND “WORKING WATERFRONT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989, and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, and 11-18; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 5(7)(b), Chapter 88-464, Laws of Florida, as amended, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(4)(a) of Chapter 88-464, Laws of Florida, as amended, is authorized to initiate amendment to a rule, standard, policy, or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, Pinellas by Design, an Economic Development and Redevelopment Plan for the Pinellas Community and the Target Employment and

Industrial Land Study for the Pinellas Community both recognized the need to retain and protect viable industrially-designated land from conversion to other uses; and

WHEREAS, proposals to convert industrially-designated land to another category continue to be submitted; and

WHEREAS, conversion of industrially-designated land to some other category will result in decreasing the supply of such land necessary for the continued vitality of the Pinellas County economy; and

WHEREAS, it is desirable to have criteria identified and incorporated in the Countywide Plan Rules intended to assist members of the Pinellas Planning Council and the Board of County Commissioners in their capacity as the Countywide Planning Authority made decisions regarding the conversion of industrially-designated land; and

WHEREAS, in certain, special circumstances conversion of industrially-designated land to other land use categories may be appropriate and conversion criteria will assist in making a decision concerning the appropriateness of the conversion proposal; and

WHEREAS, the notice of public hearings and advertisements have been accomplished as required by Chapter 88-464, Laws of Florida, as amended; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting in their capacity as the Countywide Planning Authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 4, Plan Criteria and Standards, are hereby amended as set forth below. All other portions of Article 4 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

4.2.7.9 CONVERSION CRITERIA FOR INDUSTRIALLY-DESIGNATED LAND

4.2.7.9.1 CONVERSION CRITERIA.

Having identified the importance of preserving industrial land in Pinellas County, the Pinellas Planning Council (PPC) and the Countywide Planning Authority (CPA) shall utilize the following criteria to evaluate Plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category. In conducting this evaluation, the PPC and CPA shall make a determination, based upon a balancing of the following criteria, as to whether or not the amendment area can continue to provide for target employment opportunities, with or without the proposed amendment:

1. Target Employment Opportunities

The extent to which the uses within the proposed category can potentially provide target employment opportunities, as compared to those that can potentially be available within the current industrial plan category.

2. Amendment Site Characteristics

Under the current or proposed category, the extent to which the site can continue to support target employment uses due to the site's size, configuration, and physical characteristics, and is able to accommodate the provision of site access, loading, and other necessary site improvements.

The extent to which the proposed site will be, or is now, used for unique and high-priority functions such as water-dependent or working waterfront uses.

3. Amendment Area Characteristics

The extent to which the uses within the current or proposed category relate to surrounding and nearby uses and plan classifications, including their compatibility with such uses and plan classifications.

The extent to which industrial uses can expand, consolidate, or benefit from or provide benefit to, adjoining or nearby properties.

The extent to which the proposed site will be used for unique and high-priority functions such as transit-oriented uses.

4. Supporting Transportation and Infrastructure Characteristics

The location of the property in relationship to, and the current or proposed uses' need for, access to the arterial and thoroughfare network, mass transit, airport, and rail, as well as other infrastructure and service facilities, including water, sewer, stormwater, and parking, and their respective capacities.

5. Supporting Redevelopment Plans and/or Special Area Plans

The extent to which any amendment is included as part of a community redevelopment plan and/or special area plan that has evaluated and addressed the potential to support target employment uses in the redevelopment area proposed to be reclassified from an industrial designation.

SECTION 2. The portions of Article 5, Countywide Plan Map Amendment, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

SEC. 5.5.3 REVIEW CRITERIA.

5.5.3.1 Relevant Countywide Considerations. In the consideration of a regular Countywide Plan Map amendment, it is the objective of these Countywide Rules to evaluate the amendment so as to make a balanced legislative determination based on the following seven (7) Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

5.5.3.1.1 Consistency with the Countywide Rules. The manner in, and extent to, which the amendment is consistent with the Countywide Rules and with the Countywide Plan as implemented through the Countywide Rules.

5.5.3.1.2 Adopted Roadway Level of Service (LOS) Standard. The manner in, and extent to, which the amendment significantly impacts a roadway segment where the existing Level of Service (LOS) is below LOS "D" or where projected traffic resulting from the amendment would cause the existing LOS to fall below LOS "D."

5.5.3.1.3 Scenic/Noncommercial Corridors. If located within a Scenic/Noncommercial Corridor, the manner in, and extent to, which the amendment conforms to the criteria and standards contained in Section 4.2.7.1, and Section 4.2.7.1.4 of these Countywide Rules.

- 5.5.3.1.4 **Coastal High Hazard Areas (CHHA).** If located within a Coastal High Hazard Area, the manner in, and extent to, which the amendment conforms to the terms set forth in Section 4.2.7.5.
- 5.5.3.1.5 **Designated Development/Redevelopment Areas.** If the amendment involves the creation, expansion, or contraction of a Residential Very High (RVH), Activity Center (AC), Community Redevelopment District (CRD), Central Business District (CBD) category, or the Planned Redevelopment categories, the manner in, and extent to, which the amendment conforms to the purpose and requirements of the applicable category and Section 4.2.7.6.
- 5.5.3.1.6 **Impact on a Public Educational Facility or an Adjoining Jurisdiction.** The manner in, and extent to, which the amendment significantly impacts a public educational facility or an adjoining jurisdiction.
- 5.5.3.1.7 **Preservation of Industrial Land.** If the amendment involves the conversion from the Industrial Limited (IL) or Industrial General (IG) category, the extent to which the amendment area can continue to provide for target employment opportunities as evaluated and set forth in Section 4.2.7.9.

SECTION 3. The portions of Article 7, Terms and Definitions, are hereby amended as set forth below. All other portions of Article 7 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

DIV. 7.2 DEFINITIONS.

Target Employment - high-wage, primary employment that pays wages of at least 115 percent of the average area or state wage (whichever is lower) and imports a minimum 51 percent of its revenue from outside of Pinellas County.

Transit-oriented Use - a use that benefits from proximity to transit in a built environment characterized by compact, mixed-use, pedestrian-friendly, and higher density/intensity development. This may include target employment uses.

Water-dependent Use - a use that requires a location adjacent to a water body because of the intrinsic nature of its operations, such as seaports, marinas, and marine-related facilities.

Working Waterfront – property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.

SECTION 4. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 89-4, AS AMENDED, THE COUNTYWIDE PLAN ADOPTION ORDINANCE, BY AMENDING THE “RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN,” AS AMENDED; ADDRESSING CRITERIA TO BE CONSIDERED WHEN LAND INCLUDED ON THE COUNTYWIDE FUTURE LAND USE PLAN MAP THAT IS INDUSTRIALLY-DESIGNATED IS PROPOSED TO BE CONVERTED TO ANOTHER DESIGNATION; ADDING DEFINITIONS FOR “TARGET EMPLOYMENT,” “TRANSIT-ORIENTED USE,” “WATER-DEPENDENT USE,” AND “WORKING WATERFRONT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989, and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, and 11-18; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 5(7)(b), Chapter 88-464, Laws of Florida, as amended, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(4)(a) of Chapter 88-464, Laws of Florida, as amended, is authorized to initiate amendment to a rule, standard, policy, or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, Pinellas by Design, an Economic Development and Redevelopment Plan for the Pinellas Community and the Target Employment and

Industrial Land Study for the Pinellas Community both recognized the need to retain and protect viable industrially-designated land from conversion to other uses; and

WHEREAS, proposals to convert industrially-designated land to another category continue to be submitted; and

WHEREAS, conversion of industrially-designated land to some other category will result in decreasing the supply of such land necessary for the continued vitality of the Pinellas County economy; and

WHEREAS, it is desirable to have criteria identified and incorporated in the Countywide Plan Rules intended to assist members of the Pinellas Planning Council and the Board of County Commissioners in their capacity as the Countywide Planning Authority in making decisions regarding the conversion of industrially-designated land; and

WHEREAS, in certain, special circumstances conversion of industrially-designated land to other land use categories may be appropriate and conversion criteria will assist in making a decision concerning the appropriateness of the conversion proposal; and

WHEREAS, the notice of public hearings and advertisements have been accomplished as required by Chapter 88-464, Laws of Florida, as amended; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting in their capacity as the Countywide Planning Authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 4, Plan Criteria and Standards, are hereby amended as set forth below. All other portions of Article 4 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules. (Note: Proposed changes are denoted by underline/~~strike-thru~~).

4.2.7.9 CONVERSION CRITERIA FOR INDUSTRIALLY-DESIGNATED LAND

4.2.7.9.1 CONVERSION CRITERIA.

Having identified the importance of preserving industrial land in Pinellas County, the Pinellas Planning Council (PPC) and the Countywide Planning Authority (CPA) shall utilize the following criteria to evaluate Plan amendments that would convert land now designated Industrial Limited and/or Industrial General to some other Plan map category. In conducting this evaluation, the PPC and CPA shall make a determination, based upon a balancing of the following criteria, as to whether or not the amendment area can continue to provide for target employment opportunities, with or without the proposed amendment:

1. Target Employment Opportunities

The extent to which the uses within the proposed category can potentially provide target employment opportunities, as compared to those that can potentially be available within the current industrial plan category.

2. Amendment Site Characteristics

Under the current or proposed category, the extent to which the site can continue to support target employment uses due to the site's size, configuration, and physical characteristics, and is able to accommodate the provision of site access, loading, and other necessary site improvements.

The extent to which the proposed site will be, or is now, used for unique and high-priority functions such as water-dependent or working waterfront uses.

3. Amendment Area Characteristics

The extent to which the uses within the current or proposed category relate to surrounding and nearby uses and plan classifications, including their compatibility with such uses and plan classifications.

The extent to which industrial uses can expand, consolidate, or benefit from or provide benefit to, adjoining or nearby properties.

The extent to which the proposed site will be used for unique and high-priority functions such as transit-oriented uses.

4. Supporting Transportation and Infrastructure Characteristics

The location of the property in relationship to, and the current or proposed uses' need for, access to the arterial and thoroughfare network, mass transit, airport, and rail, as well as other infrastructure and service facilities, including water, sewer, stormwater, and parking, and their respective capacities.

5. Supporting Redevelopment Plans and/or Special Area Plans

The extent to which any amendment is included as part of a community redevelopment plan and/or special area plan that has evaluated and addressed the potential to support target employment uses in the redevelopment area proposed to be reclassified from an industrial designation.

SECTION 2. The portions of Article 5, Countywide Plan Map Amendment, are hereby amended as set forth below. All other portions of Article 5 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules. (Note: Proposed changes are denoted by underline/~~strike thru~~).

SEC. 5.5.3 REVIEW CRITERIA.

5.5.3.1 Relevant Countywide Considerations. In the consideration of a regular Countywide Plan Map amendment, it is the objective of these Countywide Rules to evaluate the amendment so as to make a balanced legislative determination based on the following seven (7) ~~six (6)~~ Relevant Countywide Considerations, as they pertain to the overall purpose and integrity of the Countywide Plan.

5.5.3.1.1 Consistency with the Countywide Rules. The manner in, and extent to, which the amendment is consistent with ~~Article 4, Plan Criteria and Standards~~ of these Countywide Rules and with the Countywide Plan as implemented through the Countywide Rules.

5.5.3.1.2 Adopted Roadway Level of Service (LOS) Standard. The manner in, and extent to, which the amendment significantly impacts a roadway segment where the existing Level of Service (LOS) is below LOS "D" or where projected traffic resulting from the amendment would cause the existing LOS to fall below LOS "D."

5.5.3.1.3 Scenic/Noncommercial Corridors. If located within a Scenic/Noncommercial Corridor, the manner in, and extent to, which the amendment conforms to the criteria and standards contained in Section 4.2.7.1, and Section 4.2.7.1.4 of these Countywide Rules.

- 5.5.3.1.4 **Coastal High Hazard Areas (CHHA).** If located within a Coastal High Hazard Area, the manner in, and extent to, which the amendment conforms to the terms set forth in Section 4.2.7.54.
- 5.5.3.1.5 **Designated Development/Redevelopment Areas.** If the amendment involves the creation, expansion, or contraction of a Residential Very High (RVH), Activity Center (AC), Community Redevelopment District (CRD), Central Business District (CBD) category, or the Planned Redevelopment categories, the manner in, and extent to, which the amendment conforms to the purpose and requirements of the applicable category and Section 4.2.7.65.
- 5.5.3.1.6 **Impact on a Public Educational Facility or an Adjoining Jurisdiction.** The manner in, and extent to, which the amendment significantly impacts a public educational facility or an adjoining jurisdiction.
- 5.5.3.1.7 **Preservation of Industrial Land.** If the amendment involves the conversion from the Industrial Limited (IL) or Industrial General (IG) category, the extent to which the amendment area can continue to provide for target employment opportunities as evaluated and set forth in Section 4.2.7.9.

SECTION 3. The portions of Article 7, Terms and Definitions, are hereby amended as set forth below. All other portions of Article 7 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules. (Note: Proposed changes are denoted by underline/~~strike thru~~).

DIV. 7.2 DEFINITIONS.

Target Employment - high-wage, primary employment that pays wages of at least 115 percent of the average area or state wage (whichever is lower) and imports a minimum 51 percent of its revenue from outside of Pinellas County.

Transit-oriented Use - a use that benefits from proximity to transit in a built environment characterized by compact, mixed-use, pedestrian-friendly, and higher density/intensity development. This may include target employment uses.

Water-dependent Use - a use that requires a location adjacent to a water body because of the intrinsic nature of its operations, such as seaports, marinas, and marine-related facilities.

Working Waterfront – property that provides access for water-dependent commercial activities, or provides public access to the water. Working waterfronts require direct access to or a location on, over, or adjacent to a body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to a body of water or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water.

SECTION 4. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: November 4, 2013

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING</u> <u>September 30, 2013</u>	<u>Approved</u> Motion: Dean Neal Second: Marie Dauphinais	9-0
II. <u>REVIEW OF PPC AGENDA FOR NOV. 13, 2013</u> A. <u>Subthreshold Land Use Plan Amendments -</u> None		
B. <u>Regular Land Use Plan Amendments -</u> None		
C. <u>Amendment of the Countywide Rules re:</u> <u>Preservation of Industrial Lands – (continued</u> <u>from October)</u>	<p>Mr. Mettler provided overview of proposed Rule amendment and discussion ensued. Mr. Klute proposed a de minimus provision for smaller parcels to which Mr. Mettler noted staff is not looking at specific numbers and acres and has attempted to address site and location issues in the first couple of criteria; discussion continued concerning need to update the 2008 study which has "pre-recession numbers"; Mr. Rice noted an upcoming 25-acre project and noted that Pinellas By Design growth projections and current DEO projections differ; that current projections are far below starting point of that study. Ms. Fisher discussed Target Employment Centers and need for protection of resources to make the County competitive; need to create a climate of certainty noting staff is working closely with our Economic Development staff. PAC members inquired of any update of the data and findings of the IL study and Ms. Fisher will talk to the Economic Development staff about whether that information can be provided to PAC. Discussion continued whether there is need for another 4,000 acres with Mr. Rice discussing issue of a large parcel, vacant for 8 years, with no expressed interest. Mr. McLachlan questioned #3 - <u>Amendment Area Characteristics</u> and would like "current uses" put back in and the group concurred. Motion was made to approve</p>	

	<p>with one amendment on #3. Amendment Area Characteristics, that both current and proposed categories be included in that analysis.</p> <p><u>Approved with one amendment to #3.</u> Motion: Dean Neal Second: Fred Metcalf (Dunedin and Largo dissenting; one member out of the room)</p>	8-2
D. <u>Countywide Plan Map – 2013 Annual Update</u>	<p><u>Approved</u> Motion: Jan Norsoph Second: Marie Dauphinais</p>	11-0
E. <u>Annexation Report – October 2013</u>	<u>No Action – Information Only</u>	
F. <u>Enterprise Geographic Information System (EGIS) Update</u>	<p>Mr. Schoderbock provided update inviting PAC to participate in GIS Day activities, Nov. 20, 2 p.m.</p> <p><u>No Action – Information Only</u></p>	
G. <u>CPA Actions October 2013</u>	<u>No Action – Information Only</u>	
H. <u>PPC/MPO Unification Update</u>	<p>Update provided by Ms. Fisher with Rick MacAulay, MPO, providing input as to the Reapportionment Plans for Hillsborough and Pinellas noting they are in FDOT General Counsel office; that they are waiting to go to the Governor; as of noon today he was told that when the opportunity arises they will be sent to the Governor's office, by themselves, instead of a batch of 8-10 plans; hopefully the "logjam" breaks soon.</p> <p><u>No Action – Information Only</u></p>	
I. <u>Countywide Plan and Transportation Update</u>	<p>Ms. Fisher noted the ACPT meeting is this afternoon; that Mr. Crawford is at that meeting; that the Council will vote on the Greenlight Pinellas support resolution on November 13. She noted the BCC met in Work Session on October 29 to discuss ballot language and will hold a public hearing to finalize that language in December; that the Countywide plan update is still on schedule and the Working Group met last week and will meet again December 13, 9-noon, to go over proposed new categories. Power Points are posted on PPC website under What's New</p> <p><u>No Action – Information Only</u></p>	
III. <u>OLD BUSINESS</u> - None		

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: IV A.

MEETING DATE: November 13, 2013

SUBJECT:

The PPC's Greenlight Pinellas Support Resolution No. 13-5

RECOMMENDATION:

Council Review and Approve PPC Resolution No. 13-5

BACKGROUND

The Greenlight Pinellas Plan is in a form ready for support by the entities involved in the Advisory Committee for Pinellas Transportation (ACPT). These include the PPC, the Pinellas County Metropolitan Planning Organization (MPO), the Tampa Bay Area Regional Transportation Authority (TBARTA), the Pinellas Suncoast Transit Authority (PSTA), and the Pinellas County Board of County Commissioners (BOCC).

The ACPT approved the majority of the Greenlight Pinellas Plan on September 9, 2013, for further review through the Greenlight Pinellas Council, as well as to solicit further input from the public and support from its component agencies. At their meeting Monday, November 4th they further endorsed the plan "for advancement to the Greenlight Council, [their] respective boards, and the Pinellas County Board of County Commissioners." In addition, they added the parts of the overall Plan that were being developed over the past few months, including (items underlined were those added since their September meeting):

1. (Bus) the New Revenue Scenario Bus Plan as the foundation of a transformational bus system for the entire County providing for significant investment across the County including a focus on Core Rapid Transit services;
2. (Rail) future passenger rail service as described in the Pinellas Alternatives Analysis;
3. (Transit Supportive Land Use Concepts) support for local jurisdictions to develop policies and tools to encourage and advance transit supportive land use and development, using guidance provided by the Federal Transit Administration;
4. (Community Access) ways for the community to access the transit system by walking, biking and driving;
5. (Financial and Phasing) a Financial Plan and Phasing Strategy to ensure the viability of the Plan's implementation that will include public-private partnership strategies; and

PINELLAS PLANNING COUNCIL ACTION:

COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: PPC's Greenlight Pinellas Support Resolution 13-5

6. (Delivery) a Delivery Plan that includes development and maintenance of a detailed website with project tracker, citizen oversight committees, and continuous public outreach.

The Council's resolution has been drafted to support items 1, 2, and 3, as the remaining items have not been discussed with the Council to date, and with the exception of item 4, are not directly related to the update of the Countywide Plan.

The Council has two of its members on the ACPT who have been participating in the development of the Greenlight Pinellas Plan as a partner with the MPO, PSTA, TBARTA, and the BOCCs, and the PPC staff has been involved with development of this plan over the past several years.

In addition, the Council has had updates and presentations on the Greenlight Pinellas Plan over the past year, including last month's summary provided by PSTA's Chief Executive Officer, Brad Miller. As a refresher on what is included in the Greenlight Pinellas Plan and how we have coordinated our efforts with that plan we have attached a copy of the informational brochure the Council approved last month.

As a reminder, in coordination with the Pinellas County Metropolitan Planning Organization ("MPO"), the PPCs revised special act has charged us with the task of integrating transportation and future land use planning at the countywide level. Of course on this front we have been developing an updated Countywide Future Land Use Plan ("Countywide Plan"), which establishes a broad, forward-looking land use planning framework, and incorporates and guides multimodal transportation planning from the perspective of Countywide future land use.

The updating of the Countywide Plan has included coordinating countywide land use with the MPO's Long Range Transportation Plan, as well as the PSTA's Community Bus Plan ("Bus"), Locally Preferred Alternative for light rail service ("Rail"), and Transit Supportive Land Use Concepts. The Greenlight Pinellas Plan has incorporated these planning elements, and the others as noted above.

The Greenlight Pinellas Plan is consistent with, has been coordinated with, and is complementary to, the PPC's efforts to update its Countywide Plan. In fact, the Countywide Rules were amended in 2010 to add the Transportation Oriented Development category and Transit Station Area Plan provisions in anticipation of the provision of enhanced public transit within the county.

Attachment 1
Attachment 2

Proposed PPC Greenlight Pinellas Support Resolution 13-5
PPC's Informational Brochure on Greenlight Pinellas and the update of the Countywide Plan

PINELLAS PLANNING COUNCIL RESOLUTION NO. 13-5**A RESOLUTION OF THE PINELLAS PLANNING COUNCIL IN SUPPORT OF THE GREENLIGHT PINELLAS PLAN, AS REVIEWED AND ADVANCED BY THE ADVISORY COMMITTEE FOR PINELLAS TRANSPORTATION FOR PARTNERSHIP AGENCY REVIEW AND SUPPORT, CONSISTENT WITH THE UPDATING OF THE COUNTYWIDE PLAN**

WHEREAS, the Pinellas Planning Council's ("PPC") revised special act has charged the PPC, in coordination with the Pinellas County Metropolitan Planning Organization ("MPO"), with the task of integrating transportation and future land use planning at the countywide level; and

WHEREAS, the PPC has been developing an updated Countywide Future Land Use Plan ("Countywide Plan"), which establishes a broad, forward-looking land use planning framework, incorporates and guides multimodal transportation planning from the perspective of Countywide future land use, and allows sufficient flexibility to accommodate the redevelopment needs of Pinellas County; and

WHEREAS, the PPC recognizes the importance of coordinating with local governments, regional and state agencies, and other organizations including the MPO, Pinellas Suncoast Transit Authority ("PSTA"), the Pinellas County Board of County Commissioners (BOCC), the Tampa Bay Area Regional Transportation Authority ("TBARTA"), and the Florida Department of Transportation in coordinating its land use efforts with transit so as to provide for compact, mixed-use development and redevelopment that will support transit investments; and

WHEREAS, the updating of the Countywide Plan has included coordinating countywide land use with the MPO's Long Range Transportation Plan, as well as the PSTA's Community Bus Plan ("Bus"), Locally Preferred Alternative for light rail service ("Rail"), and Transit Supportive Land Use Concepts; and

WHEREAS, the Greenlight Pinellas Plan has incorporated PSTA's planning elements for the Bus, Rail, and Transit Supportive Land Use Concepts; and

WHEREAS, the Greenlight Pinellas Plan presents a vision for improving public transportation for all residents, businesses and visitors throughout Pinellas County through the multimodal elements of Rail and Bus, as well as Transit Supportive Land Use Concepts to be administered by local governments and through the countywide planning process; and

WHEREAS, the PPC has participated in the development of the Greenlight Pinellas Plan as a partner with the MPO, PSTA, BOCC, and the TBARTA, through the Advisory Committee for Pinellas Transportation ("ACPT"); and

WHEREAS, the Greenlight Pinellas Plan is consistent with, been coordinated with, and complementary to, the PPC's efforts to update its Countywide Plan integrating transportation and land use; and

WHEREAS, the Countywide Rules were amended in 2010 to add the Transportation Oriented Development category and Transit Station Area Plan provisions in anticipation of the provision of enhanced public transit within the county; and

WHEREAS, the ACPT has undertaken significant review, provided substantial comments on the development of the Greenlight Pinellas Plan, and approved the Greenlight Pinellas Plan on September 9, 2013, for further review through the Greenlight Pinellas Council, as well as to solicit further input from the public and support from its component agencies; and

WHEREAS, it is understood that a refined, independent financial analysis is being conducted to determine the specific implementation methodology and approach to a phased delivery of the Greenlight Pinellas Plan before the final plan is adopted.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The PPC hereby:

1. Expresses its support for the vision and planning elements of the Greenlight Pinellas Plan, including Rail, Bus, and Transit Supportive Land Use Concepts; and
2. Supports continued efforts to finalize and implement the Greenlight Pinellas Plan in a manner that is consistent with the update of the Countywide Plan.

This Resolution offered and adopted at the November 13, 2013, meeting of the Pinellas County Planning Council as hereinafter set forth:

Councilmember _____ offered the foregoing Resolution which was seconded by Councilmember _____ and the vote was:

AYES:

NAYS:

ABSENT AND NOT VOTING:

ATTEST:

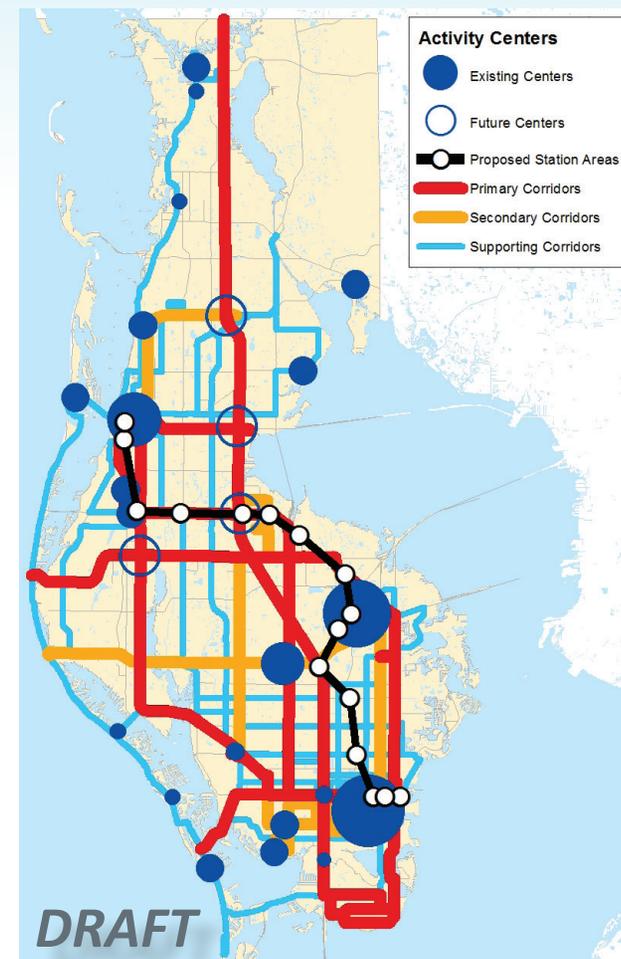
**APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY**
By  _____
Attorney

Michael C. Crawford, Interim Executive Director
Pinellas Planning Council

Councilmember Jim Kennedy, Chairman
Pinellas Planning Council



The Countywide Plan Update



Connecting Land Use and Transportation in Pinellas County

A Publication of the Pinellas Planning Council • October 2013

How are land use and transportation connected?

The transportation we use affects the way we develop our land—and vice versa.

Like the rest of the country, much of Pinellas County contains spread-out development, large parking lots, and wide, busy roadways. This “suburban” development pattern makes walking and bicycling difficult, and essentially requires most of us to use automobiles for everyday travel. That, in turn, encourages still more auto-oriented development.

Many people are perfectly happy with this car-dependent lifestyle. But there is a need for alternatives to make more efficient use of resources, create jobs, attract a young skilled workforce, and help the economy.

Suburban Development Pattern



And there is an alternative: in appropriate places, compact development, mixed uses, and interconnected streets can allow convenient walking, bicycling, and transit use. These places can provide a range of options for living, working, playing and getting around—and at the same time, not taking anything away from our stable neighborhoods.

Compact Mixed-Use Development



What kind of land use supports transit?

Transit Oriented Development is different from the suburban-style neighborhoods and commercial areas that most of us are used to. It's found in relatively compact areas (typically about a half-mile radius) around rail and bus transit stations. These areas, called "Activity Centers" and "Multimodal Corridors," are designed for convenient walking, biking, and transit use, and have a mix of land uses such as housing, offices, shops, and restaurants. Concentrating attractive, convenient uses near rail and bus stations increases the number of people who choose to use transit.



As our county proposes new investments in its transit system, **we are updating our Countywide Plan** to provide for Transit Oriented Development in the proposed Activity Centers and Multimodal Corridors. These will be compact, local areas, and many will be located in existing downtowns and town centers where a similar type of development already exists today. Outside of these areas, the vast majority of the county will remain the way it is today.

Elements of Transit Oriented Development:

- A safe and comfortable walking environment with sidewalks, shade trees, awnings, and lighting.
- Inviting ground floor uses such as shops and restaurants.
- Buildings that come up to the sidewalk to provide safer access for pedestrians and bicyclists.
- A connected street grid that makes it easy for pedestrians, bicyclists, and transit riders to get from place to place.
- Transitions that decrease building size and uses to help buffer adjacent neighborhoods.

Transit Oriented Land Use Vision Map

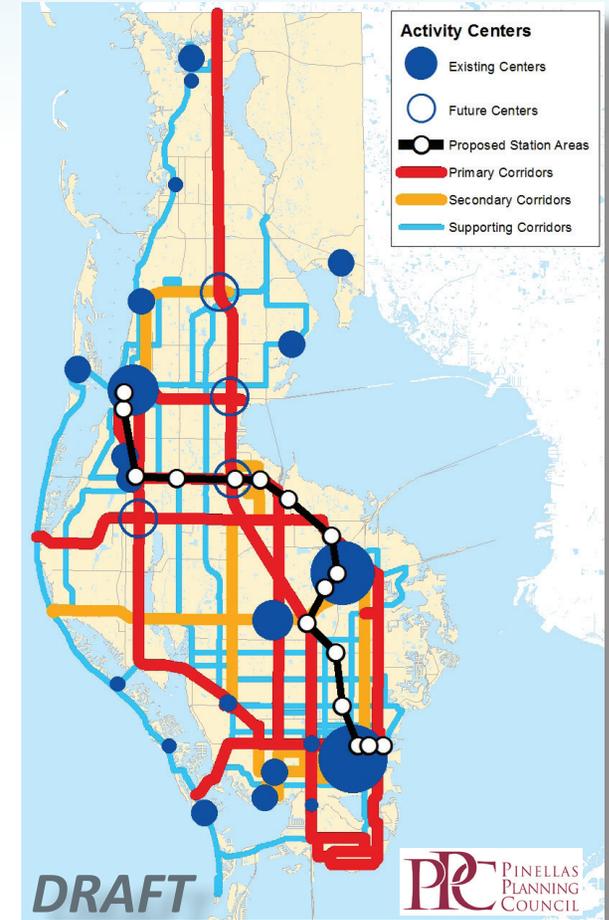
Greenlight Pinellas Plan



Complementing the Greenlight Pinellas Plan (left), a proposed network for comprehensive public transportation across Pinellas County, the updated Countywide Plan will have a “Transit Oriented Land Use Vision Map” (right) to focus supportive land use planning in key areas.

The Vision Map will identify a network of Activity Centers and Multimodal Corridors, corresponding with the Proposed Light Rail, Core Network, Frequent Local, and select other routes and station areas, as well as existing downtowns, town centers, employment centers, and other local planning areas.

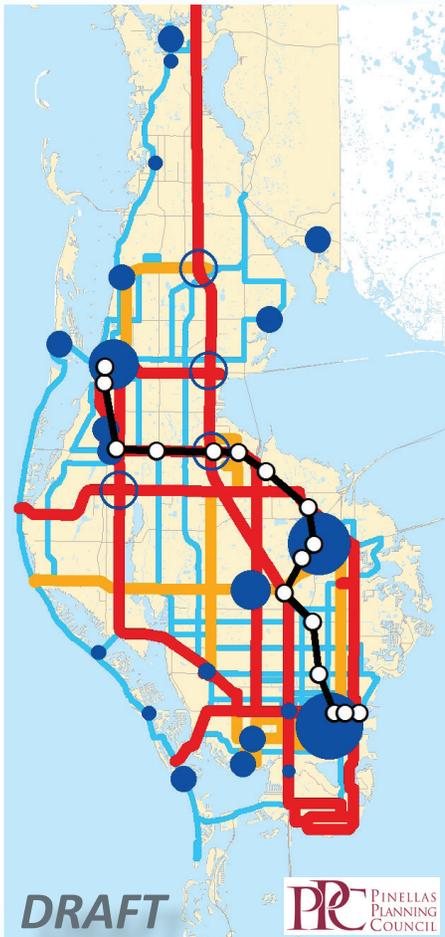
Countywide Plan Transit Oriented Land Use Vision Map



Activity Centers and Multimodal Corridors

The Vision Map will work to concentrate future growth in the Activity Centers and Multimodal Corridors, and supplemental land use rules will ensure that development in these areas is supportive of transit. Established areas outside of the centers and corridors will be preserved and enhanced.

Transit Oriented Land Use Vision Map



Activity Centers

- Existing Centers. Downtowns, town centers, and other places of special value to local communities.
- Future Centers. Planned new major hubs for office, retail, and residential mixed uses.
- Proposed Light Rail Station Areas. Concepts for these areas are shown in the Light Rail Station Development Concepts brochure available at www.greenlightpinellas.com.

Multimodal Corridors

- Primary Corridors. Other corridors where bus rapid transit or other rapid service is planned (Core Network).
- Secondary Corridors. Corridors to be served by frequent bus service designed for shorter trips (Frequent Local Network).
- Supporting Corridors. Corridors to be served by other bus and trolley transit service (Supporting Local/Trolley Network).

Existing Center



Future Center



Proposed Light Rail Station Area



Premium Corridor

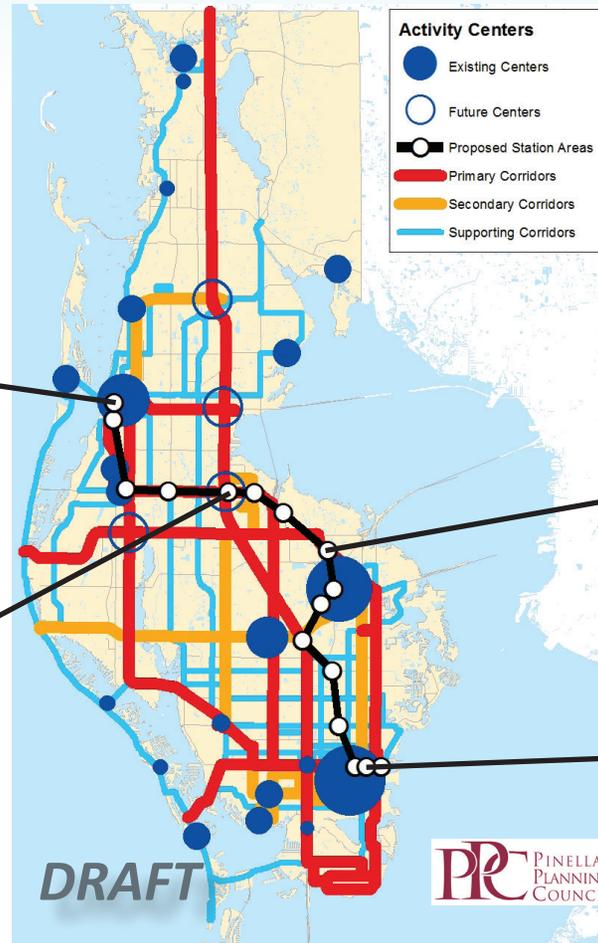


Light Rail Station Development Concepts

The Vision Map is being coordinated with the light rail station development concepts developed for Greenlight Pinellas, to provide for a smooth countywide transit planning process.



Transit Oriented Land Use Vision Map



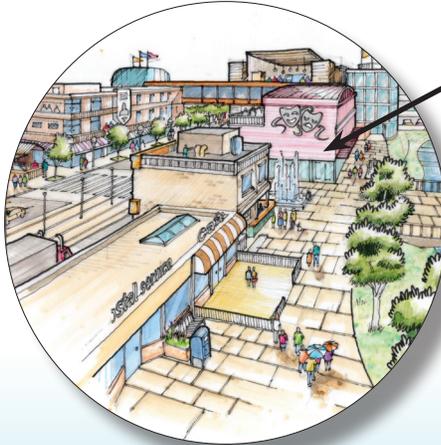
Downtown Clearwater



“The Net”
(Greater Gateway)



“Cloud Station”
(Largo Town Center)



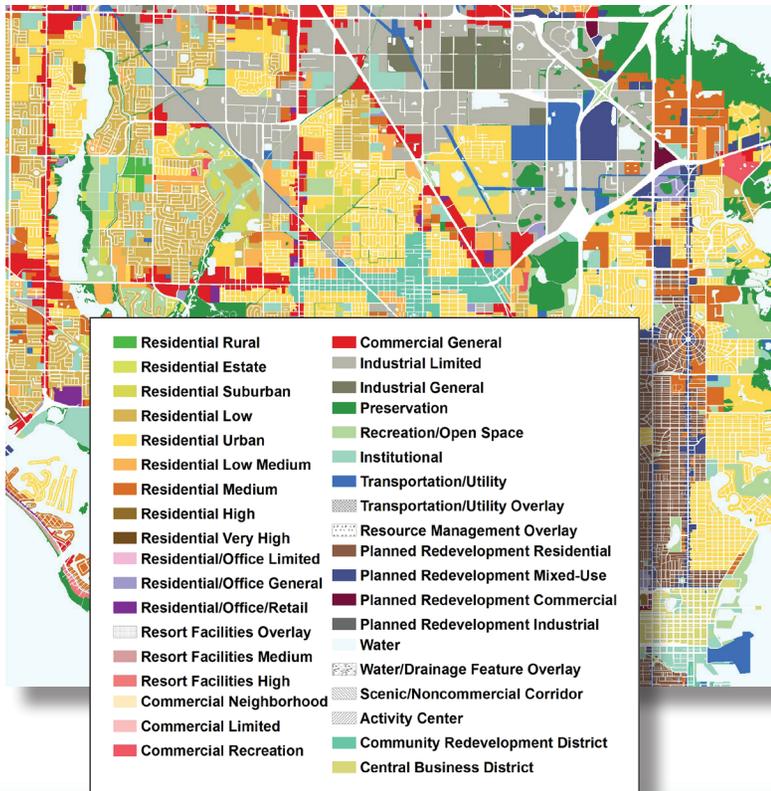
“No Small Plans”
(Downtown St. Petersburg)



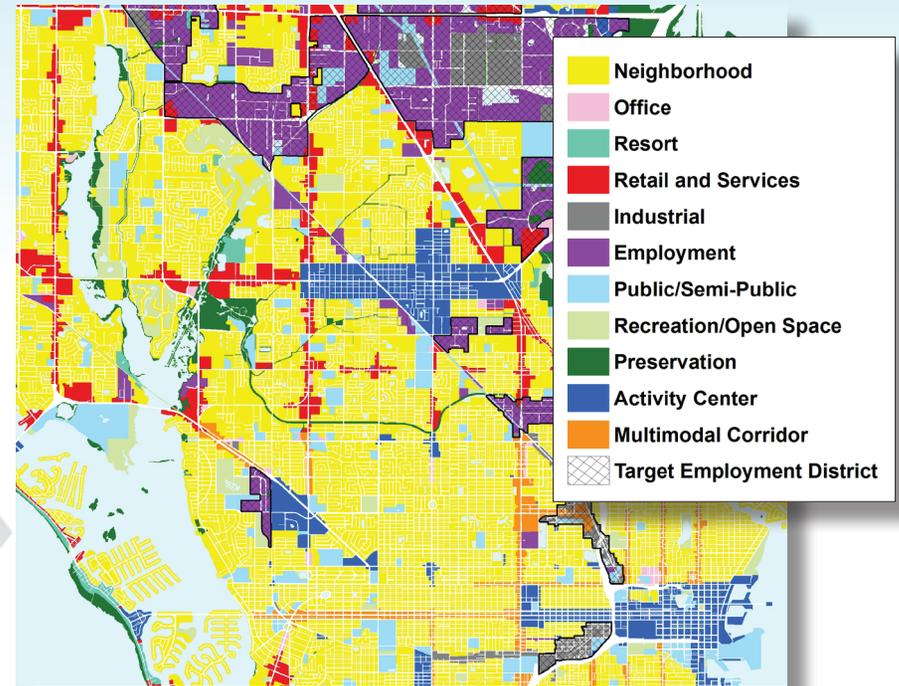
The Countywide Plan Map

The updated Countywide Plan will include more than just the Vision Map. Today, a set of “Future Land Use Categories” is used to help identify land use decisions that affect the welfare of the entire county, as well as neighboring jurisdictions. Over time, however, the map and its associated regulations have grown in complexity.

Current Countywide Future Land Use Categories



Proposed New Countywide Future Land Use Categories



The Countywide Plan Map is being updated to simplify the number of categories, maintaining and strengthening essential land use protections while eliminating redundant regulations and providing a direction for the future. The changes will also help maintain countywide goals such as preservation of stable neighborhoods, job creation, and protection of environmental resources. Most importantly, the new Countywide Plan will be better coordinated with planning for all types of transportation.

How will the new plan benefit my community?



The new Countywide Plan will help preserve and enhance the high quality of life we enjoy in Pinellas County. By concentrating growth in Activity Centers and Multimodal Corridors, the new plan will not only relate better to our transportation system, but will also enhance access to major employment centers in Pinellas County and the Tampa Bay region, increase our economic competitiveness, promote walkable communities, enhance mixed-use neighborhoods, expand mobility choices, and promote environmental stewardship.

These new centers and corridors will provide for more transportation and lifestyle options, keep the county attractive to businesses, workers, and visitors, and serve as places of special value to the community.

For more information about the Countywide Plan update and how it will work with transportation planning efforts, visit www.pinellasplanningcouncil.org and www.greenlightpinellas.com.

Attached documents for item Tampa Bay Transportation Management Area (TBTMA).
(Councilmember Kennedy) (Oral)

Attached documents for item Requesting a presentation to the Public Services & Infrastructure Committee by Andrew Wolfe, a local beekeeper and honey producer, regarding honeybee infestations. (Councilmember Kornell)

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: Members of City Council

DATE: November 13, 2013

COUNCIL DATE: November 25, 2013

RE: *Referral to the Public Services & Infrastructure Committee*

ACTION DESIRED:

Respectfully request a presentation to the Public Services & Infrastructure Committee by Andrew Wolfe, a local beekeeper and honey producer regarding honeybee infestations.

Steve Kornell, Council Member
District 5

Attached documents for item Referring to the Budget, Finance & Taxation Committee for discussion, lending practices as a criteria when considering our primary bank. (Chair Nurse)

COUNCIL AGENDA

NEW BUSINESS ITEM

TO: The Mayor and Members of City Council

DATE: November 13, 2013

COUNCIL

DATE: November 25, 2013

RE: Responsible Lending Ordinance

ACTION DESIRED:

Respectfully requesting a referral to the Budget, Finance and Taxation Committee to discuss lending practices as a criteria when considering our primary bank.

RATIONALE:

Ten major cities have passed ordinances which seek to consider the lending practices of the banks when deciding which banks the City will use as their primary bank. Banking practices typically include branch bank locations throughout the city, SBA small business lending, and home loans, including first time home buyers. The City of St. Petersburg literally deposits millions of dollars per year in our bank of choice. Currently, we only consider how the bank treats the City government, not what the bank's impact is in the community. It is generally agreed that what is measured, improves. My desire is to increase both small business and home buyer lending in St. Petersburg by using the financial leverage of the City.

Also, it is possible to split up the business so a local bank could handle a portion of the City business.

Karl Nurse, Chair
City Council

Attached documents for item Referring to the Public Services & Infrastructure Committee for discussion the addition of new Code Enforcement Officers who are also sworn officers.
(Councilmember Kornell)

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: **Members of City Council**

DATE: **November 18, 2013**

COUNCIL DATE: **November 25, 2013**

RE: ***Referral to the Public Services & Infrastructure Committee***

ACTION DESIRED:

Respectfully request to refer to the PS&I Committee a discussion regarding adding new Code Enforcement officers who are also sworn officers.

Steve Kornell, Council Member
District 5

Attached documents for item Budget, Finance & Taxation Committee. (11/18/13)

ST. PETERSBURG CITY COUNCIL BUDGET, FINANCE & TAXATION COMMITTEE

Committee Report for November 18, 2013

Members & Alternate: Budget, Finance & Taxation Committee: Chair James R. “Jim” Kennedy, Jr.; Vice-Chair Charles Gerdes; Karl Nurse; Leslie Curran and William Dudley (alternate).

Support Staff: Angela Ramirez, Budget Analyst II, Budget Department
Linda Livingston, Accountant III, Finance Department

Call to Order
Approval of Agenda
Approval of Minutes

-September 12, 2013- approved
-October 10, 2013- approved upon amendment

1. New / Deferred Business

a. FY13 Budget Cleanup

Tom Greene, Budget Director, provided the Committee a report of the FY13 End of Year Operating and Capital Improvement Program Appropriation Adjustments as well as the FY14 Operating Budget and Capital Improvement Program Budget and Adjustments. For FY13, adjustments were made to budgets that exceeded the annual appropriations and committed and assigned funds in the General Operating Fund for specific purposes. Also provided were adjustments (supplemental appropriations) to the FY14 budget. The report was comprised of three major parts. Each part involved several types of transactions including appropriation transfers, which had no affect on fund balance as well as supplemental appropriations, which reduced the fund balance of the specified fund unless unanticipated revenues supported the expense overage. All items were subdivided into the sections of the Council Action Ordinance provided giving detailed descriptions of the provisions within the Ordinance and reasons for each budget modification.

Included in the materials provided to the Committee was a cover memorandum, the FY13 year-end Appropriations Adjustments back up document, the Draft Ordinance 97-H and the Quarterly Report of Selected Funds.

Committee members discussed the budget cleanup with administration and were provided with follow up to any questions and concerns. Councilman Gerdes moved that the \$50,000 appropriated in FY13 for the City Council Management Study not be rolled over into FY14. This \$50,000 will be added to the General Fund balance and is available to be appropriated at a future date.

Chairman Kennedy stated that Tom Greene will coordinate with Angela Ramirez as to scheduling a future meeting to discuss a plan to replenish the General Fund Reserve as outlined in the city's fiscal policies.

b. 4th Quarter Financial Report

Anne Fritz, Finance Director, provided to the Committee a report of the Summary of Quarterly Financial Reports for the period ending September 30, 2013. Included was the Investment Report which showed that the current market value of the city managed portfolio was slightly less than the amortized book value of the portfolio due to the slight increase in interest rates over the past quarter, which drove market values to decline. The Debt Service Report reflected the current principal and interest maturity schedule by year for the City. A summary of the debt expected future funding sources for both governmental and enterprise debt was also included in the analysis. The Pension Fund reflected the activity in the City's Employees Retirement Fund, Fire Pension Fund and Police Pension Fund for the year. The pension reports were presented to provide detailed financial statements for each pension compared to the summarized total of the pension plans for the year ended September 30, 2012. The preliminary draft of the September 30, 2013 financial results was also included. The results did not include any transactions relating to the "clean up" ordinance presented for consideration by City Council. The preliminary financial results showed that general fund revenues are under estimated amounts for FY13, but general fund expenditures are below appropriated amounts, with certain exceptions to be reported by the budget departments.

Included in the materials was the Quarterly Financial Report. Committee members discussed the reports and all questions and concerns were answered.

2. New Business Item Referrals – None

3. Continued Business / Deferred Business – None

4. Upcoming Meetings Agenda Tentative Issues

November 25, 2013

- a. External Audit Services-Agreement Extension (Brad Scott)**
- b. Draft Procedure to Encourage and Utilize Unsolicited Outside Grant Applications (John Wolfe, Louis Moore)**
- c. Legal Update Report-3rd Quart Delinquent Lease Items (Lynn Gordon)**
- d. 4th Quarter Grants Report (Shrimatee Ojah-Mahara)**

2. December 12, 2013

- a. Report of the December 10, 2013 Investment Oversight Committee Meeting (Anne Fritz)**

3. December 19, 2013

- a. Health Insurance Rates for Next Year (Gary Cornwell)**

6. Adjournment – Meeting adjourned at 11:55pm

Attached documents for item Confirming the preliminary assessment for Lot Clearing Numbers 1525, 1526 and 1527.

ST. PETERSBURG CITY COUNCIL

MEETING OF: November 25, 2013

TO: COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

SUBJECT: Confirming Preliminary Assessment for
Lot Clearing Number LCA 1525

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.

LCA:	<u>1525</u>
NUMBER OF STRUCTURES:	<u>178</u>
ASSESSABLE AMOUNT:	<u>\$35,365.45</u>

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 **\$35,365.45** will be fully assessable to the property owners.

ATTACHMENTS:

MAYOR: _____

COUNCIL ACTION: _____

FOLLOW-UP: _____

AGENDA NO. _____

11/01/13
8:44:50

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

PAGE: 1
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
1525	*****	390 55TH AVE NE	184.38
	ALBANO, LOUIS	1251 11TH AVE S	184.38
	ALEXANDER, STEPHEN W EST	3562 28TH AVE N	184.38
	ANDERSON, LARRY	1035 8TH AVE S	184.38
	ANDERSON, SUZANNE R	2916 60TH AVE S	184.38
	ANDREWS, AQUILLA	1717 19TH ST S	204.43
	ARROYO, DAVID	1700 19TH ST S	184.38
	ATKINSON, ANGELA	3783 ABINGTON AVE S	184.38
	ATLANTIC CAPITAL/MARCO BANK	1200 33RD ST S	184.38
	ATSI, LUCA ANGELUCCI	2238 20TH ST S	184.38
	BANN, KAREN	4737 FAIRFIELD AVE S	184.38
	BARRON, RUSSELL A	2401 37TH ST S	184.38
	BARTON, KELLY	1740 19TH ST S	184.38
	BEAR STEARNS ASSET BACKED SECU	909 8TH AVE S	224.47
	BENCH, PAUL R EST	3235 21ST ST N	184.38
	BENTON, MARK	4929 19TH ST N	184.38
	BLACK, SHAUN	2317 44TH ST S	184.38
	BLAKE-COLLINS, BRIAN	1845 29TH AVE N	184.38
	BOLDUC, SHAWN	2601 35TH AVE N	224.47
	BONAMY, JEAN TUCKER	2025 29TH ST S	184.38
	BRADLEY, MARQUAILA S	759 37TH AVE S	184.38
	BRANDLAUR DEVELOPMENT GROUP IN	3091 MELROSE AVE S	184.38
	BROWN, KIM-NELSON	3735 27TH AVE S	224.47
	C & A/GFSP JOINT VENTURE	6719 KINGSWOOD DR N	184.38
	CARSON, WALTER F	4801 21ST AVE S	184.38
	CHAMBERS, CHRISTOPHER	1155 15TH AVE S	184.38

11/01/13
8:44:50

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

PAGE: 2
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	CHRIST GOSPEL CH SP	1700 19TH AVE S	204.43
	CHRISTOPOULOS, GEORGIA	7925 3RD AVE S	184.38
	CHRISWELL, MARGARET	1919 42ND ST S	264.56
	CLAIRMONT, JAMES	1710 40TH ST S	264.56
	COHEN, VANESSA	1034 12TH AVE S	184.38
	COLLINS, CHARLES M EST	5534 10TH AVE N	184.38
	CONNON, KEVIN J	4660 6TH AVE S	184.38
	COTTMAN, PURITY	670 26TH AVE S	184.38
	CRESCENZO LAND HOLDINGS INC	415 28TH ST S	184.38
	CRESCENZO LAND HOLDINGS INC	1750 19TH ST S	184.38
	CRISWELL, MARGARET	2167 14TH AVE S	184.38
	CROCKETT, LERNARD	1221 13TH AVE S	264.56
	CUNNINGHAM, JOBIE	4111 13TH AVE S	184.38
	CURRY, ABRAHAM	1228 12TH AVE S	184.38
	CUSTOM AFFORDABILITY INC	1135 11TH AVE S	204.43
	CUSTOM AFFORDABILITY INC	1136 JAMES AVE S	184.38
	DALLAND PROPERTIES LP	734 29TH AVE S	184.38
	DALLAND PROPERTIES LP	854 13TH AVE S	184.38
	DALLAND PROPERTIES LP	936 JAMES AVE S	184.38
	DALLAND PROPERTIES LP	1120 13TH AVE S	184.38
	DALLAND PROPERTIES LP	1410 29TH ST S	184.38
	DALLAND PROPERTIES LP	1510 10TH AVE S	184.38
	DALLAND PROPERTIES LP	1619 21ST AVE S	224.47
	DALLAND PROPERTIES LP	2231 15TH AVE S	204.43
	DALLAND PROPERTIES LP	2324 7TH ST S	204.43
	DALLAND PROPERTIES LP	2482 15TH AVE S	184.38

11/01/13
8:44:50

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

PAGE: 3
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	DAUGHTRY, JO ANN W LIVING TRUS	4531 CATALONIA WAY S	224.47
	DAVIS, CHARLES L	2721 22ND AVE S	194.40
	DAVIS, RUBY J	809 17TH AVE S	264.56
	DOODNAUTH, BASDEO	1596 63RD AVE N	184.38
	DUDLEY, ROBERT A	1630 20TH AVE S	204.43
	DUVAL, JESSICA	1026 JAMES AVE S	264.56
	EDWARDS, MARGARET	2101 UNION ST S	184.38
	ERDMANN, ROBERT A TRUST	2082 FRANCES CT N	184.38
	F C B FP COMMERCIAL HOLDINGS L	800 31ST ST S	304.65
	FARRELL, LUXLEY F	3454 18TH AVE S	224.47
	FEDERAL HOME LOAN MTG CORP	832 62ND AVE NE	184.38
	FENG, JENNY	3535 14TH AVE S	184.38
	FIRST FIDELITY HOLDINGS LLC	1739 19TH AVE S	244.52
	FORD, FRED W	2835 29TH AVE N	204.43
	GEORGE VICTOR & ASSN INC	3001 6TH AVE S	184.38
	GILLIAM, WILMATINE	1916 15TH AVE S	304.65
	GOLDBERGER, DAVID J	196 38TH AVE SE	184.38
	GREGORY, ERIN L	3164 58TH WAY N	184.38
	HALL, STEPHEN E	1085 21ST AVE N	184.38
	HARRELL, JACQUELINE EST	5200 1ST AVE S	184.38
	HART, MARCUS	2550 6TH ST S	184.38
	HEATON, PATRICIA M	4799 DR. ML KING JR ST N	184.38
	HENNINGER, JOAN C	544 49TH ST S	384.83
	HILL, ERIC J	1710 20TH ST S	184.38
	HIRCOCK, JAMES	3136 17TH AVE S	184.38
	HONESTRUSTILY LLC	2220 7TH ST S	224.47

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8:44:50

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

PAGE: 4
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	HOWARD, KIMBERLY L	2859 51ST AVE S	244.52
	HRISTOPOULOS, ANDREAS	3463 2ND AVE S	184.38
	INTERNATIONAL URBAN DEVELOPERS	1647 18TH AVE S	254.54
	JAYHAWK IRREVOCABLE TRUST	3013 DESOTO WAY S	184.38
	JEFFERSON, VIVIA	1710 39TH ST S	184.38
	JENKINS, SHIRLEY D	1048 26TH AVE S	184.38
	JOHNSON, JESSIE	3094 20TH AVE S	184.38
	JOHNSTON, KATHRYN A	4040 18TH ST N	184.38
	KELLY, PATRICIA H	2421 14TH AVE S	184.38
	KNIGHT, WILLIE M EST	2026 42ND ST S	184.38
	LEE, STEVEN F	2711 6TH ST S	224.47
	LOISELLE, KAREN V	2887 23RD AVE N	184.38
	LONTOC, DOMINIC	1255 10TH AVE S	224.47
	LOREVIL LAND TRUST AGM NO 19	2321 25TH AVE S	184.38
	MALONEY, MARY T EST	2835 24TH ST N	184.38
	MANNING, SABRINA L EST	4685 25TH AVE S	184.38
	MARLEY VENTURES	2321 15TH AVE S	184.38
	MARSHALL, ROSA	1743 19TH AVE S	204.43
	MARTIN, ERICA	3245 52ND WAY N	184.38
	MARTINEZ, GUSTAVO R	2060 1ST AVE N	184.38
	MARTINO, THOMAS TRE	2510 69TH AVE S	184.38
	MC CASLIN, GINA M	817 52ND AVE N	184.38
	MC COMBS, XAVIER E	661 53RD AVE S	184.38
	MC CORMICK, DARRIN	611 21ST ST N	184.38
	MC EACHERN, WILLIAM EST	4185 WHITING DR SE	184.38
	MC KINNEY, ISAAC III	1768 PRESTON ST S	184.38

11/01/13
8:44:50

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

PAGE: 5
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	MIANI, KENNETH	4701 CHANCELLOR ST NE	184.38
	MIXON, JOHNNY F	1330 31ST ST S	184.38
	MORE, PHIL	2031 3RD ST S	184.38
	MURPHY, HELENA	145 5TH AVE N	184.38
	NAPIER, ALAN S	3451 16TH AVE S	184.38
	NEAL, MATTHEW D	1401 7TH AVE N	184.38
	NERI, EDWARD R	4331 FAIRFIELD AVE S	184.38
	NEW MILLENNIAL LC	2517 5TH ST S	184.38
	NEWKIRK, DIANE EST	2518 20TH ST S	204.43
	NEWMAN, JAMES E	3636 20TH ST N	184.38
	NU TAX 100 GP	922 13TH AVE S	224.47
	ORTEGA, ODNIEL	4808 33RD AVE N	184.38
	PAPADOGEORGIS, PANAGIOTIS T	2500 11TH AVE S	184.38
	PETSCHER, ERIN	2647 6TH ST S	224.47
	PHYTHIAN, MICHAEL J	6233 4TH AVE N	184.38
	PITZEL PARTNERS LLC	4200 34TH ST S	424.92
	PUSCULLI, MICHAEL J	4944 EMERSON AVE S	184.38
	QUARTERMAN, TERESA E	1718 29TH ST S	184.38
	RAFFO, JAMES LEWIS	216 29TH ST S	184.38
	RAMIREZ, BENJAMIN	601 GROVE ST N	184.38
	RATH, MICHAEL B	790 HILLSIDE DR S	184.38
	REIDEL, RUTH EST	5239 5TH AVE S	184.38
	ROBERTS, W DAVID	4241 12TH AVE N	184.38
	ROSADO, CANDIDO	3435 21ST ST N	184.38
	ROUSH, CHARLES R	4835 9TH AVE S	184.38
	SALTER-WILLIAMS, MAXINE E	1720 QUEEN ST S	184.38

11/01/13
8:44:50

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

PAGE: 6
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	SAMMI T LLC	2015 20TH ST S	184.38
	SANDERSON, DAVID	3738 1ST AVE N	184.38
	SAUTERNES V LLC	1330 9TH AVE S	184.38
	SCHNITZHOFFER, DON JR	1010 15TH AVE S	184.38
	SEGARS, RONALD	5000 EMERSON AVE S	224.47
	SHAW, RICHARD L	7014 ORPINE DR N	184.38
	SIEGERT, ELEANOR M	5230 DARTMOUTH AVE N	184.38
	SMITH, JOSEPH	1348 30TH ST S	184.38
	SOREM, MELVIN D	2819 12TH AVE S	184.38
	SOUTH PINELLAS HOMES LLC	7128 ONYX DR N	184.38
	ST PETERSBURG PROPERTIES INC	1521 PRESTON ST S	184.38
	STONE, DANIEL TRE	509 27TH AVE S	184.38
	SUBRIAN, JONATHAN	701 22ND AVE S	264.56
	SUKHASAM, MANIT	5027 4TH AVE S	224.47
	SUNCOAST PROPERTY PARTNERS LLC	2401 10TH AVE S	184.38
	T H R FLORIDA LP	2401 GRANADA CIR E	184.38
	T I F-C F L III LLC	1145 11TH AVE S	244.52
	TARPON IV LLC	801 8TH ST N	184.38
	TAX CERTIFICATE REDEMPTIONS IN	2627 EMERSON AVE S	184.38
	THINN, MAXINE	935 12TH AVE S	184.38
	TROTMAN, VIVIENNE L	1834 19TH ST S	184.38
	TRUST NO 213116352440250110	4443 5TH AVE S	264.56
	TUTHILL FINANCE LP	680 22ND AVE S	224.47
	ULFERS, FRIEDRICH E	1125 13TH AVE S	224.47
	US BANK NATL ASSN TRE	721 66TH AVE S	184.38
	USA FED NATL MTG ASSN	3233 33RD AVE N	184.38

11/01/13
8:44:50

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

PAGE: 7
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	USA FED NATL MTG ASSN	3745 16TH AVE S	184.38
	V & V CORPORATE INVESTMENTS IN	4682 22ND AVE S	184.38
	VANTIUM CAPITAL INC	1755 PATTON AVE S	184.38
	VENTURE AT MIDTOWN I LLC	2424 44TH ST S	184.38
	VIVAS, ANA	1271 13TH AVE S	184.38
	WARD CONSTRUCTION & REMODELING	2810 11TH AVE S	204.43
	WATERMAN, JOHN J JR	5055 12TH ST N	184.38
	WHITE, CHRISTOPHER	9100 SUN ISLE DR NE	184.38
	WHITE, MELODY L	672 GRAY ST S	244.52
	WHITE, MELODY L	1810 QUINCY ST S	184.38
	WHITE, MELODY LOVE	1818 31ST AVE N	184.38
	WHITE, PEARLY M EST	2863 1ST AVE S	204.43
	WHITE, TERRY	811 9TH AVE S	204.43
	WHITFIELD INVESTMENT CO	1222 11TH AVE S	184.38
	WIESELBERG, RONALD	3065 20TH AVE S	244.52
	WILLIAMS, LUCILLE	4100 15TH AVE S	204.43
	WRIGHT, EMORY E	2645 2ND AVE S	184.38
	WS ST PETE REALTY LLC	1725 1ST AVE S	224.47
	30 DAYS REAL ESTATE CORP TRE	977 9TH AVE S	184.38
	3073 20TH AVE SOUTH LAND TRUST	3073 20TH AVE S	184.38
	545 13TH AVE S LAND TRUST	545 13TH AVE S	184.38
	776 19TH LAND TRUST	776 19TH AVE S	204.43

11/01/13
8:44:50

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

PAGE: 8
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
		PROJECT TOTAL	35,365.45
	*** END OF REPORT ***	GRAND TOTAL	35,365.45

LOT CLEARING NUMBER 1525
COST / FUNDING / ASSESSMENT INFORMATION

<u>CATEGORY ASSESSED</u>	<u>AMOUNT TO BE ASSESSED</u>
LOT CLEARING COST	\$ 23,795.45
ADMINISTRATIVE FEE	<u>\$ 11,570.00</u>
TOTAL:	\$ 35,365.45

ST. PETERSBURG CITY COUNCIL

MEETING OF: November 25, 2013

TO: COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

SUBJECT: Confirming Preliminary Assessment for
Lot Clearing Number LCA 1526

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.

LCA:	<u>1526</u>
NUMBER OF STRUCTURES:	<u>167</u>
ASSESSABLE AMOUNT:	<u>\$32,065.72</u>

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 \$32,065.72 will be fully assessable to the property owners.

ATTACHMENTS:

MAYOR: _____

COUNCIL ACTION: _____

FOLLOW-UP: _____

AGENDA NO. _____

11/01/13
8:38:45

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

PAGE: 1
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
1526	ABBOTT KINNEY MGMT LLC	2511 EMERSON AVE S	184.38
	ACKAWAY, ROBERTA A	4650 22ND ST N	184.38
	AL-DAJANI, KHALED	1526 49TH ST S	224.47
	ALFORD, SUSAN S	5481 1ST AVE S	204.43
	ANDERSON, PAM R	4339 8TH AVE S	224.47
	ANDREWS, AQUILLA	1340 MELROSE AVE S	184.38
	APOLLO PARTNERS LLC	3866 12TH AVE S	184.38
	BAKER, TERESA A	4034 2ND AVE S	184.38
	BANK OF AMERICA	1251 73RD AVE N	184.38
	BAY AREA HOUSING DEV CORP	1730 30TH ST S	184.38
	BAYFORCE ENTERPRISES INC	2000 MELROSE AVE S	224.47
	BEACH, ROBERT K EST	5010 22ND AVE N	184.38
	BEAUDRY-GAMBER, PATRICIA	4700 9TH AVE N	184.38
	BLACK, ANDREA E	2625 7TH AVE N	204.43
	BOUFFARD, NORMAND G	1351 50TH ST N	184.38
	BRICKLEY, MICHAEL	4127 4TH AVE N	125.00
	BROWN, JOSEPH	633 27TH AVE S	184.38
	BROWN, JOSEPH D	1100 MELROSE AVE S	184.38
	BURGER KING CORP	4570 34TH ST S	184.38
	BURNS, CHRISTOPHER E EST	2011 3RD AVE N	184.38
	C B 3 TRUST	4039 19TH AVE S	184.38
	CABIT, DAVE	6195 25TH AVE N	184.38
	CALVO, JORGE L	3482 QUEENSBORO AVE S	244.52
	CAMPBELL, FRANCES TURNER EST	1231 25TH ST S	184.38
	CASTLEFRANK FLORIDA HOLDINGS L	1701 CENTRAL AVE	294.63
	CHANDLER, RICHARD S	2210 CALEXICO WAY S	224.47

11/01/13
8:38:45

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

PAGE: 2
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	CHRYSLER, ROBERT C	4662 10TH AVE S	184.38
	COLLINS, REINA G	2520 EMERSON AVE S	184.38
	CORBIN, LENA	2244 21ST ST S	184.38
	D & K AUTO PARTNERS INC	1926 AUBURN ST S	184.38
	DALLAND PROPERTIES LP	625 27TH AVE S	184.38
	DALLAND PROPERTIES LP	1233 20TH AVE S	204.43
	DALLAND PROPERTIES LP	1314 12TH AVE S	214.45
	DALLAND PROPERTIES LP	1430 14TH AVE S	184.38
	DALLAND PROPERTIES LP	1626 39TH ST S	184.38
	DALLAND PROPERTIES LP	2562 EMERSON AVE S	224.47
	DALLAND PROPERTIES LP	3950 10TH AVE S	184.38
	DALLAND PROPERTIES LP	4043 13TH AVE S	184.38
	DALLAND PROPERTIES LP	4200 14TH AVE S	184.38
	DALLAND PROPERTIES LP	4370 16TH AVE S	224.47
	DALLAND PROPERTIES LP	4425 17TH AVE S	224.47
	DALLAND PROPERTIES LP	4536 12TH AVE S	184.38
	DALLAND PROPERTIES LP	4735 17TH AVE S	184.38
	DEBTX LLC	851 17TH AVE S	204.43
	DIAZ, FERNANDO	5643 8TH AVE N	184.38
	DIXON, MICHAEL	1915 14TH ST S	184.38
	DOCHSTADER, RACHEL D	788 62ND AVE N	100.00
	DONALDSON, JACK J EST	120 40TH ST S	184.38
	DONNELLY, ROBERT W	4353 21ST ST N	204.43
	DOUGLAS, WILLIAM & MELODIE FAM	2500 34TH ST N	334.72
	ELBS, LORENA	2201 34TH AVE N	184.38
	EMPIRE ASSOCIATES LLC	565 LAKE MAGGIORE BLVD S	224.47

.11/01/13
8:38:45

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

PAGE: 3
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	FAHARI, KERAMAT	1700 15TH AVE S	344.74
	FARACI, ANGELA	3727 17TH AVE S	204.43
	FEDERAL HOME LOAN MTG CORP	2700 29TH AVE N	294.63
	FREDERICK, AMEERAH T	2848 EMERSON AVE S	184.38
	GARNER, DARELL	3510 13TH AVE S	184.38
	GOFF, NORMA H	6550 17TH ST N	184.38
	GONZALEZ, MARGARITA	1146 54TH AVE N	184.38
	GRACE, ERMA EST	4561 EMERSON AVE S	214.45
	GRAMERCY CAPITAL LLC	617 27TH AVE S	184.38
	GROSSMAN, JENNIFER NICOLE	3851 15TH AVE S	184.38
	GUADAGNOLI, JOHN H	800 53RD TERR N	204.43
	GUILFORD, SAMUEL E	3143 FREEMONT TERR S	184.38
	GUNDERSON, SHANNON	330 LANG CT N	184.38
	HAGGETT, STEVEN D	5170 5TH AVE S	184.38
	HALLIGAN, SCOTT	5924 16TH AVE N	184.38
	HARRICHARAN, SHERRY	2548 11TH AVE S	184.38
	HART, LEROY EST	4529 11TH AVE S	224.47
	HATCHER, FRED	2930 FAIRFIELD AVE S	184.38
	HAUGHTON, TRECIA	1127 45TH ST S	184.38
	HERON, ALAN G	4420 5TH AVE S	184.38
	HICKS, JEAN C	3719 15TH AVE S	184.38
	HONESTRUSTILY LLC	644 HICKMAN CT S	184.38
	HORN VI LLC	200 38TH AVE SE	204.43
	HOWARD, KIMBERLY L	2843 51ST AVE S	184.38
	ISRA HOMES INC	646 HICKMAN CT S	184.38
	ITZO, CHRISTOPHER M	4035 4TH AVE N	184.38

11/01/13
8:38:45

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

PAGE: 4
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	JIBSON, SUE C	6770 15TH AVE N	184.38
	JOHNSON, AURELLA E	3036 FAIRFIELD AVE S	184.38
	JOHNSON, HORACE L	754 27TH AVE S	204.43
	JOSEPH, PHILIP T	636 HICKMAN CT S	184.38
	JUNG, ELIZABETH J	1946 WALTON ST S	184.38
	KASSIS, JOHN	1054 16TH AVE S	224.47
	KELLIHER, HELEN M	1818 SHORE ACRES BLVD NE	184.38
	KHDEIR, HANI	1720 43RD ST S	184.38
	KUBIAK, JERZY	1221 17TH ST N	184.38
	KUJAWA, STEFAN S	300 24TH ST S	184.38
	KULIKOWSKI, EDWARD S	3563 23RD AVE N	184.38
	LARRY, DAVID L	4436 16TH AVE S	184.38
	LE DEE, DEBRA L	317 INDIANA CT S	184.38
	LEBRETTON, WILLIAM	6466 3RD AVE S	244.52
	LENDHOLDERS TRUST LLC	1861 12TH ST S	184.38
	LEONOV, TATIANA	2834 62ND AVE S	184.38
	LIBRADO, MAC VINCENT	3632 27TH AVE N	184.38
	LOREVIL LAND TRUST AGM NO 13	1773 TIFTON TERR S	184.38
	LOREVIL LAND TRUST AGM NO 14	2062 15TH AVE S	184.38
	LOREVIL LAND TRUST AGM NO 8	4100 18TH AVE S	224.47
	LUMINENT MTG TRUST	4135 4TH AVE N	100.00
	LUND, ALLISON EST	6325 35TH AVE N	224.47
	M D M INVESTMENTS LLC	2120 43RD TERR N	184.38
	M T C PROPERTIES LLC	2220 17TH AVE S	224.47
	MACNEILL, STEPHEN M	6553 5TH AVE N	184.38
	MARI, WAIL	631 12TH AVE S	204.43

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	MARTINO, THOMAS TRE	859 17TH AVE S	244.52
	MASSIMINI, MICHAEL P	2855 37TH AVE N	125.00
	MAURIC, ISABELLA LIZ EST	1510 SCRANTON ST S	184.38
	MC CORMACK, KEVIN S	601 12TH AVE S	184.38
	MILES, LUMAR EST	1910 14TH ST S	184.38
	MILLER, VERNELL M	621 12TH AVE S	184.38
	MIZELLE, JULYE B	2715 18TH AVE S	214.45
	MULVANEY, JOHN M	6777 38TH AVE N	184.38
	NURSE, KARL	1650 19TH AVE S	184.38
	OCWEN LOAN SERVICING LLC TRE	2425 10TH ST S	184.38
	OMNI NATL BANK	1512 9TH AVE N	184.38
	OMNI NATL BANK	1916 10TH ST S	184.38
	PHYTHIAN, JACQUELINE J EST	6247 4TH AVE N	184.38
	PILOT FINANCIAL INC	4442 14TH AVE S	224.47
	R M A C TRUST	1670 29TH AVE N	194.40
	RANNEY, MARIE S EST	1819 11TH ST S	184.38
	RHODES, TERESA	1701 PRESTON ST S	224.47
	ROBINSON, FLOSSIE EST	1000 UNION ST S	184.38
	SCHWANKER, LEE	321 PATICA RD NE	224.47
	SCITES, JAMES M	3533 23RD AVE N	204.43
	SCOTT, ANNIE B	3086 MELROSE AVE S	184.38
	SENISSE, NETTI	2860 1ST AVE S	100.00
	SIGLER, JERRY	1201 QUEEN ST N	184.38
	SIMS, LEE E	2570 11TH AVE S	184.38
	SINGLETARY, KEVIN	2721 18TH AVE S	184.38
	SOREM, MELVIN D	2315 21ST ST S	184.38

11/01/13
8:38:45

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

PAGE: 6
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	STALLION HOMES LLC	666 15TH AVE S	184.38
	STURGILL, ARCHIE	3727 OVERLOOK DR NE	184.38
	SUNSHINE LENDERS LLC	1820 12TH AVE S	184.38
	SUNSHINE R E O III LLC	2929 FAIRFIELD AVE S	184.38
	T Y J-LLC	630 40TH ST S	184.38
	TARPON IV LLC	2542 EMERSON AVE S	184.38
	TATE, L PAUL	6611 KINGSWOOD DR N	100.00
	TAX CERTIFICATE REDEMPTIONS IN	2720 13TH AVE S	184.38
	TAYLOR, ANDREW L	4363 11TH AVE S	184.38
	TC DEVELOPING COMMUNITIES INC	1111 MELROSE AVE S	184.38
	TERRANOVA LAND & PROPERTIES CO	1220 40TH ST S	184.38
	THALER, JEFFREY G	2425 4TH AVE S	184.38
	TITAN DEVELOPMENT GROUP LLC	1753 TIFTON TERR S	184.38
	TOSEV, KATA S	354 37TH AVE NE	125.00
	TRUST NO 2244	2244 11TH ST S	184.38
	TRUST NO 2304 HIGHLAND ST S	2304 HIGHLAND ST S	184.38
	TRUST NO 3887	3887 12TH AVE S	184.38
	USA FED NATL MTG ASSN	700 36TH AVE S	224.47
	USA FED NATL MTG ASSN	4211 BURLINGTON AVE N	224.47
	USA FED NATL MTG ASSN	6755 12TH AVE N	184.38
	VALDES, KATHERINE	1831 10TH ST S	184.38
	VERONA V LLC	1812 12TH AVE S	184.38
	VERONA V LLC	2142 OAKLEY AVE S	184.38
	VOGEL, PAUL A	335 LANG CT N	184.38
	WARNER, JEFFREY W EST	415 24TH ST S	184.38
	WARREN, JULIE T	415 25TH ST S	184.38

.11/01/13
8:38:45

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

PAGE: 7
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	WATERMAN, NANCY LOUISE	5036 OXFORD AVE N	214.45
	WEBB, HATTIE M	2418 IMLAY CT S	184.38
	WHITFIELD, EDDIE A	4242 14TH AVE S	184.38
	WHITFIELD, JAMES	2619 38TH AVE N	184.38
	WILLIAMS, CHERAY Y	2517 4TH AVE S	184.38
	WILLIAMS, KIMBERLY	1834 14TH ST S	224.47
	WILSON, ERMA	2835 FAIRFIELD AVE S	184.38
	WISSOTA INVESTMENTS LLC	1717 20TH AVE S	204.43
	WRIGHT, KENNETH L	7110 DR. ML KING JR ST N	100.00
	ZOCK, JOSEPH L	2491 QUEENSBORO AVE S	214.45
	7TH CAVALRY CORP	1915 10TH ST S	184.38

.11/01/13
8:38:45

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

PAGE: 8
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
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*** END OF REPORT ***		PROJECT TOTAL	32,065.72
		GRAND TOTAL	32,065.72

LOT CLEARING NUMBER 1526
COST / FUNDING / ASSESSMENT INFORMATION

CATEGORY ASSESSED

AMOUNT TO BE ASSESSED

LOT CLEARING COST

\$ 21,730.72

ADMINISTRATIVE FEE

\$ 10,335.00

TOTAL:

\$ 32,065.72

ST. PETERSBURG CITY COUNCIL

MEETING OF: November 25, 2013

TO: COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

SUBJECT: Confirming Preliminary Assessment for
Lot Clearing Number LCA 1527

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.

LCA:	<u>1527</u>
NUMBER OF STRUCTURES:	<u>181</u>
ASSESSABLE AMOUNT:	<u>\$35,768.25</u>

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 **\$35,768.25** will be fully assessable to the property owners.

ATTACHMENTS:

MAYOR: _____

COUNCIL ACTION: _____

FOLLOW-UP: _____

AGENDA NO. _____

11/01/13
8:39:14

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

PAGE: 1
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
1527	A B F C 2006-HE1 TRUST	4650 8TH AVE S	184.38
	ACADIAN PROPERTIES TRUST	2430 16TH AVE S	204.43
	ALESSANDRINI, BERNARD	2825 6TH ST S	184.38
	ALUMNI PARTNERS II LLC	2168 23RD AVE N	184.38
	AMERICAN GENERAL MTG LOAN TRUS	4621 34TH AVE N	184.38
	ANDERSON, KARL R	860 64TH AVE S	184.38
	ANDERSON, NATALIE E	2754 2ND AVE S	184.38
	ANTINORE, RICHARD F	4835 10TH AVE S	184.38
	ARCHIE, HORACE	1905 24TH ST S	184.38
	AVICHOUSER, RICHARD	1209 UPTON CT S	184.38
	B A C HOME LOANS SERVICING LP	1130 8TH ST N	184.38
	B A C HOME LOANS SERVICING LP	4806 23RD AVE S	184.38
	BANK OF NEW YORK MELLON TRE	2990 37TH ST N	184.38
	BEATON, MATTIE EST	3150 EMERSON AVE S	184.38
	BERRADI, ADIL	6718 LIVINGSTON AVE N	184.38
	BLACK GOLDEN LLC	1500 11TH AVE S	224.47
	BOHMS, ALAN	201 28TH ST S	224.47
	BORDONES, ORLANDO	1515 14TH ST S	184.38
	BOWMAN, CHAMERA D	2580 13TH AVE S	184.38
	BRADBURY, KEVIN	2417 25TH AVE S	214.45
	BRADFORD, CRYSTAL	2530 2ND AVE S	184.38
	BRADY, BARBARA J INC	626 61ST AVE S	184.38
	BRANDT, CORY T	837 2ND ST N	184.38
	BULLOCK, ADRANA	727 19TH ST S	184.38
	BURROW, MARCUS	1940 45TH ST S	184.38
	BURROW, MARCUS	2222 37TH ST S	224.47

11/01/13
8:39:14

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

PAGE: 2
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	CAHALL, CHARLES V JR	4616 9TH AVE S	184.38
	CARLOCK, THOMAS G	955 28TH AVE S	244.52
	CASE, JARRED J	3430 1ST ST N	184.38
	CENTENNIAL BANK	2444 1ST AVE N	184.38
	CENTENNIAL BANK	2448 1ST AVE N	184.38
	CENTENNIAL BANK	2462 1ST AVE N	184.38
	CITIMORTGAGE INC	2252 8TH AVE N	184.38
	CLARK, DANELL A	510 80TH AVE N	184.38
	COLE, CARLTON W EST	2443 DR. ML KING JR ST S	264.56
	COLE, WAYNE A	6520 19TH WAY N	184.38
	CORNELIUS, MARY L	2305 13TH ST S	184.38
	CRNALIC, NEDZAD	418 62ND AVE NE	184.38
	CUSTOM AFFORDABILITY INC	957 JAMES AVE S	184.38
	CZERWINSKI, MARY LEA	2801 18TH ST N	184.38
	D K RETIREMENT HOLDINGS 2 LLC	649 59TH ST S	184.38
	DALLAND PROPERTIES LP	1745 44TH ST S	184.38
	DALLAND PROPERTIES LP	1932 14TH AVE S	184.38
	DALLAND PROPERTIES LP	1944 14TH AVE S	184.38
	DALLAND PROPERTIES LP	2360 18TH AVE S	244.52
	DALLAND PROPERTIES LP	2410 17TH AVE S	184.38
	DALLAND PROPERTIES LP	2425 DR. ML KING JR ST S	214.45
	DALLAND PROPERTIES LP	3610 2ND AVE S	184.38
	DALLAND PROPERTIES LP	4519 14TH AVE S	204.43
	DALLAND PROPERTIES LP	4917 4TH AVE S	184.38
	DANLEY, LEVOTA F	1810 19TH AVE S	214.45
	DAVIDSON, AMY MARIE	1335 10TH AVE S	264.56

11/01/13
8:39:14

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

PAGE: 3
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	DICKEY, ARTHUR JR EST	1501 11TH AVE S	224.47
	DUNBAR, GALE A	1117 27TH AVE S	224.47
	ESCALANTE, JUAN CARLOS	4220 37TH AVE N	184.38
	FEDERAL HOME LOAN MTG CORP	2126 30TH AVE N	184.38
	FITZGERALD, CHRISTOPHER J	4050 2ND AVE S	244.52
	FOWLER, DEBORAH	1658 19TH AVE S	234.49
	FOX FUND	836 14TH AVE S	224.47
	FRANCO, ALBERT	531 53RD ST N	224.47
	FREEMAN, LESLIE K	4052 4TH AVE N	184.38
	GENERAL HOME DEVELOPMENT CORP	2641 20TH ST S	665.46
	GENERAL HOME DEVELOPMENT CORP	2856 25TH AVE N	184.38
	GENERAL HOME DEVELOPMENT CORP	4543 1ST AVE S	184.38
	GESTION I M E C A INC	1133 HIGHLAND CT N	184.38
	GILCHRIST, THURZA	967 22ND AVE S	264.56
	GOINS, LOLA H	2525 3RD AVE S	224.47
	GRAY, LASHANDRA NICOLE	2826 4TH AVE S	224.47
	GROSSMAN, DAVID	2129 UNION ST S	184.38
	HALL, CHRISTOPHER D	2300 EAST HARBOR DR S	184.38
	HATLEY, BRENT L	761 63RD AVE N	184.38
	HEYWARD, KIMBERLY L	900 40TH AVE NE	214.45
	HORN VI LLC	6910 2ND ST N	204.43
	HUDSON, THOMAS E	349 14TH ST N	224.47
	HUNGERFORD, PAUL	2525 21ST ST S	184.38
	HUYNH, TOMMY	1832 35TH ST S	184.38
	JOHNSEN, LEONARD W	655 12TH AVE S	184.38
	JOHNSON, BRUCE R	5908 7TH AVE N	184.38

11/01/13
8:39:14

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

PAGE: 4
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	JOHNSON, ROBERTA D	951 9TH AVE S	224.47
	JONES, ANTHONY	125 38TH AVE SE	184.38
	JONES, JUSTIN	874 30TH AVE S	184.38
	JORGE, GONZALO	3530 36TH ST N	184.38
	KENNEDY, LARRY S EST	6058 12TH WAY N	184.38
	KEO, DIANA	3144 32ND AVE N	184.38
	KURLEMAN, FRANCIS A	4153 2ND AVE N	184.38
	LAUS HOMES LLC	2432 13TH AVE S	184.38
	LAWRENCE, HENRY	3526 16TH AVE S	184.38
	LEGANT, ALEXANDER W	3271 6TH AVE S	224.47
	LENDERS DIRECT CAPITAL CORP	4613 YARMOUTH AVE S	224.47
	LERIN, LORENA	1430 10TH AVE S	184.38
	LIND, JOSE	3941 8TH AVE S	184.38
	LITTRELL, BETTY S	2054 CENTRAL AVE	184.38
	LUCIO, ANGEL	4063 5TH AVE S	224.47
	MADSEN, WILLIAM	5622 DR. ML KING JR ST N	184.38
	MARSHALL, EDWIN C	1925 UNION ST S	184.38
	MARTI, LUIS	1407 7TH AVE N	184.38
	MAURI, THOMAS J	728 53RD AVE S	204.43
	MAYOR, DAN	2800 PELHAM RD N	234.49
	MC KEON, SEAN	2440 MELROSE AVE S	184.38
	MC KINLAY, DAVID	4545 22ND ST N	184.38
	MC MINN, PATRICIA E EST	1137 55TH AVE N	184.38
	MELANSON, ARMAND JAMIE	5717 BURLINGTON AVE N	184.38
	MELLOUKI, ABDELGHANI	1436 PRESTON ST S	184.38
	MERCURY 1 LLC	1216 19TH ST S	184.38

11/01/13
8:39:14

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

PAGE: 5
SASONALP

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	MICHAEL, MYRTLE	5131 ARAGON WAY S	184.38
	MILLER, SANDRA L	2045 27TH AVE N	184.38
	MIRANDA, LILIANA	3200 6TH AVE S	224.47
	MORAY, ZACHARY TAYLOR	1211 8TH ST CT S	184.38
	MORGAN, CARL FRED	7601 9TH AVE N	184.38
	MOWERY, DOREEN	5426 6TH AVE N	184.38
	NAGATANI, SAMUEL S	4637 YARMOUTH AVE S	184.38
	NELSON, JOSEPH P	4042 4TH AVE N	244.52
	NEWKIRK, LOUISE EST	1827 13TH AVE S	184.38
	NU TAX 100 GP	1349 PRESTON ST S	184.38
	NU TAX 100 GP	2926 5TH AVE S	224.47
	NUNNALLY, JACKIE	856 PARIS AVE S	184.38
	PARKER, BAYVRA	655 27TH AVE S	184.38
	PERRAULT, LEO J	2438 28TH ST N	224.47
	R I F HOLDINGS LLC	2756 BAYSIDE DR S	184.38
	RAFFO, JAMES LEWIS	3963 1ST AVE S	184.38
	RAHENY PROPERTIES LLC	1735 44TH ST S	184.38
	REPPY, ROBERT	4105 12TH AVE S	184.38
	ROJAS, JOSE M JR	712 14TH AVE S	184.38
	ROSS, JAY	1039 52ND AVE N	184.38
	ROUSSEAU, DAVID W	2890 17TH AVE N	184.38
	SAUTERNES V LLC	1500 21ST AVE N	184.38
	SCALES, JAMES W	2912 PONCE DE LEON WAY S	184.38
	SECOND BERT BIEGEL TRUST IRR T	2751 2ND AVE S	184.38
	SEIKUS, ROMAN F	490 DAWSON AVE NE	184.38
	SHIRLEY, CARLA A	5500 VENETIAN BLVD NE	204.43

11/01/13
8:39:14

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

PAGE: 6
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	SMITH, IVAN NMI	1128 17TH AVE N	184.38
	SMITH, MARTIN	4313 22ND ST N	184.38
	SMITH, PHILIPPA A	3534 15TH AVE S	184.38
	SMITH, RAYMOND	5426 4TH AVE N	184.38
	SNYDER, GLENN C	3456 14TH AVE S	184.38
	SOLER, PEDRO MIGUEL	713 PARK ST N	184.38
	ST PETERSBURG PROPERTIES INC	2448 3RD AVE S	184.38
	STALLION HOMES LLC	1067 8TH AVE S	184.38
	STROM, STEPHEN C EST	1724 49TH ST N	214.45
	SUNSHINE R E O IX LLC	827 21ST ST S	184.38
	TARPON IV LLC	1300 10TH AVE S	184.38
	TARPON IV LLC	1315 JAMES AVE S	184.38
	TARPON IV LLC	1315 12TH ST S	184.38
	TAYLOR, BETTY J EST	821 22ND AVE N	184.38
	TAYLOR, QUINTIN	813 14TH AVE S	204.43
	TAYLOR, QUINTIN A	1761 13TH AVE S	184.38
	TEEMER, JANICE	1107 9TH AVE S	204.43
	TORRES, NELLY EST	2227 1ST AVE N	184.38
	TRADER, MANDISA L	4521 9TH AVE S	184.38
	TRAPP, JAMES	649 28TH AVE S	184.38
	TRUST # 1066	1066 8TH AVE S	184.38
	TRUST NO 4361	4361 16TH AVE S	184.38
	TURNER, OLICIA	1440 27TH ST S	184.38
	U S LAND TREASURY INC	4810 8TH AVE S	184.38
	UHLS, KIMBERLY E	3527 TARLTON ST N	184.38
	UNGR, HYNEK	1825 45TH ST S	204.43

11/01/13
8:39:14

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

PAGE: 7
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	UNHITCHED HOLDINGS LLC	556 BEACH DR NE	204.43
	UNTO JACKSON TRUST 1751	1751 1ST AVE N	184.38
	USA FED NATL MTG ASSN	3232 59TH WAY N	204.43
	VANKREVELEN, STEPHEN	720 30TH AVE S	184.38
	VERONA V LLC	2021 8TH ST S	244.52
	VERONA V LLC	2616 4TH ST S	184.38
	VERONA V LLC	3474 17TH AVE S	184.38
	WADE, JAMES M	1838 24TH AVE N	184.38
	WARN, LARA J	7121 35TH AVE N	184.38
	WELLS FARGO BANK	1901 WALTON ST S	204.43
	WEST FL WHOLESALE PROPERTIES L	3024 21ST ST N	184.38
	WILLIAMS, LATISHIA L	953 JAMES AVE S	224.47
	WILSON, THOMAS JR	766 21ST AVE S	204.43
	WISE, KENNETH A	3555 COQUINA KEY DR SE	184.38
	WOLSTENHOLME, KATHLEEN N	3890 WAHOO DR SE	184.38
	WOODS, JACQUELINE D	2024 21ST ST S	184.38
	WRIGHT, ROBERT S	735 26TH AVE S	184.38
	YUNG, AMELIA RANESAS	525 27TH AVE S	224.47
	ZINCK, RONALD L TRE	2917 16TH AVE S	224.47
	126 17TH AVE TRUST	126 17TH AVE S	224.47
	3516 3RD AVE S TRUST	3516 3RD AVE S	224.47
	3536 3RD AVENUE SOUTH LAND TRU	3536 3RD AVE S	184.38
	3928 9TH AVE LLC	3928 9TH AVE S	184.38
	4642 19TH AVE S LAND TRUST	4642 19TH AVE S	184.38
	818 40TH ST S TRUST	818 40TH ST S	184.38

11/01/13
8:39:14

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

PAGE: 8
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
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*** END OF REPORT ***		PROJECT TOTAL	35,768.25
		GRAND TOTAL	35,768.25

LOT CLEARING NUMBER 1527
COST / FUNDING / ASSESSMENT INFORMATION

CATEGORY ASSESSED

AMOUNT TO BE ASSESSED

LOT CLEARING COST

\$ 24,003.25

ADMINISTRATIVE FEE

\$ 11,765.00

TOTAL:

\$ 35,768.25

A RESOLUTION CONFIRMING AND APPROVING PRELIMINARY ASSESSMENT ROLLS FOR LOT CLEARING NOS. 1525, 1526 AND 1527; PROVIDING FOR AN INTEREST RATE ON UNPAID ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, preliminary assessment rolls for Lot Clearing Nos. 1525, 1526 and 1527 have 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. 1525, 1526 and 1527 are 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 1182.

ST. PETERSBURG CITY COUNCIL

MEETING OF: November 25, 2013

TO: COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

SUBJECT: Confirming Preliminary Assessment for Building Securing Number **SEC 1182**

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.

SEC:	<u>1182</u>
NUMBER OF STRUCTURES	<u>30</u>
ASSESSABLE AMOUNT:	<u>\$5,159.74</u>

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 **\$5,159.74** will be fully assessable to the property owners.

ATTACHMENTS:

MAYOR: _____

COUNCIL ACTION: _____

FOLLOW-UP: _____

AGENDA NO. _____

11/01/13
8:39:35

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

PAGE: 1
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
1182	BUTLER FAMILY TRUST NO 4168	4168 14TH AVE S	244.78
	CAMPBELL, ANNIE L EST	2133 22ND AVE S	234.67
	CROZIER, MARSHALL A JR REV LIV	643 31ST AVE N	106.10
	DALLAND PROPERTIES LP	3230 4TH AVE S	184.53
	DICARLO ENTERPRISES LLC	527 26TH ST S	79.53
	GOINS, LOLA H	2525 3RD AVE S	93.17
	HART, LEROY EST	4529 11TH AVE S	178.03
	HERLINE, JOHN	1917 FAIRFIELD AVE S	139.03
	HUDSON, THOMAS E	349 14TH ST N	434.03
	JOHNSON, NORRIS STEVEN	3805 14TH AVE S	135.28
	KITCHENS, JOE L	305 28TH ST S	113.67
	LEE, STEVEN F	2711 6TH ST S	110.90
	LEENHOUTS, MARILYN EST	467 93RD AVE N	182.60
	LIBRADO, MAC VINCENT	3632 27TH AVE N	82.53
	M S I CONSULTING INC	1425 40TH ST S	323.10
	MAIN, DAVID G	2034 28TH AVE N	137.60
	MUDADA, KIAMBU	1601 12TH ST S	287.03
	NANO AG LLC	1439 28TH ST S	88.28
	NEELEY, DOROTHY A	3811 14TH AVE S	156.78
	NORTHERN, WILBURN	4675 19TH AVE S	157.49
	QUEZON, JAIME R	2411 1ST AVE N	217.53
	ROSE HALL INVESTMENT GROUP LP	1810 7TH AVE S	129.67
	SHIRLEY, CARLA A	5500 VENETIAN BLVD NE	135.28
	SMILING DOLPHIN CORP	4670 13TH AVE S	151.28
	TRUST NO 3887	3887 12TH AVE S	268.53
	U S BANK NATL ASSN TRE	642 13TH AVE S	112.53

11/01/13
8:39:35

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

PAGE: 2
SASONA1P

PROJECT	RELATED PARTY NAME	PROPERTY ADDRESS	ASSESS AMOUNT
	VAZQUEZ, HEATHER GUILD	918 43RD ST S	152.60
	1660 MONACO TRUST	1660 31ST AVE N	277.53
	1820 7TH AVE S LAND TRUST	1820 7TH AVE S	83.17
	4642 19TH AVE S LAND TRUST	4642 19TH AVE S	162.49

11/01/13
8:39:35

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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*** END OF REPORT ***		PROJECT TOTAL	5,159.74
		GRAND TOTAL	5,159.74

BUILDING SECURING NUMBER SEC 1182

COST/FUNDING/ASSESSMENT INFORMATION

<u>CATEGORY</u>	<u>AMOUNT TO BE ASSESSED</u>
SECURING COST	\$ 2,225.00
MATERIAL COST	\$ 815.30
LEGAL AD	\$ 769.44
ADMIN. FEE	<u>\$ 1,350.00</u>
TOTAL:	\$ 5,159.74

A RESOLUTION ASSESSING THE COSTS OF SECURING LISTED ON SECURING BUILDING NO. 1182 ("SEC 1182") 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. 1182 ("SEC 1182"); 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 November 25, 2013, to hear all persons who wished to be heard concerning this matter.

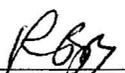
NOW THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council assesses the costs of securing listed on Securing Building No. 1182 ("SEC 1182") as liens against the respective real property on which the costs were incurred and that pursuant to Section 8-270 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 Numbers 409 and 503.

ST. PETERSBURG CITY COUNCIL

MEETING OF: November 25, 2013

TO: COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

SUBJECT: Confirming Preliminary Assessment for Building Demolition Number **DMO 409**

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.

DMO:	<u>409</u>
NUMBER OF STRUCTURES:	<u>4</u>
ASSESSABLE AMOUNT:	<u>\$46,785.61</u>

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 **\$46,785.61** will be fully assessable to the property owners.

ATTACHMENTS:

MAYOR: _____

COUNCIL ACTION: _____

FOLLOW-UP: _____ **AGENDA NO.** _____

BUILDING DEMOLITION NUMBER DMO 409

OWNERS NAME AND ADDRESS LISTING

<u>RELATED PARTY NAME</u>	<u>PROPERTY ADDRESS</u>	<u>ASSESSMENT AMOUNT</u>
BOLDEN, JULIOUS LEE EST.	719 19TH ST. S.	\$ 8,223.68
HAYES, GERARD MICHAEL	4900 20TH ST. N.	\$ 13,214.68
HILHORST, ADRIAN T. EST.	444 JOYCE TERR. N.	\$ 15,662.68
WELLS FARGO BANK NA TRE- PARK PLACE SECURITIES INC.	5016 4TH AVE. S.	\$ 9,684.57
TOTAL		\$ 46,785.61

BUILDING DEMOLITION NUMBER DMO 409
COST/FUNDING/ASSESSMENT INFORMATION

<u>CATEGORY</u>	<u>AMOUNT TO BE ASSESSED</u>
Demolition Cost	\$ 27,028.00
Asbestos Cost	\$ 17,833.50
Legal Ad	\$ 1,024.11
Engineer's Chg	\$ 0
Administrative Fee	\$ <u>900.00</u>
TOTAL:	\$ 46,785.61

ST. PETERSBURG CITY COUNCIL

MEETING OF: November 25, 2013

TO: COUNCIL CHAIR AND MEMBERS OF CITY COUNCIL

SUBJECT: Confirming Preliminary Assessment for Building Demolition Number **DMO 503**

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.

DMO:	<u>503</u>
NUMBER OF STRUCTURES:	<u>3</u>
ASSESSABLE AMOUNT:	<u>\$24,315.43</u>

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 **\$24,315.43** will be fully assessable to the property owners.

ATTACHMENTS:

MAYOR: _____

COUNCIL ACTION: _____

FOLLOW-UP: _____ **AGENDA NO.** _____

BUILDING DEMOLITION NUMBER DMO 503

OWNERS NAME AND ADDRESS LISTING

<u>RELATED PARTY NAME</u>	<u>PROPERTY ADDRESS</u>	<u>ASSESSMENT AMOUNT</u>
NAAR, ANSELMO	3934 14 TH AVE. S.	\$ 12,412.68
PARISH, LLOYD	805 PARIS AVE. S.	\$ 4,643.57
TOBLER, CLIFFIE R.	736 16 TH AVE. S.	\$ 7,259.18
TOTAL		\$ 24,315.43

BUILDING DEMOLITION NUMBER DMO 503
COST/FUNDING/ASSESSMENT INFORMATION

<u>CATEGORY</u>	<u>AMOUNT TO BE ASSESSED</u>
Demolition Cost	\$ 10,573.50
Asbestos Cost	\$ 12,304.00
Legal Ad	\$ 762.93
Engineer's Chg	\$ 0
Administrative Fee	\$ <u>675.00</u>
TOTAL:	\$ 24,315.43

A RESOLUTION ASSESSING THE COSTS OF DEMOLITION LISTED ON BUILDING DEMOLITION NOS. 409 AND 503 ("DMO 409 AND 503") 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 Nos. 409 and 503 ("DMO 409 and 503"); 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 November 25, 2013, to hear all persons who wished to be heard concerning this matter.

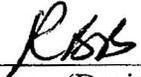
NOW THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council assesses the costs of the demolition listed on Building Demolition Nos. 409 and 503 ("DMO 409 and 503") as liens against the respective real property on which the costs were incurred and that pursuant 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)

Attached documents for item Ordinance 1053-V approving a vacation of the easements, right-of-ways and right-of-way easements within the northern 240 feet of the block fronting Gandy Boulevard in between Snug Harbor Drive and San Fernando Boulevard. (City file 13-33000005)



SAINT PETERSBURG CITY COUNCIL

Meeting of November 25, 2013

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

SUBJECT: Ordinance approving a vacation of the easements, right-of-ways and right-of-way easements within the northern 240 feet of the block fronting Gandy Boulevard in between Snug Harbor Drive and San Fernando Boulevard (Case No.: 13-33000005).

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

RECOMMENDED CITY COUNCIL ACTION:

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

The Request: The areas proposed for vacation are depicted on the attached maps (Attachments "A" and "B") and the surveyor's sketch (Attachment "C"). The alley between Snug Harbor Drive and San Fernando Boulevard will remain intact and is not part of the vacation request.

The applicant is Donaldson Family Partnership, LLP. The applicant's goal is to eliminate the various easements, right-of-ways and right-of-way easements within the northern 240 feet of the block (not including the alley) in order to assemble the land fronting Gandy Boulevard for redevelopment with a new light manufacturing use.

Discussion: Vacating these various encumbrances would be consistent with the criteria in the City Code and the Comprehensive Plan. Any public utility lines which will remain within the redevelopment site will be protected by appropriate easements. Any proposed modification to existing utilities will be at the applicant's expense. Through the replat process, the applicant can make the necessary arrangements for dedication of easements and/or relocation.

Given that the land is being assembled for a unified redevelopment project, the subject encumbrances are no longer necessary. The Engineering and Transportation Planning Departments have reviewed the proposed plan and agree that there is no present or future need for the easements to remain. The vacation, if approved, will not impair or deny access to any other lot of record beyond the boundaries of the redevelopment site or impact the existing roadway network. No changes are proposed to the alley serving the rear yards of the unincorporated residential lots to the south.

Approval of the vacation would be consistent with Transportation Element Policies T2.3 and 2.4, which support the elimination of unnecessary easements and right-of-ways to promote efficient use of land when not necessary for present or future public use. Vacation of these unnecessary encumbrances will facilitate land assembly and redevelopment of the site in a manner that is consistent with the CCS-1 zoning regulations.

Comments from Agencies: The application was routed to the standard list of 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.

DRC Action/Public Comments: On July 17, 2013, the Development Review Commission (DRC) held a public hearing on the subject application. Several residents from the unincorporated neighborhood to the south attended the hearing expressing concern regarding the potential loss of the alley which separates their properties from the redevelopment site. Staff explained that the DRC public notice contained an error which inaccurately included the alley as part of the area to be vacated, but that no changes to the alley were actually proposed. That clarification appears to have addressed the primary concerns expressed during the DRC hearing. The DRC voted to recommend approval to the City Council. Prior to writing this report, Staff contacted one of the concerned neighbors to verify whether there were any additional concerns. The neighbor advised that they have no further concerns, provided that no changes to the alley are proposed.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the requested vacation, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall replat the areas to be vacated, together with the rest of the land within the block. The applicant shall coordinate any necessary arrangements for existing public infrastructure or non-City utilities, including, but not limited to, dedication of any necessary easements, abandonment or relocation. The applicant shall be responsible for all required work and costs.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF ALL EASEMENTS, RIGHT-OF-WAYS AND RIGHT-OF-WAY EASEMENTS WITHIN THE NORTHERN 240 FEET OF THE BLOCK LOCATED SOUTH OF GANDY BOULEVARD AND BETWEEN SNUG HARBOR DRIVE AND SAN FERNANDO BOULEVARD; 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 are hereby vacated as recommended by the Administration and the Development Review Commission:

All easements, right-of-ways and right-of-way easements dedicated on the plat of SECTION "E" FLORIDA RIVIERA PLAT NO. 5, as recorded in Plat Book 17, Page 38, of the Public Records of Pinellas County, Florida, lying within Lots 1 through 22, Block 4, and lying within Block 6.

SECTION 2. The above-mentioned easements, right-of-ways and right-of-way easements are not needed for public use or travel.

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

1. Prior to recording the vacation ordinance, the applicant shall replat the areas to be vacated, together with the rest of the land within the block. The applicant shall coordinate any necessary arrangements for existing public infrastructure or non-City utilities, including, but not limited to, dedication of any necessary easements, abandonment or relocation. The applicant shall be responsible for all required work and costs.

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:

	10-15-13
Planning & Economic Development Dept.	Date
	10/14/13
City Attorney (Designee)	Date

LEGAL DESCRIPTION

All easements or rights-of-way dedicated on the plat of SECTION "E" FLORIDA RIVIERA, PLAT NO. 5, as recorded in Plat Book 17, Page 38, of the Public Records of Pinellas County, Florida, lying within Lots 1 through 22, Block 4, and lying within Block 6.

St. Petersburg, Florida

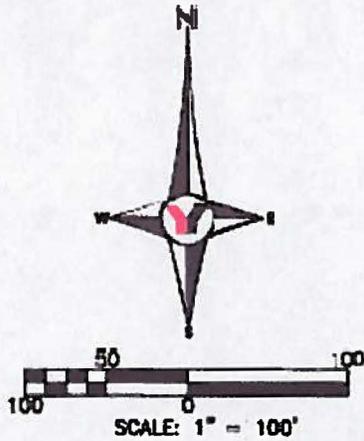
NOTES

1. Basis of Bearings: S.17°16'00"E. along the Easterly line of Block 6, SECTION "E" FLORIDA RIVIERA, PLAT NO. 5, as recorded in Plat Book 17, Page 38, Public Records of Pinellas County, Florida.
2. Pavement and sidewalk shown hereon were obtained from ALTA/ACSM Survey prepared by Ayuso Surveying, Inc., dated 08/23/2010, and were not field-located.
3. NOT A BOUNDARY SURVEY.
4. This sketch is a graphic illustration for informational purposes only and is not intended to represent a field survey.
5. This sketch is made without the benefit of a title report or commitment for title insurance.
6. Additions or deletions to survey maps and reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.
7. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGEND

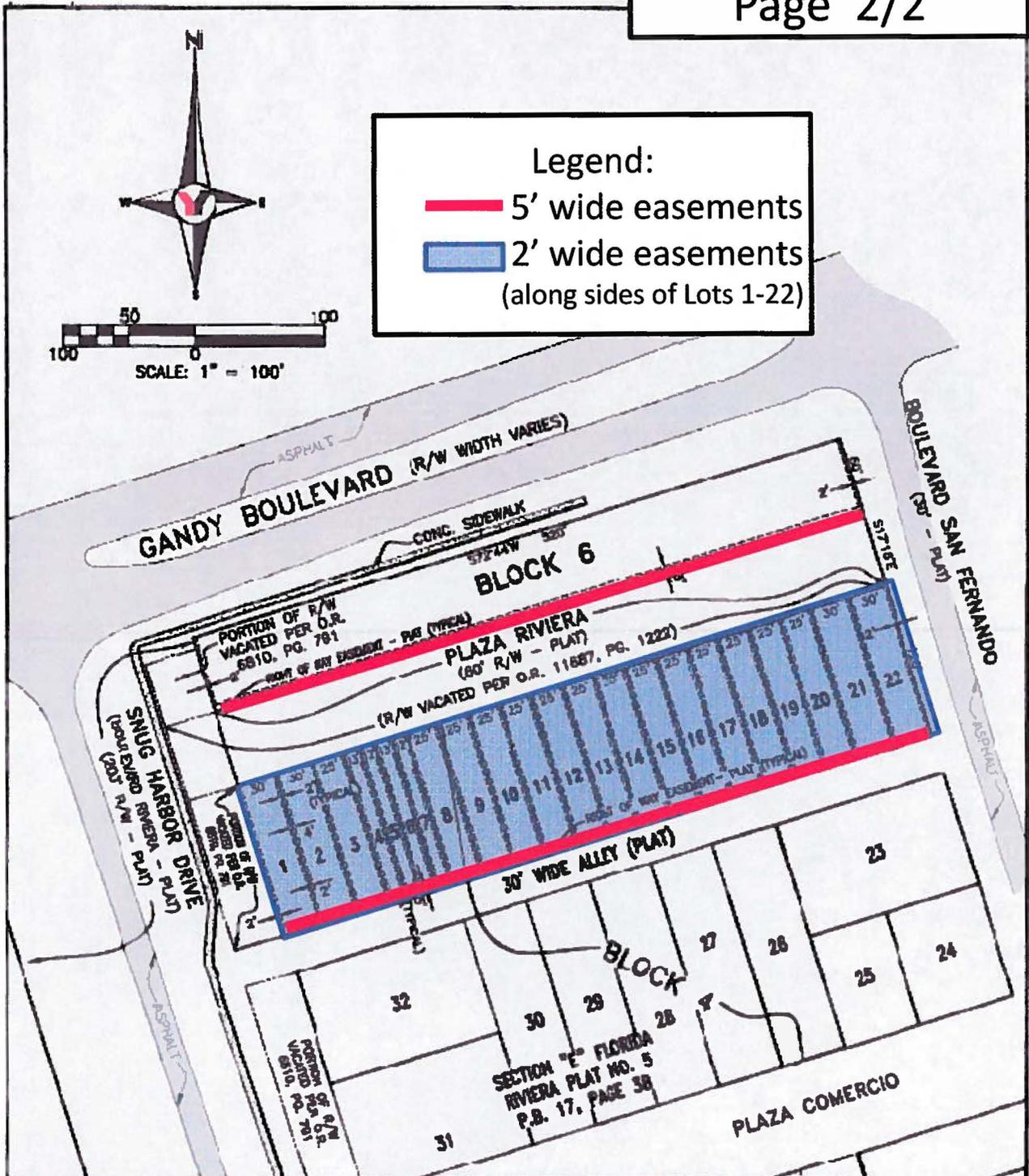
LB	Licensed Business	PG.	Page
LS	Land Surveyor	PSM	Professional Surveyor and Mapper
O.R.	Official Records Book	R/W	Right-of-way
P.B.	Plat Book	(R)	Record

PREPARED FOR: Donaldson Family Partnership, LLLP		LEGAL DESCRIPTION			BY	DATE	DESCRIPTION
		SECTION 7	TOWNSHIP 30 S	RANGE 7 E	REVISED		
CREW CHIEF	INITIALS	DATE	 <p style="margin: 0;">George F. Young, Inc. <small>290 DR. NORTH LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33710-4100 PHONE (727) 822-4307 FAX (727) 822-2030 LICENSED BUSINESS 1880 ARCHITECTURE - ENGINEERING - ENVIRONMENTAL - LANDSCAPE - PLANNING - SURVEYING - UTILITY GUNSMITH - LANDWOOD - RANCH - ORLANDO - PALM BEACH GARDENS - ST. PETERSBURG - TAMPA - VENICE</small></p>		JOB NO.		
DRAWN	VCM	04/23/13			SHEET NO.		
CHECKED	RMC	04/23/13			102		
FIELD BOOK	Notation & Circles PSM/LS 4858				102		
SCALE	DATE April 23, 2013		102				



Legend:

- 5' wide easements
- 2' wide easements
(along sides of Lots 1-22)



PREPARED FOR: Donaldson Family Partnership, LLLP		LEGAL DESCRIPTION SECTION 17 TOWNSHIP 30 S RANGE 17 E		BY:	DATE:	DESCRIPTION:
CREW CHIEF:	INITIALS:	DATE:	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <p>George F. Young, Inc. 280 DE WIRTH LANE, 4TH FL. STREET S. ST. PETERSBURG, FLORIDA 33701-3128 PHONE (727) 622-4317 FAX (727) 622-3974 LICENSED BUSINESS LICENSE ARCHITECTURE • ENGINEERING • ENVIRONMENTAL LANDSCAPE • PLANNING SURVEYING • UTILITIES ORNSVILLE • LAKEWOOD • MOON • ORLANDO • PINE BACH GARDENS • ST. PETERSBURG • TAMPA • YORBA</p> </div> <div style="text-align: right;"> <p>JOB NO 120133025C</p> <p>SHEET NO 2 OF 2</p> </div> </div>			
DRAWN:	DATE:	SEE SHEET 1 FOR LEGAL DESCRIPTION, NOTES, LEGEND, SIGNATURE AND SEAL				
CHECKED:	DATE:					
FIELD BOOK:	SCALE:					

Attached documents for item Ordinance 1054-V approving a vacation of the cul-de-sac at the terminus of Hartford Street North in the block bound by 34th Street North, 36th Avenue North, 35th Street North and 38th Avenue North. (City File 12-33000012)



SAINT PETERSBURG CITY COUNCIL

Meeting of November 25, 2013

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

SUBJECT: Approving the vacation of the cul-de-sac at the terminus of Hartford Street North in the block bound by 34th Street North, 36th Avenue North, 35th Street North and 38th Avenue North (City File No.: 12-33000012).

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

RECOMMENDED CITY COUNCIL ACTION:

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

The Request: The request is to vacate the existing cul-de-sac right-of-way at the northern end of Hartford Street North, which is located within the block bound by 38th Avenue North, 36th Avenue North, 34th Street North and 35th Street North. The area proposed for vacation is depicted on the attached maps (Attachments "A" and "B"). The applicant proposes to replace the large cul-de-sac (Attachment "C") with a smaller T-shaped turnaround feature (Attachment "D"). The purpose of the requested vacation is to accommodate the redevelopment of the site with a new fuel station and convenience store use (Attachment "E").

Background: The applicant's goal is to eliminate the larger cul-de-sac feature and replace it with a T-shaped turnaround, which will consume less of the total land area and can better accommodate redevelopment of the land to the north. The vacation was originally approved by the City Council on January 24, 2013 (Ordinance 1043-V). During the subsequent replatting process, the surveyor discovered a minor spelling error in the legal description submitted by the project engineer. The corrected legal description has been incorporated into this ordinance for Council approval. The special conditions noted in this report and the attached ordinance are consistent with those in Ordinance 1043-V.

Agency Review & Comments: The application was previously determined to be consistent with the criteria in the City Code for vacation. Those circumstances have not changed. Moreover, there are no objections from other City departments or non-City utility providers.

Public Notice & Public Comments: The applicant previously provided public notices in advance of the DRC and City Council hearings. The applicant will also provide a new public notice in advance of this next City Council hearing. Previously expressed concerns from an owner of a duplex on the southwest side of the existing cul-de-sac were addressed in the special conditions of Ordinance 1043-V. Those same conditions are set forth in this new ordinance. In advance of this report to Council and the provision of the new public notice, staff has contacted the owner of the nearby property to explain what is occurring now and answer any questions. As of the date of this report, no further questions or concerns have been noted.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the partial street vacation, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall replat the vacated right-of-way, together with the abutting private land proposed for redevelopment. The replat shall comply with the requirements of all affected City departments and outside utility agencies.
2. The applicant shall be responsible for all plans, applications, permits, work, inspections and costs associated with satisfying the conditions of this vacation.
3. The platting process shall include review and approval of the design for the proposed T-shaped turnaround. The final design of the turnaround shall be subject to review and approval by the City.
4. The applicant shall install and maintain the landscaping and buffering improvements depicted on the attached site plan (EXHIBIT "B").
5. All required improvements associated with the vacation and replat shall be completed prior to the City Clerk recording the vacation ordinance or the applicant recording the final plat.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VACATION OF THE CUL-DE-SAC AT THE TERMINUS OF HARTFORD STREET NORTH IN THE BLOCK BOUND BY 34TH STREET NORTH, 36TH AVENUE NORTH, 35TH STREET NORTH; REPEALING CITY ORDINANCE 1043-V; 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:

SEE EXHIBIT "A"

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

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

1. Prior to recording the vacation ordinance, the applicant shall replat the vacated right-of-way, together with the abutting private land proposed for redevelopment. The replat shall comply with the requirements of all affected City departments and outside utility agencies.
2. The applicant shall be responsible for all plans, applications, permits, work, inspections and costs associated with satisfying the conditions of this vacation.
3. The platting process shall include review and approval of the design for the proposed T-shaped turnaround. The final design of the turnaround shall be subject to review and approval by the City.
4. The applicant shall install and maintain the landscaping and buffering improvements depicted on the attached site plan (EXHIBIT "B").
5. All required improvements associated with the vacation and replat shall be completed prior to the City Clerk recording the vacation ordinance or the applicant recording the final plat.

SECTION 4. City ordinance 1043-V approved on January 24, 2013 (City File No. 12-33000012) is hereby repealed.

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 SUBSTANCE:



Planning & Economic Development 10-18-13
Date



City Attorney (Designee) 10/21/13
Date

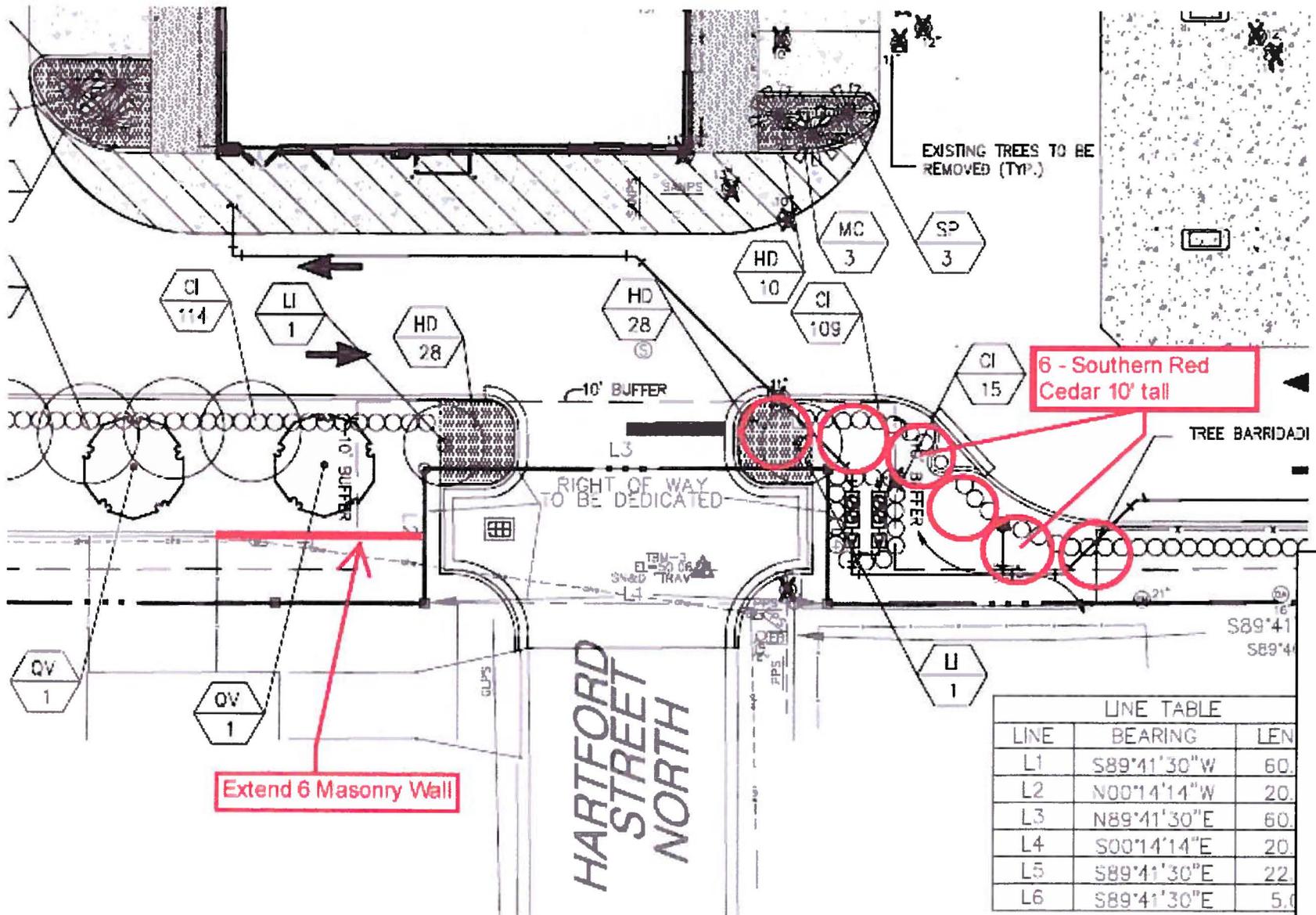
Exhibit "A"

LEGAL DESCRIPTION- VACATION OF HARTFORD STREET NORTH

BEING ALL OF THE RIGHT OF WAY OF HARTFORD STREET NORTH AS SHOWN ON THE PLAT ENTITLED "REPLAT OF LINDY'S CORNER" RECORDED IN PLAT BOOK 112 PAGE 73 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, ALSO BEING IN A PORTION OF SECTION 10, TOWNSHIP 31 SOUTH, RANGE 16 EAST, CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH EAST CORNER OF LOT 2, BLOCK 1 OF THE PLAT ENTITLED "REPLAT OF LINDY'S CORNER" RECORDED IN PLAT BOOK 112 PAGE 73 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, THENCE SOUTH $89^{\circ}41'30''$ WEST ALONG THE SOUTH LINE OF SAID LOT 2 193.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $89^{\circ}41'30''$ WEST 77.09 FEET TO A NON TANGENT CURVE TO THE RIGHT BEING THE WESTERLY RIGHT OF WAY OF HARTFORD STREET NORTH; THENCE NORTHEASTERLY ALONG THE SAID WESTERLY RIGHT OF WAY AND THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 119.93 FEET, A DELTA OF $137^{\circ}25'51''$ AND A CHORD BEARING AND DISTANCE OF NORTH $21^{\circ}00'01''$ EAST 93.18 FEET, THENCE NORTH $89^{\circ}42'56''$ EAST ALONG THE NORTH RIGHT OF WAY OF SAID HARTFORD STREET 43.34 FEET TO THE NORTHEAST CORNER OF SAID RIGHT OF WAY; THENCE SOUTH $00^{\circ}14'14''$ EAST ALONG SAID EASTERN RIGHT OF WAY 86.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,379 SQUARE FEET OR 0.1694 ACRES MORE OR LESS.



Extend 6 Masonry Wall

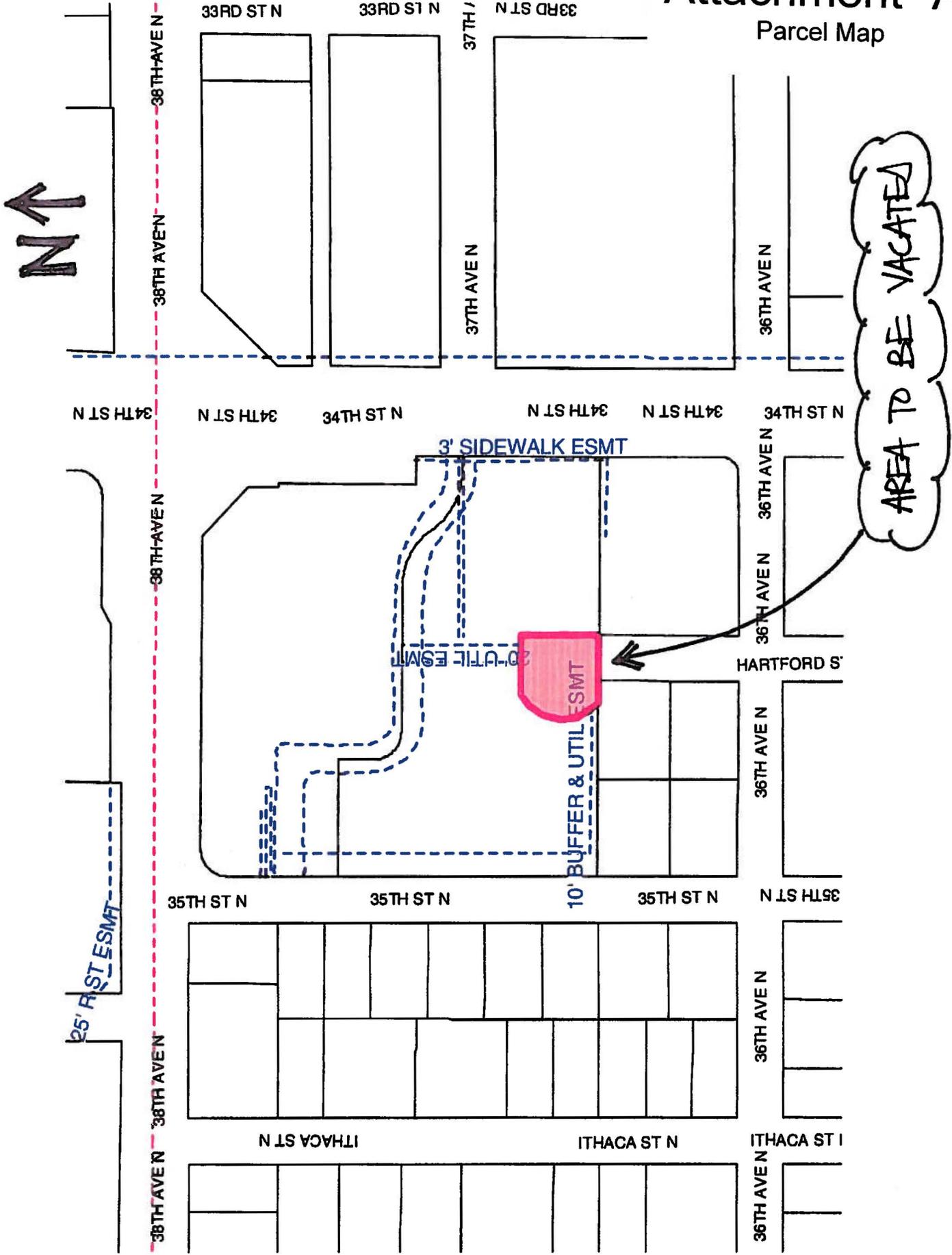
6 - Southern Red Cedar 10' tall

LINE TABLE		
LINE	BEARING	LEN
L1	S89°41'30"W	60.
L2	N00°14'14"W	20.
L3	N89°41'30"E	60.
L4	S00°14'14"E	20.
L5	S89°41'30"E	22.
L6	S89°41'30"E	5.0

Exhibit "B"

Attachment "A"

Parcel Map



Attachment "B"

Aerial Map



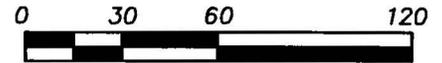
AREA TO BE VACATED

THIS IS NOT A SURVEY

NOTES: THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE POLICY. THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. BASIS OF BEARINGS: THE EAST RIGHT OF WAY OF 35 STREET BEING NORTH 00°20'31"WEST

Attachment "D"

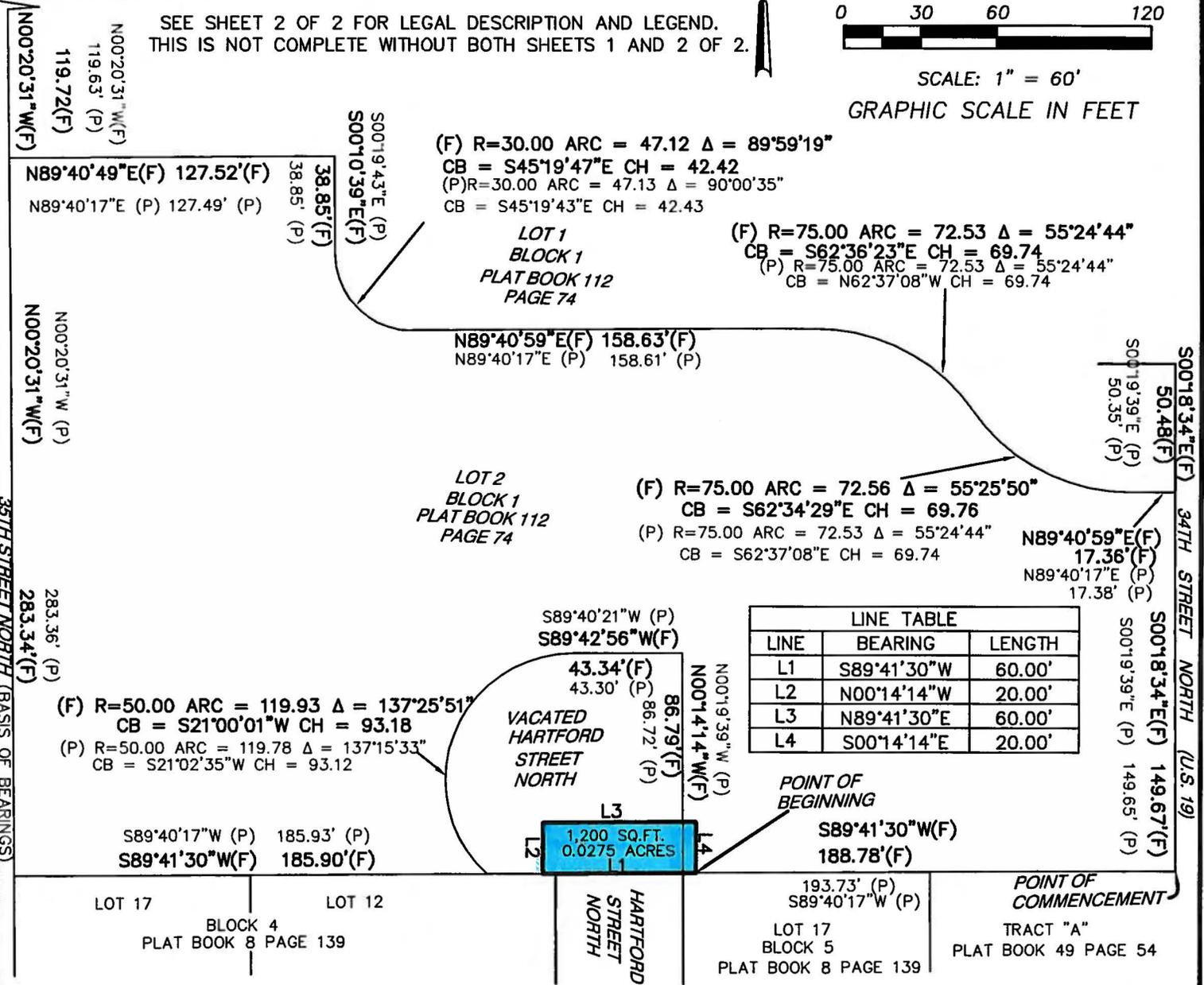
Proposed T-turnaround



SCALE: 1" = 60'

GRAPHIC SCALE IN FEET

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND LEGEND. THIS IS NOT COMPLETE WITHOUT BOTH SHEETS 1 AND 2 OF 2.



NOTE: THE GEOMETRY PERTAINING TO THE PARCEL OF LAND BEING DESCRIBED HEREIN (THE DESCRIPTION) IS BASED UPON A FIELD BOUNDARY SURVEY OF LOT 2 BY AVID GROUP.

PREPARED FOR: PREPARED FOR AGREE

SHEET DESCRIPTION: LEGAL DESCRIPTION AND SKETCH FOR DEDICATED PORTION OF HARFORD STREET NORTH

SCALE: 1"=60'	DRAWN: JLW	CHECKED: JLW	COUNTY: PINELLAS
JOB NO. 3066003	DATE: 07/16/12	SECTION: 10	TOWNSHIP: 31S RANGE: 16E

CERTIFIED AS TO SKETCH AND LEGAL DESCRIPTION SKETCH AND LEGAL DESCRIPTION OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER FLORIDA CERTIFICATE OF AUTHORIZATION No. 7345



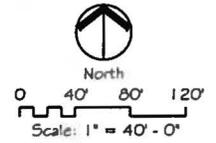
CIVIL ENGINEERING 2300 CURLEW ROAD STE 201
 LAND PLANNING PALM HARBOR, FLORIDA 34683
 TRAFFIC/TRANSPORTATION 34683
 ENVIRONMENTAL SCIENCES PHONE (727) 789-9500
 SURVEYING FAX (727) 784-6662
 GIS AVIDGROUP.COM

JOHN L. WABY
 PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER #4270
 STATE OF FLORIDA



38th AVE N
ST. PETERSBURG, FL

CONCEPT PLAN A2



SITE DATA TABLE

TOTAL PROJECT ACREAGE:
2.17 ACRES

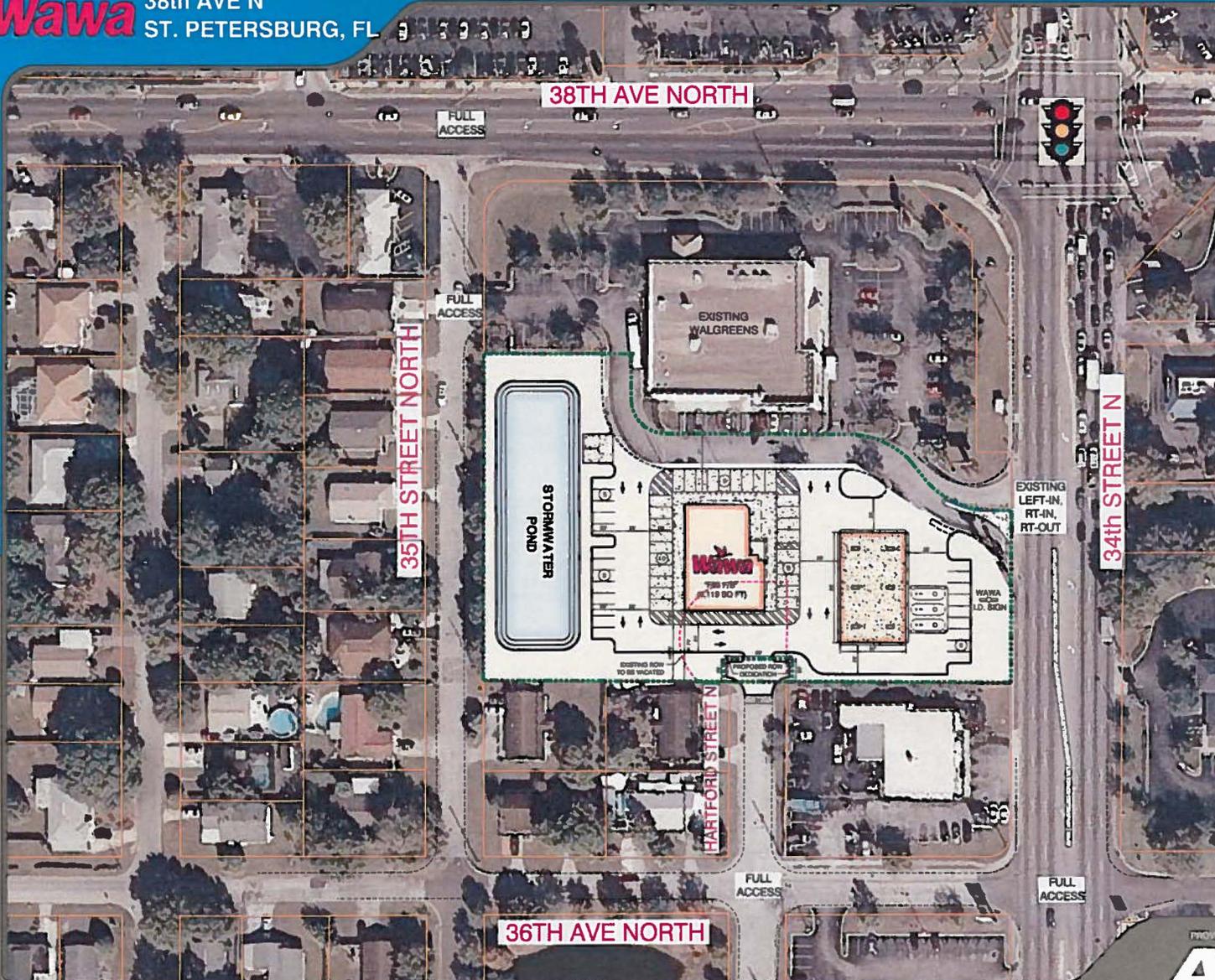
JURISDICTION:
CITY OF ST PETERSBURG, FLORIDA

PROPERTY ZONING:
ZONED COSH (PROPOSED USE
REQUIRES A "SPECIAL EXCEPTION"
APPROVAL)

PROPOSED DENSITY:
6,119 SF

PARKING (REQUIRED):
5 PARKING SPACE PER 1000 SF OF
FLOOR AREA
6119 SF/200 = 31 SPACES REQUIRED
50 SPACES PROVIDED

- NOTES:
1. CONCEPT PLAN DOES NOT INCLUDE ADDITIONAL STORMWATER TREATMENT AREA THAT MAY BE REQUIRED TO PROVIDE NUTRIENT LOAD REDUCTION UNDER THE PENDING FDEP STORMWATER TREATMENT RULE CHANGE.
 2. ROW VACATION NEEDED LAYOUT ASSUMES VACATION OF EXISTING ROW AND DEDICATION OF NEW ALLEY AS SHOWN.
 3. MAY REQUIRE A RE-PLAT TO VACATE ROW.
 4. FENCE MAY NEED TO BE INSTALLED ON THE ADJUTING RESIDENTIAL LOTS.



THIS CONCEPT PLAN IS A PRELIMINARY DESIGN AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE PROJECT AS A RESULT OF ANY DELAY OR OMISSION BY THE CLIENT.

PROJECT NUMBER: 1010-423
SCALE: 1" = 40' DATE: 02-10-2011
DRAWN BY: MADDEN CHECKED BY: DUBSON

PREPARED FOR
AGREE REALTY CORPORATION



Attachment "E"
Proposed Site Plan
Wawa Convenience Store

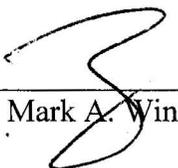
Attached documents for item Ordinance 94-H amending the St. Petersburg City Code; prohibiting loud and raucous noise emanating from motor vehicles in the right of way; and clarifying the definition of privately owned outdoor places.

MEMORANDUM

TO: The Honorable Chair and City Council Members
FROM: Mark A. Winn, Chief Assistant City Attorney
DATE: October 15, 2013
RE: Proposed Ordinance relating to noise from motor vehicles

Attached please find a proposed ordinance that makes amendments to the City's Noise Ordinance in Chapter 11 to regulate noise emanating from motor vehicles in the right of way. The State Statute regulating this type of sound was recently declared unconstitutional. The ordinance also amends a definition to clarify the situations it applies to.

If you wish to enact this regulation, I recommend that you conduct first reading of this ordinance on November 7 and schedule a public hearing for your next regular Council meeting. If you have any questions, please feel free to contact me.



Mark A. Winn

Attachment

00183176

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE; PROHIBITING LOUD AND RAUCOUS NOISE EMANATING FROM MOTOR VEHICLES IN THE RIGHT OF WAY; CLARIFYING THE DEFINITION OF PRIVATELY OWNED OUTDOOR PLACES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has a compelling interest in protecting the public from excessively loud music, as recognized by the Florida Supreme Court in *State v. Catalano*, 104 So.3d 1069 (Fla. 2013); and,

WHEREAS, the Florida Supreme Court has held that the "plainly audible" standard is not an unconstitutionally vague standard; and,

WHEREAS, excessive noise can be detrimental to the public health, welfare, safety, and tranquility; and,

WHEREAS, excessively loud music within a motor vehicle can inhibit the driver's ability to hear, which could include hearing sirens for emergency vehicles; and,

WHEREAS, the City may regulate excessive noise, even in a public forum, to protect its significant and compelling interest in prohibiting excessive noise and providing for traffic safety; and,

WHEREAS, this issue is more acute in the later night hours because there are lower levels of ambient noise; and

WHEREAS, the City finds that violations of the prohibition of excessive noise emanating from motor vehicles are a threat to the public health, safety and welfare.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 11-53(1) of the St. Petersburg City Code is hereby amended to read as follows:

(1) Motor vehicles in the vehicular travel portion of a right of way.

- a. Operating or amplifying the sound produced by a radio, tape or compact disc player, or other mechanical or electronic sound-making device or instrument from within a motor vehicle which is located in the paved or vehicular travel portion of a right of way, including parking areas in the right of way, so that the sound is plainly audible at a distance of 100 or more feet from the motor vehicle to any person other than the operator and any passengers in the motor vehicle between the hours of 8:00 a.m. and 11:00 p.m.
- b. Operating or amplifying the sound produced by a radio, tape or compact disc player, or other mechanical or electronic sound-making device or instrument from within a motor vehicle which is located in the paved or vehicular travel portion of a right of way, including parking areas in the right of way, so that the sound is plainly audible at a distance of 50 feet or more from the motor vehicle to any person other than the operator

and any passengers in the motor vehicle between the hours of 11:00 p.m. and 8:00 a.m. the following morning.

- c. Operating a motor vehicle not equipped with a muffler, or other sound dissipative device required by any applicable law, in good working condition so as to effectively prevent loud or explosive noise, so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle to any person other than the operator and any passengers in the motor vehicle between the hours of 11:00 p.m. and 8:00 a.m. the following morning.
- d. The provisions of this section shall not apply to any law enforcement vehicle equipped with any communications device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.
- e. The provisions of this section do not apply to the sounds made by a horn or other warning device required or permitted by any applicable law.
- f. The restrictions described herein are greater than those set forth in the following subsection (2), Publicly owned outdoor places including the right of way, and in the event of a conflict concerning a motor vehicle in the paved or vehicular travel portion of a right of way including parking areas in the right of way, the restrictions set forth herein shall govern.

SECTION 2. The definition of "privately-owned outdoor place" in Section 11-47 are hereby amended to read as follows:

Privately owned outdoor place means any real property and the outside of structures thereon, that is owned or controlled by a private person or other private entity, including any publicly owned outdoor place that is leased to a private person or private entity (or for which they have received a long term permit to use, e.g. sidewalk cafes, sidewalk retail areas, pushcart vending locations) but does not include any publicly owned outdoor place that a private person or private entity has received a temporary permit to use (e.g., park or street closure permit).

SECTION 3. Words in struck-through type shall be deleted. Underlined words constitute new language that shall be added. Provision not specifically amended shall continue in full force and effect.

SECTION 4. 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 5. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect

immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

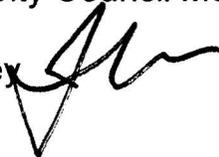
Approved as to form and content:



City Attorney (designee)

Attached documents for item Ordinance 95-H amending the Weeki Wachee Ordinance.

M E M O R A N D U M

TO: The Honorable Chair and City Council Members
FROM: John C. Wolfe, City Attorney 
DATE: November 18, 2013
RE: Weeki Wachee Ordinance Amendment
(November 25, 2013 Council Item J-7)

=====

The current Weeki Wachee Ordinance is attached as Exhibit A. At the City Council meeting of November 7, 2013 the ordinance shown as Exhibit B was distributed to you.

I have made further clarifications to the ordinance by making additional changes for your consideration for second reading and final adoption. Exhibit C shows the difference between the ordinance presented on first reading and the ordinance being presented to you for second reading.

Exhibit D shows the difference between the current ordinance and the ordinance before you for second reading. Because it is rather hard to read with all of the changes, I have also provided you with a clean copy of the ordinance. If you agree with the proposed amendments as shown in the clean copy of the ordinance (Exhibit E), I recommend that you pass this version of the ordinance.

Attachments:

- Exhibit A - Existing ordinance.
- Exhibit B - Ordinance presented at first reading showing changes from original.
- Exhibit C - Ordinance difference between the ordinance presented on first reading and the ordinance being presented for second reading
- Exhibit D - Ordinance showing difference between existing ordinance and ordinance presented for second reading.
- Exhibit E - Clean version of ordinance presented for second reading.

EXHIBIT "A"

Sec. 21-118. Definitions.

The below listed words shall have the following definitions when used in this article:

Interest income means any and all interest earned on monies in the WWF (as that term is hereinafter defined) and all interest that has been earned on the proceeds (as that term is hereinafter defined) until the time the WWF is established.

OMTY means the estimated cost of ten years worth of operation and maintenance for a given project reduced to present value.

OMTY fund means the fund into which the OMTY is deposited together with any interest earned on funds in the OMTY. At the option of the Mayor, the OMTY fund need not be a separate fund but may be a designation within the WWF.

Penny for Pinellas program means the program funded by the City's share of the one cent of sales tax (i.e., infrastructure surtax) in Pinellas County imposed pursuant to section 212.055 of the State statutes (F.S. § 212.055).

Principal, at any given time, means the proceeds (as that term is hereinafter defined) minus any amount of money spent from the WWF specifically designated as being spent from the principal, plus any money returned to the WWF specifically designated as being credited to the principal, plus any money donated or added to the principal from other sources, and any money added to the principal from the interest income existing within the WWF (as hereinafter defined). Money added to the principal from the interest income existing within the WWF shall be done by resolution in accordance with section 21-124.

Proceeds means the money received from the sale of the City's Weeki Wachee properties in the year 2001 in the amount of \$14,440,646.50.

Referendum means the March 1999 referendum wherein the voters of the City approved the sale of that portion of the Weeki Wachee property owned by the City west of U.S. 19.

Referendum categories means those purposes listed in the referendum for which the money received from the sale of the property west of U.S. 19 would be used, which are: parks, recreation, beautification and preservation.

Weeki Wachee Fund (WWF) means the fund into which the proceeds, monies returned to the WWF and all interest income are deposited.

(Code 1992, § 21-100; Ord. No. 530-G, § 1, 4-4-2002; Ord. No. 877-G, § 1, 5-1-2008)

Sec. 21-119. Criteria for the use of monies in the Weeki Wachee Fund.

- (a) Monies in the WWF shall only be used for the purposes which fall within the referendum categories.
- (b) Monies in the WWF shall only be used to fund capital projects and the OMTY associated therewith.
- (c) Monies in the WWF shall only be used for new projects or project enhancements and shall not be used to supplant other approved sources of funding.
- (d) When monies in the WWF are used for a project identified in the Penny for Pinellas program, such monies shall only be used for expansion of the scope of the project beyond the level anticipated at the time of the Penny for Pinellas renewal referendum.
- (e) Only interest income shall be budgeted and expended unless the procedure in subsection (f) of this section is followed.
- (f) No portion of the principal shall be expended from the WWF unless City Council approves a resolution authorizing such expenditure by an affirmative vote of at least six members of City Council following a public hearing on the matter which has been advertised at least ten days in advance in a newspaper of general circulation in the City.
- (g) Monies in the WWF shall only be used for City-owned projects constructed on land owned or controlled by the City. This provision shall not prohibit the use of monies in the WWF from being used as part of a project that includes both public and private participation provided that the project otherwise meets the criteria of this article and provided that such project is approved by a resolution receiving an affirmative vote of at least six members of City Council.
- (h) When monies in the WWF are used for a project that requires ongoing operating and maintenance costs, the OMTY shall be included in the cost of the project and shall be funded from the WWF.
- (i) Only projects that have been approved in accordance with the process contained in section 21-120 may be funded with monies from the WWF, provided however, the requirement contained in section 21-120(f) may be waived upon approval of a resolution receiving an affirmative vote of at least six members of the City Council.
- (j) No monies from the WWF shall be used for private developer environmental mitigation or preservation projects.
- (k) No monies from the WWF shall be used for environmental mitigation or preservation projects on City-owned or controlled property unless such property was purchased with monies from the WWF.
- (l) The requirements contained in subsections (j) and (k) of this section may be waived upon approval of a resolution receiving an affirmative vote of at least six members of City Council.
- (m) It is the intent of the City Council in establishing the WWF that the principal is never

to be used except in case of emergency or extreme circumstances and then only if there is a guaranteed short term payback of the money expended from the principal.

(Code 1992, § 21-101; Ord. No. 530-G, § 1, 4-4-2002)

Sec. 21-120. Weeki Wachee Fund Allocation and project selection process.

- (a) A proposed project, in order to be considered, must be formally recommended in writing to City Council by a City Council member or the Mayor.
- (b) All proposed projects shall include estimates of all related capital costs together with the OMTY. Projects with no OMTY or a very low OMTY shall be considered preferred projects and their ranking in the selection process shall reflect this preference.
- (c) The project selection and fund allocation process shall be undertaken by City Council sitting as a committee of the whole which shall make a recommendation to City Council for formal action of approval.
- (d) When a project is approved, a specific determination shall be made by City Council with respect to which of the four referendum categories the project qualifies.
- (e) In the project selection and fund allocation process, City Council's goal shall be to achieve over time an equitable distribution of monies.
- (f) City Council shall approve projects and allocations of monies from the WWF on a two-year cycle corresponding to the updating and extension of the City's capital improvement program (CIP).
- (g) The allocation of WWF money in the manner prescribed by subsection (f) of this section or in any other manner authorized by this article shall not be considered an appropriation and no money may be spent from the WWF until it has been appropriated.
- (h) Projects may be approved based on expected future interest income only if the expected future interest income is projected to be received during a period not exceeding two years from the date of such approval. However, all approved projects must be fully funded by an appropriation at the time a construction contract is entered into or the construction contract must have a phasing schedule which allows for termination at the end of any phase without a penalty if the appropriated money is not sufficient to cover the cost of the full contract, and further provided that no phase shall be permitted to begin until there is sufficient monies appropriated from the WWF to pay for that phase.
- (i) Any appropriation of money from the WWF shall be approved by a majority vote of City

Council. Any such appropriation shall only be for projects approved in accordance with this article. The total appropriation for an approved project from the WWF shall not exceed the allocation approved by City Council in accordance with this article.

- (j) No appropriation may be approved to begin a WWF funded project until the OMTY has been appropriated for all completed WWF funded projects.

(Code 1992, § 21-102; Ord. No. 530-G, § 1, 4-4-2002)

Sec. 21-121. Return of monies to the WWF.

- (a) If the money appropriated from the WWF exceeds the project cost, any money remaining at the completion of the project, except for the OMTY fund, shall be returned to the WWF. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF interest income.
- (b) In the event that any real or personal property which has been purchased or constructed with money from the WWF is disposed of by the City, such disposition must be approved by a resolution receiving an affirmative vote of at least six members of City Council and all funds received from such sale shall be returned to the WWF along with any money remaining in the OMTY fund for that part of the project that was disposed of. Any such disposition must be for fair market value. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF interest income. If the disposition involves a land swap as part of the fair market value return, the property received must either be used for purposes consistent with the referendum categories or sold and the proceeds credited to the WWF as heretofore provided for in this subsection. If the property is retained to be used for purposes consistent with the referendum categories and is later sold, the proceeds must be credited to the WWF as if the property was originally purchased with monies from the WWF.

(Code 1992, § 21-103; Ord. No. 530-G, § 1, 4-4-2002)

Sec. 21-122. Project identification and reports.

- (a) Each project constructed with monies from the WWF shall include signs that ensure the public is aware that the project was funded by the WWF.
- (b) The Mayor shall prepare and transmit to City Council an annual report detailing the financial status of the WWF, the amount of money expended from the WWF in each of the referendum categories, the progress of projects funded by the WWF and for all

completed projects the status of the OMTY fund for each such project. In ascertaining the status of each OMTY fund for this report, the actual earnings within the fund and the actual operation and maintenance cost experienced by the project shall be factored into the projection of any surplus or deficiency in the fund.

(Code 1992, § 21-104; Ord. No. 530-G, § 1, 4-4-2002)

Sec. 21-123. OMTY fund shortfalls or overages.

- (a) In the event the report required by section 21-122(b) indicates that the OMTY fund for any project does not have sufficient funds to provide the required ten years' worth of operation and maintenance for that project, the monies required to make up the insufficiency shall be of the highest priority in future appropriations from the WWF.
- (b) In the event the report required by section 21-122(b) indicates that the OMTY fund for a particular project contains more money than is needed to provide the required ten years' worth of operation and maintenance for that project, the surplus funds may be returned to the WWF fund, be appropriated to a project OMTY fund that has been determined to have insufficient funds or may remain in the project OMTY fund that has the surplus to pay for operation and maintenance for that project beyond the required ten year period. Such determination shall be by a majority vote of City Council. If no majority of City Council votes for any option, then the surplus shall remain in the OMTY fund. If any such funds are returned to the WWF, they shall be credited in the same manner as is required by section 21-121(a).

(Code 1992, § 21-105; Ord. No. 530-G, § 1, 4-4-2002)

Sec. 21-124. Adding funds to the principal from interest income in the WWF.

- (a) Notwithstanding any other provision of this article, in the event a City Council member or the Mayor wishes to add funds to the principal at any time from interest income in the WWF such a recommendation can be approved pursuant to the provisions of this section.
- (b) In the event the City Council Member or the Mayor wishes to add funds to the Principal from interest income in the WWF, such person shall make that recommendation in writing to City Council.
- (c) If City Council desires to pursue the recommendation, the fund allocation process shall be undertaken by City Council sitting as a committee of the whole, which committee shall make a recommendation to City Council for formal action of approval.
- (d) Approval of the recommendation of the committee of the whole, by City Council, shall require approval of a resolution receiving an affirmative vote of at least six members of City Council.

- (e) Once approved, the resolution cannot be rescinded and the principal shall remain increased by the amount approved in accordance with this section. This subsection shall not be interpreted to and does not nullify or supersede the authorized uses of the principal as provided for in other sections of this article.

(Ord. No. 877-G, § 2(21-106), 5-1-2008)

EXHIBIT "B"

10/25/2013 12:15 PM

AN ORDINANCE OF THE CITY OF ST PETERSBURG, FLORIDA, PROVIDING FOR AN AMENDMENT OF ARTICLE IV OF CHAPTER 21 OF THE ST. PETERSBURG CITY CODE THE SUBJECT OF WHICH ARTICLE IS THE WEEKI WACHEE FUND; PROVIDING FOR THE CLARIFICATION AND THE ADDITION OF CERTAIN DEFINITIONS; PROVIDING FOR AN AMENDED METHOD OF ESTABLISHING A LIST OF PROPOSED PROJECTS TO BE FUNDED FROM THE WEEKI WACHEE FUND; PROVIDING FOR AN AMENDMENT TO THE CRITERIA FOR ELIGIBLE PROJECTS; PROVIDING FOR AN AMENDED METHOD FOR APPROVAL OF WEEKI WACHEE PROJECTS; PROVIDING FOR NEW SECTIONS TO BE ADDED TO THE ARTICLE TO PROVIDE FOR, AMONG OTHER THINGS, A METHOD TO TEMPORARILY SET ASIDE FUNDS FOR A PROPOSED PROJECT AND A METHOD TO OVERRIDE THE RECOMMENDATION OF THE COMMITTEE OF THE WHOLE; PROVIDING FOR GENERAL CLARIFICATIONS THROUGHOUT THE ARTICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Article IV of Chapter 21 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 21-118. Definitions.

The below listed words shall have the following definitions ascribed to them when used in this article: except where the context of their use clearly indicates a different meaning.

Interest

Available investment income means the current value of the WWF (as that term is later defined herein) less the principal (as that term is later defined herein)

Investment income means the net of any and all interest monies earned on through the investment of the monies in the WWF (as that term is hereinafter defined) and all interest that has been earned on the proceeds (as that term is hereinafter defined) until the time the WWF is established.

OLNC means the official list of proposed projects not yet approved for commencement pursuant to this article

OMTY means the estimated cost of ten years worth of operation and maintenance for a given project reduced to present value.

OMTY fund means the fund into which the OMTY is deposited together with any ~~interest~~ income earned on by investment of the funds in the OMTY. At the option of the Mayor, the OMTY fund need not be a separate fund but may be a designation within the WWF. If this option is elected, the money designated as being in the OMTY shall not be considered as part of the WWF for interpreting the other portions of this article.

Penny for Pinellas program means the program funded by the City's share of the one cent of sales tax (i.e., infrastructure surtax) in Pinellas County imposed pursuant to section 212.055 of the State statutes (F.S. § 212.055).-

Principal, at any given time, means the proceeds (as that term is hereinafter defined) minus any amount of money spent from the WWF specifically designated as being spent from the principal, plus any money returned to the WWF specifically designated as being credited to the principal, plus any money donated or added to the principal from other sources, and any money added to the principal from the ~~interest~~ available investment income existing within the WWF (as hereinafter defined). Money added to the principal from the ~~interest~~ available investment income existing within the WWF shall be done by resolution in accordance with section 21-124.

Proceeds means the money received from the sale of the City's Weeki Wachee properties in the year 2001 in the amount of \$14,440,646.50.-

Referendum means the March 1999 referendum wherein the voters of the City approved the sale of that portion of the Weeki Wachee property owned by the City west of U.S. 19.

Referendum categories means those purposes listed in the referendum for which the money received from the sale of the property west of U.S. 19 would be used, which are: parks, recreation, beautification and preservation.

WWF means the Weeki Wachee Fund ~~(WWF) means the fund into which the proceeds, is the fund, consisting of the principal; and the available investment income less any monies in the OMTY, and less any monies appropriated from the WWF pursuant to this article and not returned to the WWF and all interest income are deposited.~~

Sec. 21-119. Criteria for the use of monies in the Weeki Wachee Fund.

- (a) Monies in the WWF shall only be used for the purposes which fall within the referendum categories.
- (b) Monies in the WWF shall only be used to fund capital projects and the OMTY

- associated therewith.
- (c) Monies in the WWF shall only be used for new projects or project enhancements and shall not be used to supplant other approved sources of funding.
 - (d) When monies in the WWF are used for a project identified in the Penny for Pinellas program, such monies shall only be used for expansion of the scope of the project beyond the level anticipated at the time of the Penny for Pinellas renewal referendum.
 - (e) Only interest available investment income shall be budgeted and expended unless the procedure in subsection (f) of this section is followed.
 - (f) No portion of the principal shall be expended from the WWF unless City Council approves a resolution authorizing such expenditure by an affirmative vote of at least six members of City Council following a public hearing on the matter which has been advertised at least ten days in advance in a newspaper of general circulation in the City.
 - (g) Monies in the WWF shall only be used for City-owned projects constructed on land owned or controlled by the City. This provision shall not prohibit the use of monies in the WWF from being used as part of a project that includes both public and private participation provided that the project otherwise meets the criteria of this article and provided that such project is approved by a resolution receiving an affirmative vote of at least six members of City Council.
 - (h) When monies in the WWF are used for a project that requires ongoing operating and maintenance costs, the OMTY shall be included in the cost of the project and shall be funded from the WWF.
 - ~~(i) Only projects that have been approved in accordance with the process contained in section 21-120 may be funded with monies from the WWF, provided however, the requirement contained in section 21-120(f) may be waived upon approval of a resolution receiving an affirmative vote of at least six members of the City Council.~~
 - ~~(i)~~ (i) No monies from the WWF shall be used for private developer environmental mitigation or private developer preservation projects.
 - (kj) No monies from the WWF shall be used for environmental mitigation or preservation projects on City-owned or controlled property unless such property was purchased with monies from the WWF.
 - ~~(k)~~ (k) The requirements contained in subsections (ji) and (kj) of this section may be waived upon approval of a resolution receiving an affirmative vote of at least six members of City Council. There must be a resolution receiving an affirmative vote of at least six members of ~~clear public purpose defined and approved by City Council.~~ before subsection (i) can be waived.
 - (m) It is the intent of the City Council in establishing the WWF that the principal is never ~~to be used except in case of emergency or extreme circumstances and then only if there is a guaranteed short term payback of the money expended from the principal.~~ and City Council approval pursuant to subsection(f) of this section..

Sec. 21-120. Weeki Wachee Fund Allocation and project selection process.

- (a) A proposed project, in order to be considered, must be formally recommended in writing to City Council by a City Council member or the Mayor, who shall refer it to Budget, Finance and Taxation Committee for a recommendation regarding inclusion on the OLNLC. A recommendation for non-inclusion of the project on the OLNLC by the Budget, Finance and Taxation Committee may be overridden by a vote of City Council receiving five affirmative votes to refer the matter to a committee of the whole meeting.
- (b) All proposed projects shall include estimates of all related capital costs together with ~~the OMTY. Projects with no OMTY or a very low OMTY shall be considered preferred~~ projects and their ranking in the selection process shall reflect this preference. the OMTY. (c) City Council shall create and approve an OLNLC at its first meeting following the effective date of this ordinance. In approving the first OLNLC, City Council shall consider the proposed project list now kept by the Budget, Finance and Taxation Committee. Once approved by City Council, the OLNLC shall be kept and maintained by the Budget, Finance and Taxation Committee. The Budget, Finance and Taxation Committee shall review the OLNLC within thirty (30) days prior to the end of each quarter of the fiscal year. The Budget, Finance and Taxation Committee may also recommend changes to the OLNLC and shall submit any recommended changes to City Council for consideration and approval. Unless and until an amendment to the OLNLC or a new OLNLC is approved by City Council, the last previously approved OLNLC shall remain in effect. The numerical order of the projects on the OLNLC shall have no relevance as to their priority. City Council may, at any time, by resolution, designate a different Council Committee to perform the duties assigned by this article to the Budget, Finance and Taxation Committee.
- (ed) The project selection from the OLNLC and the fund allocation process shall be undertaken by City Council sitting as a committee of the whole which shall make a recommendation to City Council for formal action of approval or non-approval. The scheduling of a committee of the whole meeting to consider a particular project must be approved by a vote of City Council receiving at least five affirmative votes. Failure to receive sufficient votes to schedule a committee of the whole meeting on a project or failure of the committee of the whole to forward a recommendation for approval to City Council shall not automatically remove the project from the OLNLC. Failure of the City Council to approve a project by five affirmative votes that has been recommended by the committee of the whole shall not automatically remove the project from the OLNLC. Removal of projects from the OLNLC shall be processed through the Budget, Finance and Taxation Committee in the same manner as projects are added to the OLNLC.
- (d) ~~When a project is approved,~~(e) City Council shall consider and take formal action on a project recommended by City Council sitting as a committee of the

whole within thirty days of the date of the committee of the whole meeting. If a project is approved by City Council and the appropriation is made by City Council to fund the project a specific determination shall be made by City Council with respect to which of the four referendum categories the project qualifies. City Council may, at the time of the approval, also approve the set aside of funds in an investment with little risk of principal reduction in the amount necessary to fund the project. The vote for the approval of the project, the appropriation to fund it and any vote to set aside funds must receive at least five affirmative votes to take effect. Once a project is approved it shall be automatically removed from the OLNC.

- (ef) In the project selection and fund allocation process, City Council's goal shall be to achieve over time an equitable distribution of monies.
- (f) ~~City Council shall approve projects and allocationsg) The placing of monies from the WWF a project on a two-year cycle corresponding to the updating and extension of the City's capital improvement program (CIP).~~
- (g) ~~The allocation of WWF money in the manner prescribed by subsection (f) of this section or in any other manner authorized by this article the OLNC shall not be considered an approval of an appropriation for the project and no money may be spent from the WWF until it has been unless and until the project is approved and money appropriated therefor by City Council pursuant to this article.~~
- (h) Projects may be approved based on expected future ~~interest~~ available investment income only if the expected future ~~interest~~ available investment income is projected to be received during a period not exceeding two years from the date of such approval. However, all approved projects must be fully funded by an appropriation at the time a construction contract is entered into or the construction contract must have a phasing schedule which allows for termination at the end of any phase without a penalty if the appropriated money is not sufficient to cover the total cost of the ~~full~~ contract, and further provided that no phase shall be permitted to begin until there is sufficient monies appropriated from the WWF to pay for that phase.
- (i) Any appropriation of money from the WWF shall be approved by a ~~majority~~ vote of City Council receiving at least five affirmative votes. Any such appropriation shall only be for projects approved in ~~accordance~~ with this article. The total appropriation for an approved project from the ~~WWF~~ shall not exceed the allocation approved by City Council in ~~accordance~~ with this article.
- (j) No appropriation may be approved to begin a WWF funded project until the OMTY has been appropriated for all completed WWF funded projects.
- (k) The project selection process in this section may be used to approve a phased project. For example, the first phase of a project may involve a study, an appraisal or a projected cost analysis with any subsequent phase(s), if approved, leading to the completion of the project. The committee of the whole referral and the City Council approval process, including the voting requirements, of a full project (identified in the foregoing subsections), shall be used in considering the approval of each phase of a phased project. Any approval of the initial phase or subsequent

phases shall not require or be construed to require City Council to approve any other phase or to complete the project.

Sec. 21-121. Return of monies to the WWF.

- (a) If the money appropriated from the WWF exceeds the project cost, any money remaining at the completion of the project, except for the OMTY fund, shall be returned to the WWF. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF ~~interest~~available investment income.
- (b) In the event that any real or personal property which has been purchased or constructed with money from the WWF is disposed of by the City, such disposition must be approved by a resolution receiving an affirmative vote of at least six members of City Council and all funds received from such sale shall be returned to the WWF along with any money remaining in the OMTY fund for that part of the project that was disposed of. Any such disposition must be for fair market value. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF ~~interest~~available investment income. If the disposition involves a land swap as part of the fair market value return, the property received must either be used for purposes consistent with the referendum categories or sold and the proceeds credited to the WWF as heretofore provided for in this subsection. If the property is retained to be used for purposes consistent with the referendum categories and is later sold, the proceeds must be credited to the WWF as if the property was originally purchased with monies from the WWF.

Sec. 21-122. Project identification and reports.

- (a) Each project constructed with monies from the WWF shall include signs that ensure the public is aware that the project was funded by the WWF.
- (b) The Mayor shall prepare and transmit to City Council an annual report detailing the financial status of the WWF, the amount of money expended from the WWF in each of the referendum categories, the progress of projects funded by the WWF and for all completed projects the status of the OMTY fund for each such project. In ascertaining the status of each OMTY fund for this annual report, the actual earnings within the OMTY fund and the actual operation and maintenance cost experienced by the project shall be factored into the projection of any surplus or deficiency in the OMTY fund.

Sec. 21-123. OMTY fund shortfalls or overages.

- (a) In the event the annual report required by ~~section 21-122(b)~~this article indicates that the OMTY fund for any project does not have sufficient funds to provide the required ten years' worth of operation and maintenance for that project, the monies required to make up the insufficiency shall be of the highest priority in future appropriations from the WWF.
- (b) In the event the annual report required by ~~section 21-122(b)~~this article indicates that the OMTY fund for a particular project contains more money than is needed to provide the required ten years' worth of operation and maintenance for that project, the surplus funds may be returned to the WWF fund, be appropriated to a project OMTY fund that has been determined to have insufficient funds or may remain in the project OMTY fund that ~~has~~ the surplus to pay for operation and maintenance for that project beyond the required ten year period. Such determination shall be by a ~~majority~~majority vote of City Council receiving at least five affirmative votes. If ~~no~~no ~~majority~~a vote of City Council does not receive at least five affirmative votes for any either option, then the surplus shall remain in the OMTY fund. If any such funds are returned to the WWF, they shall be credited in the same manner as is required by section 21-121(a).

Sec. 21-124. Adding funds to the principal from ~~interest~~available investment income in the WWF.

- (a) Notwithstanding any other provision of this article, in the event a City Council member or the Mayor wishes to add funds to the principal at any time from available investment income in the WWF such a recommendation can be approved pursuant to the provisions of this section.
- (b) In the event the City Council ~~Member~~member or the Mayor wishes to add funds to the principal from ~~interest~~available investment income in the WWF, such person shall make that recommendation in writing to City Council.
- (c) If City Council desires to ~~pursue~~further evaluate the recommendation, ~~the fund allocation process it shall be undertaken by City Council sitting as~~refer the matter to a committee of the whole, ~~which~~committee ~~meeting~~. The scheduling of the committee of the whole meeting to consider such a recommendation must be approved by vote of City Council receiving at least five affirmative votes.
- (d) The committee of the whole, shall make a decision as to whether to forward a recommendation to City Council for ~~formal action of~~ approval.
- (de) ~~Approval of the recommendation of the committee of the whole, by City Council, of~~ the a recommendation of approval by the committee of the whole, shall require approval of a resolution receiving an affirmative vote of at least six~~five~~ members of City Council.
- (ef) Once approved, the resolution cannot be rescinded and the principal shall remain

increased by the amount approved in accordance with this section. This subsection shall not be interpreted to and does not nullify or supersede the authorized uses of the principal as provided for in other sections of this article.-

Sec. 21-125. Temporarily placing a portion of WWF in an available investment with little risk of principal reduction for a project not yet approved, but which is under consideration.

- (a) When a project is under consideration by the committee of the whole, but no decision has been made for approval or non- approval, City Council may consider a temporary set aside of money by placing a portion of WWF in an investment with little risk of principal reduction.
- (b) Such a request can be made by any City Council member or the Mayor. If the request is to be considered, it must be reviewed and recommended by the committee of the whole meeting at a meeting set by City Council on a motion receiving an affirmative vote of at least five City Council Members.
- (c) If the committee of the whole recommends the temporary set aside of money for the project, the recommendation will be forwarded to City Council.
- (d) If the temporary set aside is approved by City Council, the appropriate transfer shall be made. City Council shall at the time of the temporary set aside establish an expiration date for the temporary set aside. Nothing shall prevent City Council, by a vote receiving five affirmative votes, from shortening or extending the expiration date. The temporary set aside shall not be construed as an approval of the project or an appropriation of funds for the project.
- (e) The project approval process required by this article must be completed prior to the expiration date of the temporary set aside or the money shall automatically revert to the normal investment protocol for WWF monies.

Sec. 21-126 City Council override of a committee of the whole recommendation of non-approval

Whenever a recommendation of non-approval is received by City Council by the committee of the whole pursuant to this article, the City Council may override the committee of the whole recommendation and approve the matter by a vote of City council receiving six affirmative votes.

Section Two. That words in underlined type are additions and words that are ~~struck through~~ are deletions to the existing St. Petersburg City Code.

Section Three. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case

the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)

EXHIBIT "C"

~~10/25/2013 12:15 PM~~

AN ORDINANCE OF THE CITY OF ST PETERSBURG, FLORIDA, PROVIDING FOR AN AMENDMENT OF ARTICLE IV OF CHAPTER 21 OF THE ST. PETERSBURG CITY CODE THE SUBJECT OF WHICH ARTICLE IS THE WEEKI WACHEE FUND; PROVIDING FOR THE CLARIFICATION AND THE ADDITION OF CERTAIN DEFINITIONS; PROVIDING FOR AN AMENDED METHOD OF ESTABLISHING A LIST OF PROPOSED PROJECTS TO BE FUNDED FROM THE WEEKI WACHEE FUND; PROVIDING FOR AN AMENDMENT TO THE CRITERIA FOR ELIGIBLE PROJECTS; PROVIDING FOR AN AMENDED METHOD FOR APPROVAL OF WEEKI WACHEE PROJECTS; PROVIDING FOR NEW SECTIONS TO BE ADDED TO THE ARTICLE TO PROVIDE FOR, AMONG OTHER THINGS, A METHOD TO TEMPORARILY SET ASIDE FUNDS FOR A PROPOSED PROJECT AND A METHOD TO OVERRIDE THE RECOMMENDATION OF THE COMMITTEE OF THE WHOLE; PROVIDING FOR GENERAL CLARIFICATIONS THROUGHOUT THE ARTICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Article IV of Chapter 21 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 21-118. Definitions.

The below listed words shall have the following definitions ascribed to them when used in this article except where the context of their use clearly indicates a different meaning.

Available investment income means the current value of the WWF (as that term is later defined herein) less the principal (as that term is ~~later~~hereinafter defined ~~herein~~).

Estimated total cost means the estimated total cost of the project including the OMTY (as that term is hereinafter defined).

Investment income means the net of any and all monies earned through the investment of the monies in the WWF (as that term is hereinafter defined).

~~*OLNC* means the official list of proposed projects not yet approved for commencement~~

pursuant to this article

OMTY means the estimated cost of ten years worth of operation and maintenance for a given project reduced to present value.

OMTY fund means the fund into which the OMTY is deposited together with any income earned by investment of the –funds in the OMTY. At the option of the Mayor, the OMTY fund need not be a separate fund but may be a designation within the WWF. If this option is elected, the money designated as being in the OMTY shall not be considered as part of the WWF for interpreting the other portions of this ~~article~~Article.

Penny for Pinellas program means the program funded by the City's share of the one cent of sales tax (i.e., infrastructure surtax) in Pinellas County imposed pursuant to section 212.055 of the State statutes (F.S. § 212.055).

Principal, at any given time, means the proceeds (as that term is hereinafter defined) minus any amount of money spent from the WWF specifically designated as being spent from the principal, plus any money returned to the WWF specifically designated as being credited to the principal, plus any money donated or added to the principal from other sources, and any money added to the principal from the available investment income existing within the WWF (as that term is hereinafter defined). Money added to the principal from the available investment income existing within the WWF shall be done by resolution in accordance with ~~section 21-124,~~this Article.

Proceeds means the money received from the sale of the City's Weeki Wachee properties in the year 2001 in the amount of \$14,440,646.50.

Project list means the official list of proposed projects not yet approved for commencement pursuant to this Article.

Referendum means the March 1999 referendum wherein the voters of the City approved the sale of that portion of the Weeki Wachee property owned by the City west of U.S. 19.

Referendum categories means those purposes listed in the referendum for which the money received from the sale of the property west of U.S. 19 would be used, which are: parks, recreation, beautification and preservation.

WWF means the Weeki Wachee Fund –which is the fund–, consisting of the principal; and the available investment income less any monies in the OMTY, and less any monies appropriated from the WWF pursuant to this ~~article~~Article and not returned to the WWF.

Sec. 21-119. Criteria for the use of monies in the Weeki Wachee Fund.

- (a) Monies in the WWF shall only be used for the purposes which fall within the referendum categories.
- (b) Monies in the WWF shall only be used to fund capital projects and the OMTY associated therewith.
- (c) Monies in the WWF shall only be used for new projects or project enhancements and shall not be used to supplant other approved sources of funding.
- (d) When monies in the WWF are used for a project identified in the Penny for Pinellas program, such monies shall only be used for expansion of the scope of the project beyond the level anticipated at the time of the Penny for Pinellas renewal referendum.
- (e) Only available investment income shall be budgeted and expended unless the procedure in subsection (f) of this section is followed.
- (f) No portion of the principal shall be expended from the WWF unless City Council approves a resolution authorizing such expenditure by an affirmative vote of at least six members of City Council following a public hearing on the matter which has been advertised at least ten days in advance in a newspaper of general circulation in the City.
- (g) Monies in the WWF shall only be used for City-owned projects constructed on land owned or controlled by the City. This provision shall not prohibit the use of monies in the WWF from being used as part of a project that includes both public and private participation provided that the project otherwise meets the criteria of this ~~article~~ Article and provided that such project is approved by a resolution receiving an affirmative vote of at least six members of City Council.
- (h) When monies in the WWF are used for a project that requires ongoing operating and maintenance costs, the OMTY shall be included in the cost of the project and shall be funded from the WWF.
- (i) No monies from the WWF shall be used for private developer environmental mitigation or private developer environmental preservation projects.
- (j) No monies from the WWF shall be used for environmental mitigation or preservation projects on City-owned or controlled property unless such property was purchased with monies from the WWF.
- (k) The requirements contained in subsections (i) and (j) of this section may be waived upon approval of a resolution receiving an affirmative vote of at least six members of City Council. There must be a clear public purpose defined and approved by City Council before subsection (i) can be waived.
- (l) It is the intent of the City Council in establishing the WWF that the principal is never to be used except in case of emergency or extreme circumstances and then only if there is a guaranteed short term payback of the money expended from the principal and City Council approval pursuant to subsection(f) of this section..

Sec. 21-120. Weeki Wachee Fund Allocation and project selection process.

- (a) A proposed project, in order to be considered, must be formally recommended in writing to City Council by a City Council member or the Mayor, who shall refer it to Budget, Finance and Taxation Committee for a recommendation regarding inclusion on the OLNC project list. A recommendation for non-inclusion of the project on the OLNC project list by the Budget, Finance and Taxation Committee may be overridden by a vote of City Council receiving five affirmative votes to refer the matter to a committee of the whole meeting. Removal of projects from the project list shall be processed through the Budget, Finance and Taxation Committee in the same manner as projects are added to the project list.
- ~~(b)~~ All proposed projects should include the estimated total cost which shall include estimates of all related capital costs together with the OMTY. ~~(e) City Council shall create and approve an OLNC. If no estimated total cost is available at its first meeting following the effective date of this ordinance. In approving the first OLNC, City Council shall consider the proposed time a project is placed on the project list now kept, an estimated total cost shall be prepared by the Budget, Finance and Taxation Committee. Once approved by City Council, the OLNC Administration if Council so requests.~~
- (c) The project list shall be kept and maintained by the Budget, Finance and Taxation Committee. The Budget, Finance and Taxation Committee shall review the OLNC within thirty (30) days prior to the end of each quarter of the fiscal year. The Budget, Finance and Taxation Committee may also recommend changes to the OLNC and shall submit any recommended changes to City Council for consideration and approval. Unless and until an amendment to the OLNC project list or a new OLNC project list is approved by City Council, the last previously approved OLNC project list shall remain in effect. The numerical order of the projects on the OLNC project list shall have no relevance as to their priority. City Council may, at any time, by resolution, designate a different Council Committee to perform the duties assigned by this article Article to the Budget, Finance and Taxation Committee.
- (d) The project selection from the OLNC project list and the fund allocation appropriation process shall be undertaken first considered by City Council sitting as a committee of the whole which shall make a recommendation to City Council for formal action of approval or non-approval. Council consideration. The scheduling of a committee of the whole meeting to consider a particular project must be approved by a vote of City Council receiving at least five affirmative votes. Failure to receive sufficient votes to schedule a committee of the whole meeting on a project ~~or failure of the committee of the whole to forward a recommendation for approval to City Council~~ shall not automatically remove the project from the OLNC project list. Failure of the City Council to approve a project by five affirmative votes that has been recommended by the committee of the whole shall

not automatically remove the project from the OLNC. Removal of projects from the OLNC shall be processed through the Budget, Finance and Taxation Committee in the same manner as projects are added to the OLNC project list.

- (e) City Council shall consider and take formal action on a project ~~recommended~~ recommendation by City Council sitting as ~~at~~ the committee of the whole within thirty days of the date of the committee of the whole meeting. If a project is approved by City Council and the appropriation is made by City Council to fund the project in accordance with the provisions of this Article a specific determination shall be made by City Council with respect to which of the four referendum categories the project qualifies. City Council may, at the time of the approval, also approve the set aside of funds in an investment with little risk of principal reduction in the amount necessary to fund the project. The vote for the approval of the project, ~~the appropriation to fund it and any vote to set aside funds~~ must receive at least five affirmative votes to take effect. Once a project is approved it shall be automatically removed from the OLNC project list.
- (f) In the project selection and fund allocation process, City Council's goal shall be to achieve over time an equitable distribution of monies.
- (g) The placing of a project on the OLNC project list shall not be considered an approval of an appropriation for the project and no money may be spent from the WWF unless and until the project is approved and money appropriated therefor by City Council pursuant to this ~~article~~ Article.
- (h) Projects may be approved based on expected future available investment income only if the expected future available investment income is projected to be received during a period not exceeding two years from the date of such approval. However, all approved projects must be fully funded by an appropriation ~~at the time~~ before a construction contract is entered into or the construction contract must have a phasing schedule which allows for termination at the end of any phase without a penalty if the appropriated money is not sufficient to cover the total cost of the contract, and further provided that no phase shall be permitted to begin until there is sufficient monies appropriated from the WWF to pay for that phase.
- (i) Any appropriation of money from the WWF shall be approved by a vote of City Council receiving at least five affirmative votes. Any such appropriation shall only be for projects approved in accordance with this ~~article~~ Article. The total appropriation for an approved project from the WWF shall not exceed the ~~allocation~~ estimated total cost approved by City Council in accordance with this ~~article~~ Article without the increased total cost being first approved by a committee of the whole.
- (j) No appropriation may be approved to begin a WWF funded project until the OMTY has been appropriated for all completed WWF funded projects.
- (k) The project selection process in this section may be used to approve a phased project. For example, the first phase of a project may involve a study, an appraisal or a projected cost analysis with any subsequent phase(s), if approved, leading to

the completion of the project. The referral to the committee of the whole referral and the City Council approval process, including the voting requirements, of a full complete project (identified in the foregoing subsections), shall be used in considering the approval of each phase of a phased project. Any approval of the initial phase or subsequent phases shall not require or be construed to require City Council to approve any other phase or to complete the project.

Sec. 21-121. Return of monies to the WWF.

- (a) If the money appropriated from the WWF exceeds the project cost, any money remaining at the completion of the project, except for the OMTY fund, shall be returned to the WWF. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF available investment income.
- (b) In the event that any real or personal property which has been purchased or constructed with money from the WWF is disposed of by the City, such disposition must be approved by a resolution receiving an affirmative vote of at least six members of City Council and all funds received from such sale shall be returned to the WWF along with any money remaining in the OMTY fund for that part of the project that was disposed of. Any such disposition must be for fair market value. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF available investment income. If the disposition involves a land swap as part of the fair market value return, the property received must either be used for purposes consistent with the referendum categories or sold and the proceeds credited to the WWF as heretofore provided for in this subsection. If the property is retained to be used for purposes consistent with the referendum categories and is later sold, the proceeds must be credited to the WWF as if the property was originally purchased with monies from the WWF.

Sec. 21-122. Project identification and reports.

- (a) Each project constructed with monies from the WWF shall include signs that ensure the public is aware that the project was funded by the WWF.
- (b) The Mayor shall prepare and transmit to City Council an annual report detailing the financial status of the WWF, the amount of money expended from the WWF in each of the referendum categories, the progress of projects funded by the WWF and for all completed projects the status of the OMTY fund for each such project. In ascertaining the status of each OMTY fund for this annual report, the actual

earnings within the OMTY fund and the actual operation and maintenance cost experienced by the project shall be factored into the projection of any surplus or deficiency in the OMTY fund.

Sec. 21-123. OMTY fund shortfalls or overages.

- (a) In the event the annual report required by this ~~article~~Article indicates that the OMTY fund for any project does not have sufficient funds to provide the required ten years' worth of operation and maintenance for that project, the monies required to make up the insufficiency shall be of the highest priority in future appropriations from the WWF.
- (b) In the event the annual report required by ~~this article~~this Article indicates that the OMTY fund for a particular project contains more money than is needed to provide the required ten years' worth of operation and maintenance for that project, the surplus funds may be returned to the WWF fund, be appropriated to a project OMTY fund that has been determined to have insufficient funds or may remain in the project OMTY fund that has the surplus to pay for operation and maintenance for that project beyond the required ten year period. Such determination shall be by a vote of City Council receiving at least five affirmative votes. ~~If- a vote of City Council does not receive at least five affirmative votes for- either option, then the surplus shall remain in the OMTY fund. If any such funds are returned to the WWF, they shall be credited in the same manner as is required by section 21-121(a).~~

Sec. 21-124. Adding funds to the principal from available investment income in the WWF.

- (a) Notwithstanding any other provision of this ~~article~~Article, in the event a City Council member or the Mayor wishes to add funds to the principal at any time from available investment income in the WWF such a recommendation can be approved pursuant to the provisions of this section.
- (b) In the event the City Council member or the Mayor wishes to add funds to the principal from available investment income in the WWF, such person shall make that recommendation in writing to City Council.
- (c) If City Council desires to- further evaluate the recommendation, it shall refer the matter to a committee of the whole meeting. The scheduling of the committee of the whole meeting to consider such a recommendation must be approved by vote of City Council receiving at least five affirmative votes.
- (d) The committee of the whole, shall ~~make a decision as to whether to forward a recommendation to City Council for approval.~~consideration.
- (e) Approval by City Council, of the a recommendation of approval by the committee of the whole, shall require approval of a resolution receiving an affirmative vote of at least five members of City Council.
- (f) Once approved, the resolution cannot be rescinded and the principal shall remain

increased by the amount approved in accordance with this section. This subsection shall not be interpreted to and does not nullify or supersede the authorized uses of the principal as provided for in other sections of this ~~article~~Article.

Sec. 21-125. Temporarily placing a portion of WWF in an available investment with little risk of principal reduction for a project not yet approved, but which is under consideration.

- (a) When a project is under consideration by the committee of the whole, but no decision has been made for approval or non-approval, City Council may consider a temporary set aside of money by placing a portion of WWF in an investment with little risk of principal reduction.
- (b) Such a request can be made by any City Council member or the Mayor. If the request is to be considered, it must be reviewed and recommended by the committee of the whole meeting at a meeting set by City Council on a motion receiving an affirmative vote of at least five City Council Members.
- (c) If the committee of the whole recommends the temporary set aside of money for the project, the recommendation will be forwarded to City Council.
- (d) If the temporary set aside is approved by City Council, the appropriate transfer shall be made. City Council shall at the time of the temporary set aside establish an expiration date for the temporary set aside. Nothing shall prevent City Council, by a vote receiving five affirmative votes, from shortening or extending the expiration date. The temporary set aside shall not be construed as an approval of the project or an appropriation of funds for the project.
- (e) The project approval process required by this ~~article~~Article must be completed prior to the expiration date of the temporary set aside or the money shall automatically revert to the normal investment protocol for WWF monies.

~~Sec. 21-126 City Council override of a committee of the whole recommendation of non-approval-~~

~~Whenever a recommendation of non-approval is received by City Council by the committee of the whole pursuant to this article, the City Council may override the committee of the whole recommendation and approve the matter by a vote of City council receiving six affirmative votes.~~

Section Two. That words in underlined type are additions and words that are ~~struck through~~ are deletions to the existing St. Petersburg City Code.

Section Three. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case

the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Section Four. City Council shall create and approve a project list at Council's first meeting following the effective date of this ordinance. In approving the first project list, City Council shall consider the proposed project list now kept by the Budget, Finance and Taxation Committee. This section shall not be codified in the City Code of Ordinances.

Approved as to form and content:

City Attorney (designee)

EXHIBIT "D"

AN ORDINANCE OF THE CITY OF ST PETERSBURG, FLORIDA, PROVIDING FOR AN AMENDMENT OF ARTICLE IV OF CHAPTER 21 OF THE ST. PETERSBURG CITY CODE THE SUBJECT OF WHICH ARTICLE IS THE WEEKI WACHEE FUND; PROVIDING FOR THE CLARIFICATION AND THE ADDITION OF CERTAIN DEFINITIONS; PROVIDING FOR AN AMENDED METHOD OF ESTABLISHING A LIST OF PROPOSED PROJECTS TO BE FUNDED FROM THE WEEKI WACHEE FUND; PROVIDING FOR AN AMENDMENT TO THE CRITERIA FOR ELIGIBLE PROJECTS; PROVIDING FOR AN AMENDED METHOD FOR APPROVAL OF WEEKI WACHEE PROJECTS; PROVIDING FOR NEW SECTIONS TO BE ADDED TO THE ARTICLE TO PROVIDE FOR, AMONG OTHER THINGS, A METHOD TO TEMPORARILY SET ASIDE FUNDS FOR A PROPOSED PROJECT AND A METHOD TO OVERRIDE THE RECOMMENDATION OF THE COMMITTEE OF THE WHOLE; PROVIDING FOR GENERAL CLARIFICATIONS THROUGHOUT THE ARTICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Article IV of Chapter 21 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 21-118. Definitions.

The below listed words shall have the following definitions ascribed to them when used in this article: except where the context of their use clearly indicates a different meaning.

Interest

Available investment income means the current value of the WWF (as that term is later defined herein) less the principal (as that term is hereinafter defined).

Estimated total cost means the estimated total cost of the project including the OMTY (as that term is hereinafter defined).

Investment income means the net of any and all interest monies earned on through the investment of the monies in the WWF (as that term is hereinafter defined) and all interest that has been earned on the proceeds (as that term is hereinafter defined) until the time the WWF is established.

OMTY means the estimated cost of ten years worth of operation and maintenance for a given project reduced to present value.

OMTY fund means the fund into which the OMTY is deposited together with any interest income earned on by investment of the funds in the OMTY. At the option of the Mayor, the OMTY fund need not be a separate fund but may be a designation within the WWF. If this option is elected, the money designated as being in the OMTY shall not be considered as part of the WWF for interpreting the other portions of this Article.

Penny for Pinellas program means the program funded by the City's share of the one cent of sales tax (i.e., infrastructure surtax) in Pinellas County imposed pursuant to section 212.055 of the State statutes (F.S. § 212.055).-

Principal, at any given time, means the proceeds (as that term is hereinafter defined) minus any amount of money spent from the WWF specifically designated as being spent from the principal, plus any money returned to the WWF specifically designated as being credited to the principal, plus any money donated or added to the principal from other sources, and any money added to the principal from the interest available investment income existing within the WWF (as that term is hereinafter defined). Money added to the principal from the interest available investment income existing within the WWF shall be done by resolution in accordance with section 21-124 this Article.

Proceeds means the money received from the sale of the City's Weeki Wachee properties in the year 2001 in the amount of \$14,440,646.50.-

Project list means the official list of proposed projects not yet approved for commencement pursuant to this Article.

Referendum means the March 1999 referendum wherein the voters of the City approved the sale of that portion of the Weeki Wachee property owned by the City west of U.S. 19.

Referendum categories means those purposes listed in the referendum for which the money received from the sale of the property west of U.S. 19 would be used, which are: parks, recreation, beautification and preservation.

WWF means the Weeki Wachee Fund (WWF) means the fund into which the proceeds is the fund, consisting of the principal; and the available investment income less any monies in the OMTY, and less any monies appropriated from the WWF pursuant to this Article and not returned to the WWF and all interest income are deposited.

Sec. 21-119. Criteria for the use of monies in the Weeki Wachee Fund.

- (a) Monies in the WWF shall only be used for the purposes which fall within the referendum categories.
- (b) Monies in the WWF shall only be used to fund capital projects and the OMTY associated therewith.
- (c) Monies in the WWF shall only be used for new projects or project enhancements and shall not be used to supplant other approved sources of funding.
- (d) When monies in the WWF are used for a project identified in the Penny for Pinellas program, such monies shall only be used for expansion of the scope of the project beyond the level anticipated at the time of the Penny for Pinellas renewal referendum.
- (e) Only ~~interest~~available investment income shall be budgeted and expended unless the procedure in subsection (f) of this section is followed.
- (f) No portion of the principal shall be expended from the WWF unless City Council approves a resolution authorizing such expenditure by an affirmative vote of at least six members of City Council following a public hearing on the matter which has been advertised at least ten days in advance in a newspaper of general circulation in the City.
- (g) Monies in the WWF shall only be used for City-owned projects constructed on land owned or controlled by the City. This provision shall not prohibit the use of monies in the WWF from being used as part of a project that includes both public and private participation provided that the project otherwise meets the criteria of this ~~article~~Article and provided that such project is approved by a resolution receiving an affirmative vote of at least six members of City Council.
- (h) When monies in the WWF are used for a project that requires ongoing operating and maintenance costs, the OMTY shall be included in the cost of the project and shall be funded from the WWF.
- ~~(i) Only projects that have been approved in accordance with the process contained in section 21-120 may be funded with monies from the WWF, provided however, the requirement contained in section 21-120(f) may be waived upon approval of a resolution receiving an affirmative vote of at least six members of the City Council.~~
- ~~(i)~~ (i) No monies from the WWF shall be used for private developer environmental mitigation or private developer environmental preservation projects.
- (kj) No monies from the WWF shall be used for environmental mitigation or preservation projects on City-owned or controlled property unless such property was purchased with monies from the WWF.
- (~~k~~) (k) The requirements contained in subsections (ji) and (kj) of this section may be waived upon approval of a resolution receiving an affirmative vote of at least six members of City Council. There must be a resolution receiving an affirmative vote of at least six members of ~~clear public purpose defined and approved by City Council~~ clear public purpose defined and approved by City Council before subsection (i) can be waived.

- (ml) It is the intent of the City Council in establishing the WWF that the principal is never to be used except in case of emergency or extreme circumstances and then only if there is a guaranteed short term payback of the money expended from the principal. and City Council approval pursuant to subsection(f) of this section..

Sec. 21-120. Weeki Wachee Fund Allocation and project selection process.

- (a) A proposed project, in order to be considered, must be formally recommended in writing to City Council by a City Council member or the Mayor, who shall refer it to Budget, Finance and Taxation Committee for a recommendation regarding inclusion on the project list. A recommendation for non-inclusion of the project on the project list by the Budget, Finance and Taxation Committee may be overridden by a vote of City Council receiving five affirmative votes to refer the matter to a committee of the whole meeting. Removal of projects from the project list shall be processed through the Budget, Finance and Taxation Committee in the same manner as projects are added to the project list.
- ~~(b)~~ All proposed projects shall include estimates of the estimated total cost which shall include all related capital costs together with the OMTY. Projects with If no OMTY estimated total cost is available at the time a project is placed on the project list, an estimated total cost shall be prepared by administration if Council so requests.
- ~~(c)~~ The project list shall be kept and maintained by the Budget, Finance and Taxation Committee. Unless and until an amendment to the project list or a very low OMTY shall be considered preferred projects and new project list is approved by City Council, the last previously approved project list shall remain in effect. The numerical order of the projects on the project list shall have no relevance as to their ranking in the priority. City Council may, at any time, by resolution, designate a different Council Committee to perform the duties assigned by this Article to the Budget, Finance and Taxation Committee.
- ~~(d)~~ The project selection from the project list and the fund appropriation process shall reflect this preference be first considered by City Council sitting as a committee of the whole which shall make a recommendation to City Council for Council consideration. The scheduling of a committee of the whole meeting to consider a particular project must be approved by a vote of City Council receiving at least five affirmative votes. Failure to receive sufficient votes to schedule a committee of the whole meeting on a project shall not automatically remove the project from the project list. Failure of the City Council to approve a project by five affirmative votes that has been recommended by the committee of the whole shall not automatically remove the project from the project list.
- ~~(e)~~ The project selection and fund allocation process shall be undertaken by (e) City Council sitting as a shall consider and take formal action on a project recommendation by the committee of the whole which shall make a recommendation to City

- ~~_____ Council for formal action within thirty days of approval.~~
- (d) ~~When the date of the committee of the whole meeting. If a project is approved, by City Council and the appropriation is made by City Council to fund the project in accordance with the provisions of this Article a specific determination shall be made by City Council with respect to which of the four referendum categories the project qualifies. City Council may, at the time of the approval, also approve the set aside of funds in an investment with little risk of principal reduction in the amount necessary to fund the project. The vote for the approval of the project, the appropriation to fund it and any vote to set aside funds must receive at least five affirmative votes to take effect. Once a project is approved it shall be automatically removed from the project list.~~
- (ef) In the project selection and fund allocation process, City Council's goal shall be to achieve over time an equitable distribution of monies.
- (f) ~~City Council shall approve projects and allocations of monies from the WWF on a two-year cycle corresponding to the updating and extension of the City's capital improvement program (CIP).~~
- (g) ~~The allocation of WWF money in the manner prescribed by subsection (f) of this section or in any other manner authorized by this article placing of a project on the project list shall not be considered an approval of an appropriation for the project and no money may be spent from the WWF until it has been unless and until the project is approved and money appropriated therefor by City Council pursuant to this Article.~~
- (h) Projects may be approved based on expected future ~~interest~~ available investment income only if the expected future ~~interest~~ available investment income is projected to be received during a period not exceeding two years from the date of such approval. However, all approved projects must be fully funded by an appropriation at the time ~~before~~ a construction contract is entered into or the construction contract must have a phasing schedule which allows for termination at the end of any phase without a penalty if the appropriated money is not sufficient to cover the total cost of the ~~full~~ contract, and further provided that no phase shall be permitted to begin until there is sufficient monies appropriated from the WWF to pay for that phase.
- (i) Any appropriation of money from the WWF shall be approved by a ~~majority~~ vote of City Council receiving at least five affirmative votes. Any such appropriation shall only be for projects approved in accordance with this ~~article~~ Article. The total appropriation for an approved project from the WWF shall not exceed the ~~allocation~~ estimated total cost approved by City Council in accordance with this ~~article~~ Article without the increased total cost being first approved by a committee of the whole.
- (j) No appropriation may be approved to begin a WWF funded project until the OMTY has been appropriated for all completed WWF funded projects.-
- (k) ~~The project selection process in this section may be used to approve a phased project. For example, the first phase of a project may involve a study, an appraisal~~

or a projected cost analysis with any subsequent phase(s), if approved, leading to the completion of the project. The referral to the committee of the whole and the City Council approval process, including the voting requirements, of a complete project (identified in the foregoing subsections), shall be used in considering the approval of each phase of a phased project. Any approval of the initial phase or subsequent phases shall not require or be construed to require City Council to approve any other phase or to complete the project.

Sec. 21-121. Return of monies to the WWF.

- (a) If the money appropriated from the WWF exceeds the project cost, any money remaining at the completion of the project, except for the OMTY fund, shall be returned to the WWF. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF ~~interest~~available investment income.
- (b) In the event that any real or personal property which has been purchased or constructed with money from the WWF is disposed of by the City, such disposition must be approved by a resolution receiving an affirmative vote of at least six members of City Council and all funds received from such sale shall be returned to the WWF along with any money remaining in the OMTY fund for that part of the project that was disposed of. Any such disposition must be for fair market value. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF ~~interest~~available investment income. If the disposition involves a land swap as part of the fair market value return, the property received must either be used for purposes consistent with the referendum categories or sold and the proceeds credited to the WWF as heretofore provided for in this subsection. If the property is retained to be used for purposes consistent with the referendum categories and is later sold, the proceeds must be credited to the WWF as if the property was originally purchased with monies from the WWF.

Sec. 21-122. Project identification and reports.

- (a) Each project constructed with monies from the WWF shall include signs that ensure the public is aware that the project was funded by the WWF.
- (b) The Mayor shall prepare and transmit to City Council an annual report detailing the financial status of the WWF, the amount of money expended from the WWF in each of the referendum categories, the progress of projects funded by the WWF and for all completed projects the status of the OMTY fund for each such project. In

ascertaining the status of each OMTY fund for this annual report, the actual earnings within the OMTY fund and the actual operation and maintenance cost experienced by the project shall be factored into the projection of any surplus or deficiency in the OMTY fund.

Sec. 21-123. OMTY fund shortfalls or overages.

- (a) In the event the annual report required by ~~section 21-122(b)~~ this Article indicates that the OMTY fund for any project does not have sufficient funds to provide the required ten years' worth of operation and maintenance for that project, the monies required to make up the insufficiency shall be of the highest priority in future appropriations from the WWF.
- (b) In the event the annual report required by ~~section 21-122(b)~~ this Article indicates that the OMTY fund ~~for a particular project contains more money than is needed to provide the required ten years' worth of operation and maintenance for that project, the surplus funds may be returned to the WWF fund, be appropriated to a project OMTY fund that has been determined to have insufficient funds or may remain in the project OMTY fund that has the surplus to pay for operation and maintenance for that project beyond the required ten year period. Such determination shall be by a majority vote of City Council receiving at least five affirmative votes. If no majority vote of City Council does not receive at least five affirmative votes for any either option, then the surplus shall remain in the OMTY fund. If any such funds are returned to the WWF, they shall be credited in the same manner as is required by section 21-121(a).~~

Sec. 21-124. Adding funds to the principal from ~~interest~~ available investment income in the WWF.

- (a) Notwithstanding any other provision of this ~~article~~ Article, in the event a City Council member or the Mayor wishes to add funds to the principal at any time from ~~interest~~ available investment income in the WWF such a recommendation can be approved pursuant to the provisions of this section.
- (b) In the event the City Council ~~Member~~ member or the Mayor wishes to add funds to the ~~Principal~~ principal from ~~interest~~ available investment income in the WWF, such person shall make that recommendation in writing to City Council.
- (c) If City Council desires to ~~pursue~~ further evaluate the recommendation, ~~the fund allocation process it shall be undertaken by City Council sitting as refer the matter to a committee of the whole, which~~ committee meeting. The scheduling of the committee of the whole meeting to consider such a recommendation must be approved by vote of City Council receiving at least five affirmative votes.
- (d) ~~The committee of the whole, shall make forward a recommendation to City Council for formal action of~~ approval consideration.

- (d~~e~~) Approval of the recommendation of the committee of the whole, by City Council, of the a recommendation of approval by the committee of the whole, shall require approval of a resolution receiving an affirmative vote of at least sixfive members of City Council.
- (e~~f~~) Once approved, the resolution cannot be rescinded and the principal shall remain increased by the amount approved in accordance with this section. This subsection shall not be interpreted to and does not nullify or supersede the authorized uses of the principal as provided for in other sections of this ~~article~~-Article.

Sec. 21-125. Temporarily placing a portion of WWF in an available investment with little risk of principal reduction for a project not yet approved, but which is under consideration.

- (a) When a project is under consideration by the committee of the whole, but no decision has been made for approval or non- approval, City Council may consider a temporary set aside of money by placing a portion of WWF in an investment with little risk of principal reduction.
- (b) Such a request can be made by any City Council member or the Mayor. If the request is to be considered, it must be reviewed and recommended by the committee of the whole meeting at a meeting set by City Council on a motion receiving an affirmative vote of at least five City Council Members.
- (c) If the committee of the whole recommends the temporary set aside of money for the project, the recommendation will be forwarded to City Council.
- (d) If the temporary set aside is approved by City Council, the appropriate transfer shall be made. City Council shall at the time of the temporary set aside establish an expiration date for the temporary set aside. Nothing shall prevent City Council, by a vote receiving five affirmative votes, from shortening or extending the expiration date. The temporary set aside shall not be construed as an approval of the project or an appropriation of funds for the project.
- (e) The project approval process required by this Article must be completed prior to the expiration date of the temporary set aside or the money shall automatically revert to the normal investment protocol for WWF monies.

Section Two. That words in underlined type are additions and words that are ~~struck through~~ are deletions to the existing St. Petersburg City Code.

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

Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Section Four. City Council shall create and approve a project list at Council's first meeting following the effective date of this ordinance. In approving the first project list, City Council shall consider the proposed project list now kept by the Budget, Finance and Taxation Committee. This section shall not be codified in the City Code of Ordinances.

Approved as to form and content:

City Attorney (designee)

EXHIBIT "E"

AN ORDINANCE OF THE CITY OF ST PETERSBURG, FLORIDA, PROVIDING FOR AN AMENDMENT OF ARTICLE IV OF CHAPTER 21 OF THE ST. PETERSBURG CITY CODE THE SUBJECT OF WHICH ARTICLE IS THE WEEKI WACHEE FUND; PROVIDING FOR THE CLARIFICATION AND THE ADDITION OF CERTAIN DEFINITIONS; PROVIDING FOR AN AMENDED METHOD OF ESTABLISHING A LIST OF PROPOSED PROJECTS TO BE FUNDED FROM THE WEEKI WACHEE FUND; PROVIDING FOR AN AMENDMENT TO THE CRITERIA FOR ELIGIBLE PROJECTS; PROVIDING FOR AN AMENDED METHOD FOR APPROVAL OF WEEKI WACHEE PROJECTS; PROVIDING FOR NEW SECTIONS TO BE ADDED TO THE ARTICLE TO PROVIDE FOR, AMONG OTHER THINGS, A METHOD TO TEMPORARILY SET ASIDE FUNDS FOR A PROPOSED PROJECT AND A METHOD TO OVERRIDE THE RECOMMENDATION OF THE COMMITTEE OF THE WHOLE; PROVIDING FOR GENERAL CLARIFICATIONS THROUGHOUT THE ARTICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Article IV of Chapter 21 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 21-118. Definitions.

The below listed words shall have the following definitions ascribed to them when used in this Article except where the context of their use clearly indicates a different meaning.

Available investment income means the current value of the WWF (as that term is later defined herein) less the principal (as that term is hereinafter defined).

Estimated total cost means the estimated total cost of the project including the OMTY (as that term is hereinafter defined).

Investment income means the net of any and all monies earned through the investment of the monies in the WWF (as that term is hereinafter defined).

OMTY means the estimated cost of ten years worth of operation and maintenance for a

given project reduced to present value.

OMTY fund means the fund into which the OMTY is deposited together with any income earned by investment of the funds in the OMTY. At the option of the Mayor, the OMTY fund need not be a separate fund but may be a designation within the WWF. If this option is elected, the money designated as being in the OMTY shall not be considered as part of the WWF for interpreting the other portions of this Article.

Penny for Pinellas program means the program funded by the City's share of the one cent of sales tax (i.e., infrastructure surtax) in Pinellas County imposed pursuant to section 212.055 of the State statutes (F.S. § 212.055).

Principal, at any given time, means the proceeds (as that term is hereinafter defined) minus any amount of money spent from the WWF specifically designated as being spent from the principal, plus any money returned to the WWF specifically designated as being credited to the principal, plus any money donated or added to the principal from other sources, and any money added to the principal from the available investment income existing within the WWF (as that term is hereinafter defined). Money added to the principal from the available investment income existing within the WWF shall be done by resolution in accordance with this Article.

Proceeds means the money received from the sale of the City's Weeki Wachee properties in the year 2001 in the amount of \$14,440,646.50.

Project list means the official list of proposed projects not yet approved for commencement pursuant to this Article.

Referendum means the March 1999 referendum wherein the voters of the City approved the sale of that portion of the Weeki Wachee property owned by the City west of U.S. 19.

Referendum categories means those purposes listed in the referendum for which the money received from the sale of the property west of U.S. 19 would be used, which are: parks, recreation, beautification and preservation.

WWF means the Weeki Wachee Fund which is the fund, consisting of the principal; and the available investment income less any monies in the OMTY, and less any monies appropriated from the WWF pursuant to this Article and not returned to the WWF.

Sec. 21-119. Criteria for the use of monies in the Weeki Wachee Fund.

(a) Monies in the WWF shall only be used for the purposes which fall within the

referendum categories.

- (b) Monies in the WWF shall only be used to fund capital projects and the OMTY associated therewith.
- (c) Monies in the WWF shall only be used for new projects or project enhancements and shall not be used to supplant other approved sources of funding.
- (d) When monies in the WWF are used for a project identified in the Penny for Pinellas program, such monies shall only be used for expansion of the scope of the project beyond the level anticipated at the time of the Penny for Pinellas renewal referendum.
- (e) Only available investment income shall be budgeted and expended unless the procedure in subsection (f) of this section is followed.
- (f) No portion of the principal shall be expended from the WWF unless City Council approves a resolution authorizing such expenditure by an affirmative vote of at least six members of City Council following a public hearing on the matter which has been advertised at least ten days in advance in a newspaper of general circulation in the City.
- (g) Monies in the WWF shall only be used for City-owned projects constructed on land owned or controlled by the City. This provision shall not prohibit the use of monies in the WWF from being used as part of a project that includes both public and private participation provided that the project otherwise meets the criteria of this Article and provided that such project is approved by a resolution receiving an affirmative vote of at least six members of City Council.
- (h) When monies in the WWF are used for a project that requires ongoing operating and maintenance costs, the OMTY shall be included in the cost of the project and shall be funded from the WWF.
- (i) No monies from the WWF shall be used for private developer environmental mitigation or private developer environmental preservation projects.
- (j) No monies from the WWF shall be used for environmental mitigation or preservation projects on City-owned or controlled property unless such property was purchased with monies from the WWF.
- (k) The requirements contained in subsections (i) and (j) of this section may be waived upon approval of a resolution receiving an affirmative vote of at least six members of City Council. There must be a clear public purpose defined and approved by City Council before subsection (i) can be waived.
- (l) It is the intent of the City Council in establishing the WWF that the principal is never to be used except in case of emergency or extreme circumstances and then only if there is a guaranteed short term payback of the money expended from the principal and City Council approval pursuant to subsection(f) of this section..

Sec. 21-120. Weeki Wachee Fund Allocation and project selection process.

- (a) A proposed project, in order to be considered, must be formally recommended in

writing to City Council by a City Council member or the Mayor, who shall refer it to Budget, Finance and Taxation Committee for a recommendation regarding inclusion on the project list. A recommendation for non-inclusion of the project on the project list by the Budget, Finance and Taxation Committee may be overridden by a vote of City Council receiving five affirmative votes to refer the matter to a committee of the whole meeting. Removal of projects from the project list shall be processed through the Budget, Finance and Taxation Committee in the same manner as projects are added to the project list.

- (b) All proposed projects should include the estimated total cost which shall include all related capital costs together with the OMTY. If no estimated total cost is available at the time a project is placed on the project list, an estimated total cost shall be prepared by administration if Council so requests.
- (c) The project list shall be kept and maintained by the Budget, Finance and Taxation Committee. Unless and until an amendment to the project list or a new project list is approved by City Council, the last previously approved project list shall remain in effect. The numerical order of the projects on the project list shall have no relevance as to their priority. City Council may, at any time, by resolution, designate a different Council Committee to perform the duties assigned by this Article to the Budget, Finance and Taxation Committee.
- (d) The project selection from the project list and the fund appropriation process shall be first considered by City Council sitting as a committee of the whole which shall make a recommendation to City Council for Council consideration. The scheduling of a committee of the whole meeting to consider a particular project must be approved by a vote of City Council receiving at least five affirmative votes. Failure to receive sufficient votes to schedule a committee of the whole meeting on a project shall not automatically remove the project from the project list. Failure of the City Council to approve a project by five affirmative votes that has been recommended by the committee of the whole shall not automatically remove the project from the project list.
- (e) City Council shall consider and take formal action on a project recommendation by the committee of the whole within thirty days of the date of the committee of the whole meeting. If a project is approved by City Council and the appropriation is made by City Council to fund the project in accordance with the provisions of this Article a specific determination shall be made by City Council with respect to which of the four referendum categories the project qualifies. City Council may, at the time of the approval, also approve the set aside of funds in an investment with little risk of principal reduction in the amount necessary to fund the project. The vote for the approval of the project, the appropriation to fund it and any vote to set aside funds must receive at least five affirmative votes to take effect. Once a project is approved it shall be automatically removed from the project list.
- (f) In the project selection and fund allocation process, City Council's goal shall be to achieve over time an equitable distribution of monies.

- (g) The placing of a project on the project list shall not be considered an approval of an appropriation for the project and no money may be spent from the WWF unless and until the project is approved and money appropriated therefor by City Council pursuant to this Article.
- (h) Projects may be approved based on expected future available investment income only if the expected future available investment income is projected to be received during a period not exceeding two years from the date of such approval. However, all approved projects must be fully funded by an appropriation before a construction contract is entered into or the construction contract must have a phasing schedule which allows for termination at the end of any phase without a penalty if the appropriated money is not sufficient to cover the total cost of the contract, and further provided that no phase shall be permitted to begin until there is sufficient monies appropriated from the WWF to pay for that phase.
- (i) Any appropriation of money from the WWF shall be approved by a vote of City Council receiving at least five affirmative votes. Any such appropriation shall only be for projects approved in accordance with this Article. The total appropriation for an approved project from the WWF shall not exceed the estimated total cost approved by City Council in accordance with this Article without the increased total cost being first approved by a committee of the whole.
- (j) No appropriation may be approved to begin a WWF funded project until the OMTY has been appropriated for all completed WWF funded projects.
- (k) The project selection process in this section may be used to approve a phased project. For example, the first phase of a project may involve a study, an appraisal or a projected cost analysis with any subsequent phase(s), if approved, leading to the completion of the project. The referral to the committee of the whole and the City Council approval process, including the voting requirements, of a complete project (identified in the foregoing subsections), shall be used in considering the approval of each phase of a phased project. Any approval of the initial phase or subsequent phases shall not require or be construed to require City Council to approve any other phase or to complete the project.

Sec. 21-121. Return of monies to the WWF.

- (a) If the money appropriated from the WWF exceeds the project cost, any money remaining at the completion of the project, except for the OMTY fund, shall be returned to the WWF. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF available investment income.
- (b) In the event that any real or personal property which has been purchased or constructed with money from the WWF is disposed of by the City, such disposition

must be approved by a resolution receiving an affirmative vote of at least six members of City Council and all funds received from such sale shall be returned to the WWF along with any money remaining in the OMTY fund for that part of the project that was disposed of. Any such disposition must be for fair market value. If any money from principal was appropriated for the project, any money returned to the WWF, up to an amount equal to the amount of the principal originally appropriated for the project, must first be credited to the WWF principal before any remaining money is credited to the WWF available investment income. If the disposition involves a land swap as part of the fair market value return, the property received must either be used for purposes consistent with the referendum categories or sold and the proceeds credited to the WWF as heretofore provided for in this subsection. If the property is retained to be used for purposes consistent with the referendum categories and is later sold, the proceeds must be credited to the WWF as if the property was originally purchased with monies from the WWF.

Sec. 21-122. Project identification and reports.

- (a) Each project constructed with monies from the WWF shall include signs that ensure the public is aware that the project was funded by the WWF.
- (b) The Mayor shall prepare and transmit to City Council an annual report detailing the financial status of the WWF, the amount of money expended from the WWF in each of the referendum categories, the progress of projects funded by the WWF and for all completed projects the status of the OMTY fund for each such project. In ascertaining the status of each OMTY fund for this annual report, the actual earnings within the OMTY fund and the actual operation and maintenance cost experienced by the project shall be factored into the projection of any surplus or deficiency in the OMTY fund.

Sec. 21-123. OMTY fund shortfalls or overages.

- (a) In the event the annual report required by this Article indicates that the OMTY fund for any project does not have sufficient funds to provide the required ten years' worth of operation and maintenance for that project, the monies required to make up the insufficiency shall be of the highest priority in future appropriations from the WWF.
- (b) In the event the annual report required by this Article indicates that the OMTY fund for a particular project contains more money than is needed to provide the required ten years' worth of operation and maintenance for that project, the surplus funds may be returned to the WWF fund, be appropriated to a project OMTY fund that has been determined to have insufficient funds or may remain in the project OMTY fund that has the surplus to pay for operation and maintenance for that project beyond the required ten year period. Such determination shall be by a vote of City

Council receiving at least five affirmative votes. If a vote of City Council does not receive at least five affirmative votes for either option, then the surplus shall remain in the OMTY fund. If any such funds are returned to the WWF, they shall be credited in the same manner as is required by section 21-121(a).

Sec. 21-124. Adding funds to the principal from available investment income in the WWF.

- (a) Notwithstanding any other provision of this Article, in the event a City Council member or the Mayor wishes to add funds to the principal at any time from available investment income in the WWF such a recommendation can be approved pursuant to the provisions of this section.
- (b) In the event the City Council member or the Mayor wishes to add funds to the principal from available investment income in the WWF, such person shall make that recommendation in writing to City Council.
- (c) If City Council desires to further evaluate the recommendation, it shall refer the matter to a committee of the whole meeting. The scheduling of the committee of the whole meeting to consider such a recommendation must be approved by vote of City Council receiving at least five affirmative votes.
- (d) The committee of the whole, shall forward a recommendation to City Council for consideration..
- (e) Approval by City Council, of the a recommendation of approval by the committee of the whole, shall require approval of a resolution receiving an affirmative vote of at least five members of City Council.
- (f) Once approved, the resolution cannot be rescinded and the principal shall remain increased by the amount approved in accordance with this section. This subsection shall not be interpreted to and does not nullify or supersede the authorized uses of the principal as provided for in other sections of this Article.

Sec. 21-125. Temporarily placing a portion of WWF in an available investment with little risk of principal reduction for a project not yet approved, but which is under consideration.

- (a) When a project is under consideration by the committee of the whole, but no decision has been made for approval or non- approval, City Council may consider a temporary set aside of money by placing a portion of WWF in an investment with little risk of principal reduction.
- (b) Such a request can be made by any City Council member or the Mayor. If the request is to be considered, it must be reviewed and recommended by the committee of the whole meeting at a meeting set by City Council on a motion receiving an affirmative vote of at least five City Council Members.
- (c) If the committee of the whole recommends the temporary set aside of money for the project, the recommendation will be forwarded to City Council.
- (d) If the temporary set aside is approved by City Council, the appropriate transfer

shall be made. City Council shall at the time of the temporary set aside establish an expiration date for the temporary set aside. Nothing shall prevent City Council, by a vote receiving five affirmative votes, from shortening or extending the expiration date. The temporary set aside shall not be construed as an approval of the project or an appropriation of funds for the project.

- (e) The project approval process required by this Article must be completed prior to the expiration date of the temporary set aside or the money shall automatically revert to the normal investment protocol for WWF monies.

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

Section Three. City Council shall create and approve a project list at Council's first meeting following the effective date of this ordinance. In approving the first project list, City Council shall consider the proposed project list now kept by the Budget, Finance and Taxation Committee. This section shall not be codified in the City Code of Ordinances.

Approved as to form and content:

City Attorney (designee)

Attached documents for item Ordinance 96-H providing for the sale and consumption of alcoholic beverages in Williams Park on February 1, 2014 and in Elva Rouse Park on March 8, 2014.

Ordinance No. _____

AN ORDINANCE PROVIDING FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN WILLIAMS PARK ON FEBRUARY 1, 2014 AND IN ELVA ROUSE PARK ON MARCH 8, 2014; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Notwithstanding any other Ordinance of the City of St. Petersburg, the sale and consumption of alcoholic beverages shall be permissible on February 1, 2014 in Williams Park and on March 8, 2014 in Elva Rouse Park; and

SECTION 2. The sale and consumption of alcoholic beverages pursuant to Section 1 hereof shall only be allowed in conjunction with those events for which a permit has been issued pursuant to Section 21-31 of the St. Petersburg City Code.

SECTION 3. As part of the permit issued pursuant to Section 21-31 of the St. Petersburg City Code, the Mayor may impose reasonable conditions and restrictions concerning the event, including but not limited to conditions and restrictions concerning the sale and consumption of alcoholic beverages.

SECTION 4. Section 21-31(e)(11) of the St. Petersburg City Code shall not apply to permits issued pursuant to Section 21-31 of the St. Petersburg City Code for an event entitled Localtopia to be held on February 1, 2014 in Williams Park and for an event entitled 1st Annual Bocce Tournament to be held March 8, 2014 in Elva Rouse Park; and

SECTION 5. A condition of any permit issued pursuant to this Ordinance shall be that the permittee comply with all applicable State Laws.

SECTION 6. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)

Attached documents for item Ordinance 97-H enacting Year-End Appropriation Adjustments for Fiscal Year 2013 Operating Budget & Capital Improvement Program Budget & Adjustments to the Fiscal Year 2014 Budget.



Memorandum
st.petersburg

Budget and Management Office

TO: The Honorable Karl Nurse, Chairman and City Council

FROM: Tom Greene, Director, Budget and Management
Denise Labrie, Manager, Budget and Management

DATE: November 22, 2013

SUBJECT: **Capital Improvement Program Transfers to Public Safety**

TG
dl

At the November 18th meeting of the Budget, Finance and Taxation Committee, the Budget Department presented proposed transfers from three Penny for Pinellas Funds to the Public Safety Fund. This memorandum and its attachments are intended to provide additional details on the proposed transfers. These transfers are proposed in anticipation of a report to City Council relative to three options for the construction of the new police facility. It should be noted that there are additional steps that must occur prior to the expenditure of these transferred funds. Council must first approve the scope of the police facility project. Approval of the scope will allow for the design of the approved project. Funds will then be appropriated at the time of the award of the construction contract(s).

Attached to this memorandum are three tables.

Table 1: Provides additional details on the sources of funding making up the \$4.777 million transfer from the Neighborhood and Citywide Infrastructure Fund (3027), Recreation & Culture Fund (3029) and City Facilities Fund (3031).

Of the total proposed transfer of \$4.777 million, 65.04% or \$3.107 million come from project close outs. The Lehman settlement revenues account for 12.41% of the total or \$593,000, 12.02% of the total is from fund balance of the respective funds or \$574,000 and 10.53% of the total or \$503,000 is attributable to projected increases in collections of the Penny for Pinellas revenues.

Table 2: Provides a list of the 12 total projects (by fund) that add up to the \$3.204 million in project transfers with \$96,498 coming from close outs within the Public Safety fund (3025) resulting in \$3.107 million in transfers from other funds. It should also be pointed out that the total \$3.107 million in project close outs comes from completed projects only and not from on-going projects.

Table 3: Illustrates the Penny revenue percentage funding by Fund, assuming that the \$4.777 million in transfers to Public Safety are approved. As the table shows, each of the funds will be within the funding range as outlined in the policy measure.

Attachments

cc: Mayor Bill Foster
Tish Elston, City Administrator
City Council Members
Eva Andujar, City Clerk

TABLE 1

Sources of Penny Transfers to Public Safety (000's omitted)	
Neighborhood and Citywide Infrastructure (3027)	
Lehman Settlement	\$ 449
Projected Penny Revenue Increase	\$ 259
Project Close Outs	\$ 2,790
Fund Balance	\$ 5
Total	\$ 3,503
Recreation and Culture Capital (3029)	
Lehman Settlement	\$ 144
Projected Penny Revenue Increase	\$ 215
Project Close Outs	\$ 28
Fund Balance	\$ 157
Total	\$ 544
City Facilities (3031)	
Lehman Settlement	\$ -
Projected Penny Revenue Increase	\$ 29
Project Close Outs	\$ 289
Fund Balance	\$ 412
Total	\$ 730
Grand Total	\$ 4,777

Notes:

- 1) Fund Balance includes funding from project close outs from previous quarters of FY13.
- 2) All projects closed were completed projects except for the Infrastructure To Be Determined in FY12 and FY13 of \$225k approximately.

Table 2

**CIP Projects Closed Report
FY 2013: Q4 (September 30, 2013) with Transfer to Public Safety**

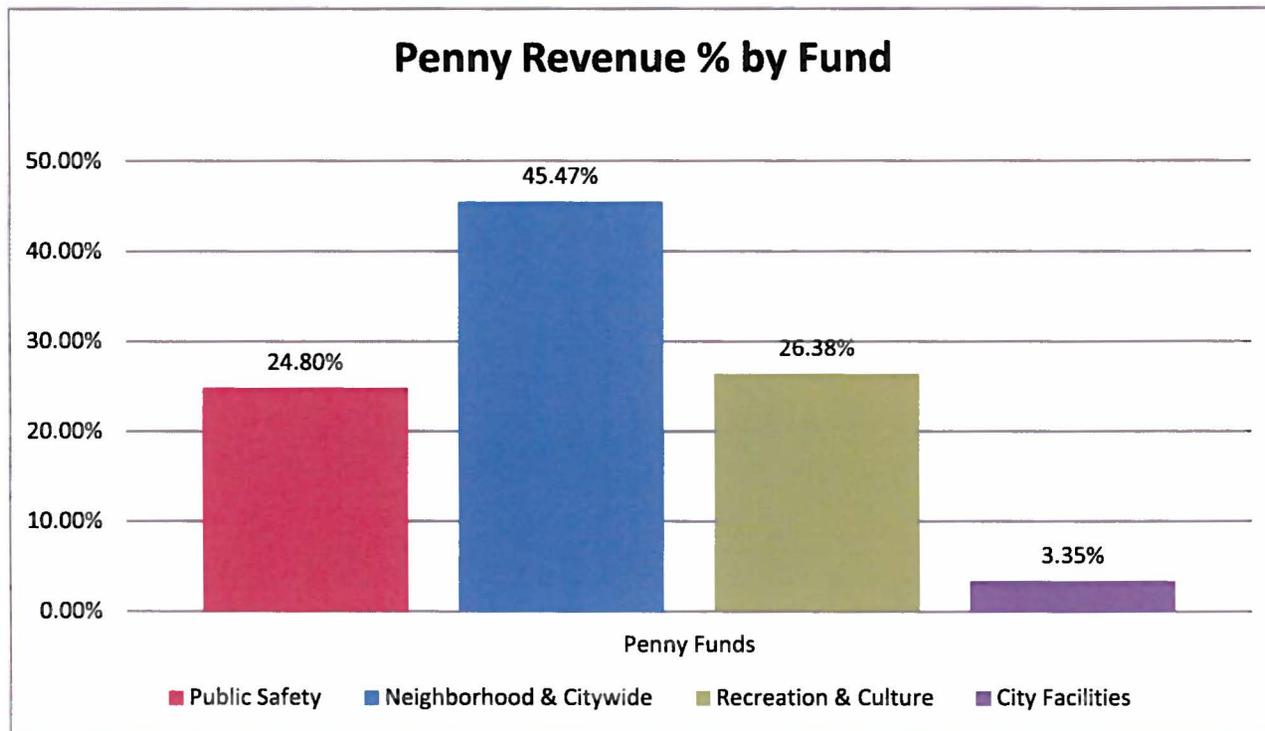
Fund	Fund Name	Project #	Start Date	Complete Date	Project Name	Budget	Total Cost	Remaining
Penny Funds								
3025	Public Safety	11330	1-Oct-06	30-Jun-13	Police HQ CEB Air Handler	270,000.00	182,299.76	87,700.24
3025	Public Safety	12098	1-Oct-08	20-Sep-13	New Police Station Assessments	250,000.00	241,201.32	8,798.68
					Sub-totals	520,000.00	423,501.08	96,498.92
3027	Neighborhood/Citywide	11151	1-Oct-06	22-Jul-13	4 S/S over Booker Creek Bridge	1,950,000.00	1,736,798.57	213,201.43
3027	Neighborhood/Citywide	11153	1-Oct-06	22-Jul-13	Jungle Lake Outfall Impr R-2-1	4,466,000.00	2,156,733.70	2,309,266.30
3027	Neighborhood/Citywide	12540	1-Oct-09	30-Sep-13	Special Assessment Admin FY10	200,000.00	61,832.04	138,167.96
3027	Neighborhood/Citywide	12738	16-Apr-10	22-Jul-13	ARTERIAL CHANNEL F DREDGING	163,132.00	33,115.26	130,016.74
					Sub-totals	6,779,132.00	3,988,479.57	2,790,652.43
3029	Recreation and Culture	12081	1-Oct-08	30-Sep-13	Princess Indian Mound - Pin Pt	125,000.00	120,790.11	4,209.89
3029	Recreation and Culture	12574	1-Oct-09	30-Apr-13	Sunken Gardens Master Plan	50,000.00	26,145.10	23,854.90
					Sub-totals	175,000.00	146,935.21	28,064.79
3031	City Facilities	12579	1-Oct-09	30-Sep-13	Main Library HVAC Repl/Upgrade	150,000.00	111,291.22	38,708.78
3031	City Facilities	13264	1-Oct-11	13-Sep-13	Infrastructure TBD FY12	25,000.00	-	25,000.00
3031	City Facilities	13660	1-Oct-10	30-Sep-13	Fire HQ Roof Replacement	205,000.00	179,754.90	25,245.10
3031	City Facilities	13758	1-Oct-12	30-Sep-13	Infrastructure TBD FY13	200,000.00	-	200,000.00
					Sub-totals	580,000.00	291,046.12	288,953.88
					Grand Totals	8,054,132.00	4,849,961.98	3,204,170.02

NOTES:

1) The total transfer to Public Safety is \$3,107,671 as the \$96,498.92 in project close outs in Public Safety projects will be added to the fund balance of that fund without council action.

Table 3
Local Option Revenue % by Fund with Policy Measure (Range)

Range	Name	Fund	Total
15.63% - 20.44%	Public Safety	3025	24.80%
44.96% - 53.31%	Neighborhood & Citywide	3027	45.47%
20.0% - 34.66%	Recreation & Culture	3029	26.38%
3.0% - 8.0%	City Facilities	3031	3.35%



Notes:

- 1) The allocation ranges for each Fund is as established in the Penny Policy Measurement.
- 2) The percentages reported above assume the proposed transfers of \$4.777 million to Public Safety for FY14.

ST. PETERSBURG CITY COUNCIL

Meeting of November 25, 2013

TO: City Council Chair and City Council Members

SUBJECT: An Ordinance Enacting Year-End Appropriation Adjustments – FY13 Operating Budget & Capital Improvement Program Budget & Adjustments to the FY14 Budget

EXPLANATION / COST FUNDING ASSESSMENT INFORMATION:

This agenda item transitions budgets from the year just closed to the new budget year. For FY13, it adjusts budgets that exceeded annual appropriations and commits and assigns funds in the General Operating Fund for specific purposes. It also provides adjustments (supplemental appropriations) to the FY14 budget. Council is asked to approve an ordinance to enact these changes, as required by the Charter.

The agenda item is divided into three major parts. Each part may involve several types of transactions including appropriation transfers which have no affect on fund balance or supplemental appropriations, *which reduce the fund balance of the specified fund unless there are unanticipated revenues to support the expense overage*. This item is subdivided into the sections of the Ordinance giving a detailed description of the provisions within the Ordinance and reasons for each budget modification.

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

Part I describes transactions which will clean up and finalize the **FY13 budget** (Ordinance Sections 1-5). The final accounting transactions for FY13 are being posted, requiring some adjustments to the **FY13** appropriations for both operations and capital projects. Additional appropriations are necessary to authorize expenditures in excess of budgeted amounts, even if related revenues are available to cover these expenses. State law requires that any budgetary adjustments to the prior year budget be made within 60 days of the close of the fiscal year.

Part II recommends commitments and assignments of funds remaining in the General Operating Fund at the close of **FY13** for a variety of purposes in **FY14** and the future. Commitments and assignments are not legal obligations to expend funds set-aside in the various categories and require appropriation by City Council in order to do so. These appear in Section 6 of the Ordinance.

Part III provides for supplemental appropriations, *which reduce the fund balance of the specified fund unless there are unanticipated revenues to support the expense overage*, to the **FY14** Budget, including re-appropriation of unexpended **FY13** monies and transfers, Ordinance Sections 7-9.

ATTACHMENTS: Ordinance for Council Action

APPROVALS:

Administrative:

Tison Elston 11/21/13

Budget:

[Signature]

**PRELIMINARY YEAR-END APPROPRIATION ADJUSTMENTS
FY13 OPERATING BUDGET &
CAPITAL IMPROVEMENT PROGRAM BUDGET**

This report presents recommendations for budget adjustments in various funds. Expenditure and revenue estimates are based on financial data through November 18, 2013. Budget adjustments are only required for entities that exceed previous appropriations for the entity as a whole. While some appropriations are made at the departmental level, such as the Fire Department, others are made at the administration level. For example, an appropriation would be required for the Leisure & Community Services Administration only if the expenditures exceeded the total appropriation for all departments within the administration. The Budget Ordinance is the guiding document for these requirements.

Supplemental appropriations are supported either by unanticipated revenue or by resources of the fund balance of the fund specified. Supplemental appropriations increase the total amount authorized in the fund.

PART I: FY13 APPROPRIATION ADJUSTMENTS

Ordinance Section 1

GENERAL FUND PRELIMINARY RESULTS

The total impact to the General Fund by the adjustments in section 1 is an increase in expense of \$607,000. The increased subsidies were identified earlier as part of the year end estimates presented to the Budget, Finance and Taxation committee. After these budget adjustments are made, the General Fund fund balance will be reduced by \$279,000. Expenditure and revenue estimates are based on financial data through November 18, 2013 and may require further adjustment when the final year end transactions are posted.

GENERAL OPERATING FUND – Appropriation Transfers

These appropriations cover expenditures which exceeded budget in FY13. *Appropriation transfers in the previous year have an impact on the fund balance as the funds had not been expended by year end.*

From: Budget Department- Contingency	(\$221,000)	Appropriation transfers are needed to move the funds budgeted in the General Fund contingency in order to increase the subsidy for Tropicana Field and the Port. An increase in the subsidy is needed due to higher event costs and decreased revenue from dock and wharf charges.
To: Tropicana Field Subsidy Port Subsidy	151,000 70,000	

GENERAL OPERATING FUND – Supplemental Appropriations

These appropriations cover expenditures which exceeded budget in FY13. In some cases, revenue also exceeded the budget. *The net impact of these revenue and expenditure variances will be covered from the fund balance.*

Sunken Gardens Subsidy	(12,000)	A reduced subsidy is needed due to increased revenue.
Pier Subsidy	(81,000)	A reduced subsidy is needed due to increased revenue.
Coliseum Subsidy	28,000	A supplemental appropriation is needed because of higher than budgeted costs for events based on the requirements of actual events during FY13.
Airport Loan	63,000	An advance from the General Fund is needed because of an accounts receivable write off related to the former fixed based operator and higher than budgeted costs for repairs. The Airport is an enterprise fund and will repay the General Fund from future earnings.
Golf Course Loan	120,000	An advance from the General Fund is needed due to decreased revenue because of unusually heavy rainfall. The Golf Course is an enterprise fund and will repay the General Fund from future earnings.
Jamestown Loan	175,000	An advance from the General Fund is needed because of higher than budgeted costs for facility repairs, an accounts receivable write off, and lower than budgeted rent revenue. Jamestown will repay the General Fund from future earnings.

ENTERPRISE & SPECIAL REVENUE OPERATING FUNDS – Supplemental Appropriations

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

Mahaffey Theater	700,000	A supplemental appropriation is needed because of higher event costs and advertising. The increased expenses are offset by increased revenue.
Pier	56,000	A supplemental appropriation is needed because of higher costs as a result of maintaining control of the facility for the entire year.
Sunken Gardens	93,000	A supplemental appropriation is needed because of higher event costs. The increased expenses are offset by increased revenue.
Tropicana Field	14,500	A supplemental appropriation is needed due to higher costs for salaries.
Arts in Public Places	19,000	A supplemental appropriation is needed to reflect expenses incurred in this fund based on FY13 transactions.
Sanitation	914,000	A supplemental appropriation is needed because there were higher than budgeted expenses for demolition and repairs and maintenance of vehicles and due to previously budgeted savings that were inadvertently left in the FY13 budget.
Jamestown	59,000	A supplemental appropriation is needed due to higher costs for facility repairs.

Ordinance Section 2

CAPITAL IMPROVEMENT FUNDS – Supplemental Appropriations

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

Neighborhood & Citywide Infrastructure	.37	Neighborhood Traffic Calming Project (10613)	A supplemental appropriation is needed to fix the project overage.
Neighborhood & Citywide Infrastructure	700.48	Bicycle Pedestrian Facilities FY08 Project (11653)	A supplemental appropriation is needed to fix the project overage.
Transportation Impact	792.47	Sidewalks Project (10620)	A supplemental appropriation is needed to fix the project overage.
Airport	27,847.98	Taxiway D Ramp Project (11670)	A supplemental appropriation is needed to expend additional revenue received from the FAA for this project.

Ordinance Section 3

INTERNAL SERVICE FUNDS – Increased Authorizations

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

Medical Insurance	198,500	A supplemental appropriation is needed for the Health Insurance Internal Service Fund to account for expenses in excess of the operating budget due to an unexpected number of large medical claims. Funds are available in the Health Insurance Fund.	
Workers' Compensation	1,121,000	A supplemental appropriation is needed for the Workers' Compensation Internal Service Fund to account for the increase in the actuarial determined short-term liability during the fiscal year in accordance with full accrual accounting practices. Funds are available in the Workers' Compensation Fund.	

Ordinance Section 4

Ordinance 97-H is hereby amended by incorporating into said Ordinance all appropriations and adjustments to the operating and capital improvement budgets pertaining to the fiscal year ending September 30, 2013 made by previous resolution, and all supplemental appropriations and adjustments contained in this Ordinance, which pertain to the Fiscal Year ending September 30, 2013. Ordinance Number 97-H as amended as provided herein shall constitute the final budget for the Fiscal Year ending September 30, 2013.

**PART II: COMMITMENTS AND ASSIGNMENTS OF FUND BALANCES FOR
FY13 YEAR END**

Ordinance Section 5

Each year City Council has committed a portion of the General Operating Fund balance for specific purposes. Administration recommends the commitment and assignments of the following amounts totaling \$1.062 million within the General Operating Fund balance as of September 30, 2013. These commitments include amounts requested for re-appropriation during FY13.

OPERATING RE-APPROPRIATIONS \$1,036,848

This commitment provides for funds to be rolled over for contracts, grants, or purchase orders issued in 2013 under which purchases could not be completed due to timing or other issues.

LAND SALE PROCEEDS \$7,500

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

QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM \$18,000

This commitment was established to provide the city's share over the next five years for the QTI program, which provides funds to local businesses for the purpose of stimulating economic growth and employment. The amount of this commitment does not include 2014 because the FY14 payment for QTI (\$7,950) has already been appropriated in the FY14 budget.

**PART III: FY13 CHANGES TO GENERAL OPERATING FUND, ENTERPRISE FUNDS,
SPECIAL REVENUE FUNDS, INTERNAL SERVICE FUNDS, CIP FUND BUDGETS &
TRANSFERS FOR ART IN PUBLIC PLACES**

Ordinance Section 6

RE-APPROPRIATION OF FY13 ENCUMBRANCES

Encumbrances are funded with fund balance from each respective fund. All of these amounts were previously appropriated in FY13 and have legal commitments for expenditure that will occur in FY14. These include the unspent portion of existing contracts. Actual encumbrances may be more or less after all financial transactions are posted.

General Operating Fund

Police	382,790
Fire	42,439
City Development Administration	12,577
Leisure and Community Services Administration	446,489
General Government Administration	79,411
Public Works Administration	<u>73,142</u>
Total General Fund	1,036,848

All Other Funds

Emergency Medical Services	6,720
Local Housing Assistance	167,523
Parking	107,524
Law Enforcement	31,226
CDBG	100,003
Emergency Shelter Grant	49,771
HOME Program	427,751
Neighborhood Stabilization Program	742,833
Building Permit	2,893
Mahaffey Theater	41
Pier	7,862
Coliseum	5,375
Sunken Gardens	8,739
Police Grant	440
Operating Grant	105,552
Water Resources	1,769,980
Stormwater	17,610
Sanitation	118,991
Sanitation Equipment Replacement	2,914,143
Airport	17,382
Marina	56,188
Golf Course	4,804
Jamestown	5,838
Fleet	999,097
Equipment Replacement	5,110,873
Municipal Office Buildings	31,597
ICS	158,822
Technology & Infrastructure	20,729
Supply Management	1,855
Health Insurance	24,921
Total Other Funds	<u>13,017,083</u>

Ordinance Section 7

GENERAL FUND IMPACT

The total impact to the General Fund by the adjustments in Section 7 is an increase in expense of \$3,238,951. The transfers from contingency of \$2,054,100 were planned changes and budgeted as part of the FY 2014 budget planning process and will have no effect on fund balance. Of the \$1,184,851 in other General Fund supplemental appropriations, there are three grants that have a revenue source totaling \$188,858. The net impact to the fund balance is \$995,993.

FY14 APPROPRIATION ADJUSTMENTS

GENERAL OPERATING FUND – Appropriation Transfers

Appropriation transfers from the FY14 contingency have no effect on fund balance.

From: Budget Department- Contingency	(2,054,100)	Appropriation transfers are needed to move the funds budgeted in the General Fund contingency for the Police and Fire salary increases. Funding for the salary increases was budgeted in the FY14 contingency and needs to be moved. Additional transfers are needed to provide funding for security and maintenance at the Pier (\$420,000), provide additional funds needed for the Waterfront Master Plan (\$200,000), and provide funds for the consultant costs for the Jamestown renovation project (\$23,600). After these appropriation transfers are made, the balance in contingency will be \$718,070.
To:		
Police Department	884,000	
Fire Department	526,500	
Pier Subsidy	420,000	
Planning & Economic Development	200,000	
Jamestown Loan	23,600	

SUPPLEMENTAL APPROPRIATIONS

All supplemental appropriations are funded with fund balance from each respective fund or from unanticipated revenues. Some of these amounts (grants) were previously appropriated in FY13 and have legal commitments for expenditures that will occur in FY14.

GENERAL OPERATING FUND – FY14 Supplemental Appropriation

Community Services	134,993	A supplemental appropriation is needed to roll over the remaining funds for the completion of the Historic Roser Park Plan (\$13,985), and roll over the remaining funds for the After School and Summer Youth Employment Programs (\$121,008).
Police	33,306	A supplemental appropriation is needed to roll over the balance of the unexpended grant funds for the Pedestrian Safety Grant (\$33,306). This will not impact the fund balance since there is offsetting grant revenue.
Fire	126,552	A supplemental appropriation is needed to renew the MobilEyes software subscription (\$21,000) and to roll over unspent grant proceeds for the Department of Homeland Security Assistance to Firefighters grant (\$105,552). The grant roll over will not impact the fund balance since there is offsetting grant revenue.
Marketing	25,000	A supplemental appropriation is needed to roll over the funds budgeted in FY13 for the Arts consultant.
Finance	270,000	A supplemental appropriation is required to transfer to the General Capital Improvement Fund. Funding is from proceeds from the sale of the Tampa Bay Research Institute, which will provide funding for the I-175 On Ramp/4th St., Two Way and Dome Industrial Park Land Acquisition Projects.
Planning & Economic Development	515,000	A supplemental appropriation is needed to roll over the funds budgeted in FY13 for the Urban Land Institute panel (\$25,000), the Rebates for Residential Rehabs Program (\$390,000), rollover the unspent grant proceeds for the St. Petersburg African American Heritage Trail Project (\$50,000) , and provide additional funds for the Waterfront Master Plan (\$50,000).
Real Estate & Property Management	80,000	A supplemental appropriation is needed to provide funds for a Property & Asset Management Coordinator position. This position is needed to assure quality, continuity, and succession planning for the department.

Other Funds FY14 Supplemental Appropriations

Emergency Medical Services	2,340	A supplemental appropriation is needed to purchase newer style extrication gloves for sworn department members.
Local Housing Assistance	244,765	A supplemental appropriation is needed to roll over unspent grant funds.
Law Enforcement Trust	552,748	A supplemental appropriation is needed to roll over unspent forfeiture funds for various police programs.
Community Development Block Grant	558,734	A supplemental appropriation is needed to roll over unspent grant funds.
Emergency Shelter Grant	5,372	A supplemental appropriation is needed to roll over unspent grant funds.
HOME Program	1,769,989	A supplemental appropriation is needed to roll over unspent grant funds.
Neighborhood Stabilization Program	2,491,398	A supplemental appropriation is needed to roll over unspent grant funds.
Community Housing Trust	74,313	A supplemental appropriation is needed to roll over unspent grant funds.
Pier	420,000	A supplemental appropriation is needed due to the cost of retaining the pier building. Since the facility was not turned over to a contractor, ongoing expenses are the city's responsibility.
Police Grant Trust	279,876.46	A supplemental appropriation is needed to roll over unspent grant funds for the JAG 2011 (\$133,317.46) and JAG 2011 (\$146,559) grants.
Water Resources	108,296.71	A supplemental appropriation is needed to roll over unspent grant funds for the Toilet Rebate Grant (\$90,388.35) and the Sensible Sprinkling Grant (\$17,908.36).
Jamestown	23,600	A supplemental appropriation is needed for architectural and engineering costs for the Jamestown renovations. The funds for this are being advanced by the General Fund and will be repaid after bonds are issued for the renovation of the remaining units.
Equipment Replacement	555,000	An increase in the authorization level of this internal service fund is needed to roll over funds budgeted, but not expended, in FY13 for the purchase of vehicles and equipment.
Municipal Office Buildings	20,000	An increase in the authorization level of this internal service fund is needed to install approximately 38 proximity card readers to replace the swipe card readers at City Hall, the City Hall Annex, and the Municipal Services Center.
Information & Communication Services	85,765	An increase in the authorization level of this internal service fund is needed to roll over funds budgeted, but not expended, in FY13 for development efforts in supplementing vacant developer positions (\$9,400); training fees not used due to vacant positions (\$29,000); maintenance renewal of extreme infrastructure switches and the Omnicast software (\$17,365); and replacement of some of the routers in the city network (\$30,000).
Technology & Infrastructure	1,328,239	An increase in the authorization level of this internal service fund is needed to purchase a server for the television equipment which will be used to digitally store and automatically playback video programs (\$69,400), and roll over funds budgeted in FY13 for the Automated Payables project which will be implemented in FY 2014 (\$450,000); and change non-public safety radios to P25 as part of the radio system conversion by County (\$808,839).

CAPITAL IMPROVEMENT FUNDS – FY14 Supplemental Appropriations

General Capital Improvement	100,000	Transfer to Municipal Office Buildings	Transfer funds back to the Municipal Office Building now that the City Hall Repairs Project (11673) has been closed.
General Capital Improvement	57,592.46	Dome Industrial Park Land Acquisition (14105)	Close out prior year related projects: Dome Industrial Park Property Purchases Project (12780) and Dome Ind Park Redevelopment Project (C133242) and appropriate remaining funds to condense funding into one project.
Public Safety Capital Improvement	8,798.68	Police Facility/EOC (12847).	Close out prior year related project: New Police Station Assessments Project (12098) and appropriate remaining funds to condense funding into one project.
Neighborhood & Citywide Infrastructure	6,990	Dome Industrial Park Land Acquisition (14105)	Close out prior year related project: Dome Industrial Park Pilot Project (CP57021) and appropriate remaining funds to condense funding into one project.
Neighborhood & Citywide Infrastructure	136,435	Blueways FY12 (13284)	Close out prior year program projects: 12587 and 12899 and appropriate remaining funds to condense funding into one project.
Neighborhood & Citywide Infrastructure	271,777	Neighborhood Transportation Management Program (14149)	Close out prior year program projects: 12106, 12582, 12894 and 13759 and appropriate remaining funds to condense funding into one project.
Neighborhood & Citywide Infrastructure	8,761	Intersection Modification FY14 (14150)	Close out prior year program projects: 10612 and 11316 and appropriate remaining funds to condense program funding into one project.
Neighborhood & Citywide Infrastructure	3,503,000	Transfer	Transfer to the Public Safety Capital Improvement Fund to fund the Police Facility/EOC Project (12847). These funds are available for transfer from the fund balance resulting from additional revenue over budgeted amounts and project close outs.

Recreation & Culture Capital Improvement	544,000	Transfer	Transfer to the Public Safety Capital Improvement Fund to fund the Police Facility/EOC Project (12847). These funds are available for transfer from the fund balance resulting from additional revenue over budgeted amounts and project close outs.
City Facilities Capital Improvement	730,000	Transfer	Transfer to the Public Safety Capital Improvement Fund to fund the Police Facility/EOC Project (12847). These funds are available from the fund balance resulting from additional revenue over budgeted amounts and project close outs.
Transportation Impact Capital Improvement	215,060	Downtown Int & Ped Fac FY13 (13765)	Close out prior year program projects: 12902 and 14155 and appropriate remaining funds to condense all program funding into one project.
Transportation Impact Capital Improvement	2,943	Intersection Modification FY14 (14150)	Close out prior year program project: 10109 and appropriate remaining funds to condense all program funding into one project.
Transportation Impact Capital Improvement	130,076	Traffic Safety Program FY12 (13288)	Close out prior year program projects: 11322, 11655, 12109, 12591 and 12903 and appropriate remaining funds to condense all program funding to one project to use towards 38th/40th A/N between 1st and 4th Streets.
Transportation Impact Capital Improvement	379,914	Gateway DRI Mitigation Program FY14 (14167)	Close out of prior year program projects: 13775, 13294, 12925, and 12115 and appropriate remaining funds to condense all program funding into one project.
Downtown Parking Capital Projects	10,163	Baywalk Garage Waterproofing (13778)	A supplemental appropriation is needed to help fund the project. The work currently needed at the garage is in excess of the FY14 CIP project funding. This will allow more of the required waterproofing to be completed.
Water Resources Capital Projects	93,418	Bond interest earnings – BAB's Bond 80766	A supplemental appropriation is needed to spend the interest earned on the bond proceeds.
Water Resources Capital Projects	56,615	Bond interest earnings – Super BAB's Bond 80767	A supplemental appropriation is needed to spend the interest earned on the bond proceeds.
Water Resources Capital Projects	47,089	Bond interest earnings – FY13 WR Bond 80921	A supplemental appropriation is needed to spend the interest earned on the bond proceeds.
Airport Capital Projects	1,000	Airport Terminal (13279)	A supplemental appropriation is needed to expend additional revenue received from the FAA.

Ordinance Section 8

TRANSFERS TO THE ART IN PUBLIC PLACES FUND

Certain capital improvement construction projects within the city are required by ordinance to make transfers to the Art in Public Places Fund. The amount to be transferred is equal to 1% of the project's construction costs up to \$2,500,000 and 0.5% for costs between \$2,500,000 and \$7,500,000 with a maximum transfer of \$50,000. The following transfer, totaling \$35,220 to the Art in Public Places Fund, is based on FY13 transactions:

Recreation & Culture Capital Improvement Fund	\$18,650
Weeki Wachee Capital Improvement Fund	16,570

Approval of the attached ordinance is requested.

ORDINANCE NO. 97-H

AN ORDINANCE ENACTING YEAR-END APPROPRIATION
ADJUSTMENTS FOR FISCAL YEAR 2013; OPERATING
BUDGET AND CAPITAL IMPROVEMENT PROGRAM
BUDGET AND ADJUSTMENTS TO THE FISCAL YEAR 2014
BUDGET; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1: The following appropriation transfers and supplemental appropriations (numbers in parentheses denote reduced appropriations) to the city of St. Petersburg operating budget for the Fiscal Year ending September 30, 2013 are approved from the fund balance of each respective operating fund listed below:

General Operating Fund Appropriation Transfers:	
From: Budget Department-Contingency	(221,000)
To: Tropicana Field Subsidy	151,000
Port Subsidy	70,000

Supplemental Appropriations:	
General Operating Fund	
General Government Administration	293,000
Mahaffey Theater	700,000
Pier	56,000
Sunken Gardens	93,000
Tropicana Field	14,500
Arts in Public Places	19,000
Sanitation	914,000
Jamestown	59,000

Section 2: The following appropriation adjustments (numbers in parentheses denote reduced appropriations) to the city of St. Petersburg capital improvement program (CIP) budget for the Fiscal Year ending September 30, 2013 are approved from the fund balance of each respective CIP fund listed below:

Neighborhood & Citywide Infrastructure Fund	
Neighborhood Traffic Calming Project	.37
Bicycle Pedestrian Facilities FY08 Project	700.48
Transportation Impact Fees	
Sidewalks Project	792.47
Airport	
Taxiway D Ramp Project	27,847.98

Section 3: The following increases to the Internal Service Fund authorizations are approved for the Fiscal Year ending September 30, 2013:

Health Insurance	198,500
Workers Compensation	1,121,000

Section 4: Ordinance No. 49-H is hereby amended by incorporating into said Ordinance all appropriations and adjustments to the operating and capital improvement budgets pertaining to the Fiscal Year ending September 30, 2013 made by previous resolution, and all supplemental appropriations and adjustments contained in this Ordinance which pertain to the Fiscal Year ending September 30, 2013. Ordinance No. 49-H, as amended as provided herein, shall constitute the final budget for the Fiscal Year ending September 30, 2013.

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

Operating Re-appropriations	\$1,036,848
Land Sale Proceeds	7,500
Qualified Target Industry (QTI) Tax Refund Program	18,000

Section 6: The following amounts encumbered during FY 2013 are re-appropriated for the Fiscal Year ending September 30, 2014 from the fund balance of the respective funds:

General Operating Fund:	
Police	\$382,790
Fire	42,439
City Development Administration	12,577
Leisure and Community Services Administration	446,489
General Government Administration	79,411
Public Works Administration	73,142
Emergency Medical Services	6,720
Local Housing Assistance	167,523
Parking	107,524
Law Enforcement	31,226
Community Development Block Grant	100,003
Emergency Shelter Grant	49,771
HOME Program	427,751
Neighborhood Stabilization Program	742,833
Building Permit Special Revenue	2,893
Mahaffey Theater	41
Pier Operating	7,862
Coliseum Operating	5,375
Sunken Gardens	8,739
Police Grant	440
Operating Grant	105,552
Water Resources	1,769,980
Stormwater	17,610
Sanitation	118,991
Sanitation Equipment Replacement	2,914,143
Airport Operating	17,382
Marina Operating	56,188
Golf Course Operating	4,804
Jamestown Complex	5,838
Fleet Management	999,097
Equipment Replacement	5,110,873

Municipal Office Buildings	31,597
Information & Communication Services	158,822
Technology & Infrastructure	20,729
Supply Management	1,855
Billing & Collections	24,921

Section 7: The following appropriation transfers and supplemental appropriations (numbers in parentheses denote reduced appropriations) to the city of St. Petersburg operating budget for the Fiscal Year ending September 30, 2014 are approved from the fund balance of each respective operating fund listed below:

General Operating Fund Appropriation Transfers	
From: Budget Department-Contingency	(2,054,100)
To: Police	884,000
Fire	526,500
Pier Subsidy	420,000
Planning & Economic Development	200,000
Jamestown Loan	23,600
Supplemental Appropriations	
General Government Administration	270,000
Leisure & Community Services Administration	134,993
Police	33,306
Fire	126,552
City Development Administration	620,000
Emergency Medical Services	2,340
Local Housing Assistance	244,765
Law Enforcement Trust	552,748
Community Development Block Grant	558,734
Emergency Shelter Grant	5,372
HOME Program	1,769,989
Neighborhood Stabilization Program	2,491,398
Community Housing Trust	74,313
Pier	420,000
Police Grant Trust	279,876.46
Water Resources	108,296.71
Jamestown	23,600
Equipment Replacement	555,000
Municipal Office Buildings	20,000
Information & Communication Services	85,765
Technology & Infrastructure	1,328,239
General Capital Improvement	
Transfer to Municipal Office Buildings	100,000
Dome Industrial Park Land Acquisition	57,592.46
Public Safety Capital Improvement	
Police Facility/EOC	8,798.68
Neighborhood & Citywide Infrastructure	
Blueways FY12	136,435
Neighborhood Transportation Management	271,777
Intersection Modifications	8,761
Transfer	3,503,000

Dome Industrial Park Land Acquisition	6,990
Recreation & Culture – Transfer	544,000
City Facilities-Transfer	730,000
Transportation Impact	
Downtown Intersection & Pedestrian Facilities FY13	215,060
Intersection Modifications FY14	2,943
Traffic Safety FY12	130,076
Gateway DRI Mitigation FY14	379,914
Downtown Parking	
Baywalk Garage Waterproofing	10,163
Water Resources Capital Projects	
BABs TBD Project	93,418
Super BABs TBD Project	56,615
FY13WR Bond TBD Project	47,089
Airport	
Airport Terminal	1,000

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

Recreation & Culture Capital Improvement Fund	\$18,650
Weeki Wachee Capital Improvement Fund	16,570

Section 9: All appropriations contained in this Ordinance regarding the budget for Fiscal Year ending September 30, 2014 may be amended in accordance with the City Code or as provided for in Ordinance No. 87-H.

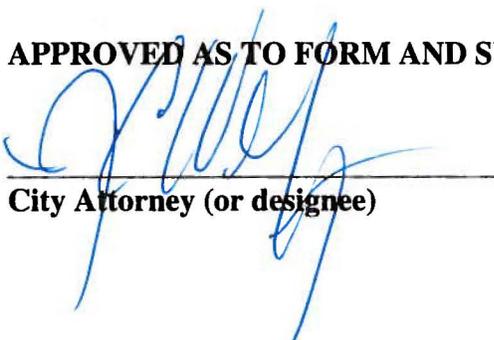
Section 10: In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will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

APPROVED BY DEPARTMENT:



Budget Department

APPROVED AS TO FORM AND SUBSTANCE:



City Attorney (or designee)

Attached documents for item Ordinance 089-HL approving the designation of the Custer-Moore Residence, located at 1014 Alhambra Way South, as a local historic landmark. (City File HPC 13-90300004)

ST. PETERSBURG CITY COUNCIL
Meeting of November 25, 2013

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

SUBJECT: City-initiated Historic Landmark Designation of the Custer-Moore Residence, located at 1014 Alhambra Way South (HPC Case No. 13-90300004).

An analysis of the request is provided in the attached Staff Report.

REQUEST: The request is to approve an ordinance designating the Custer-Moore Residence, located at 1014 Alhambra Way South, as a local historic landmark (City File HPC 13-90300004).

RECOMMENDATION:

Administration: Administration recommends approval.

Community Preservation Commission: On October 18, 2013, the Community Preservation Commission held a public hearing on this matter and recommended approval of the landmark designation to City Council by a vote of 6 to 0.

Recommended City Council Action: 1) CONDUCT the second reading and Quasi-Judicial Public Hearing; AND 2) APPROVE the attached ordinance.

Attachments: Ordinance (Including Map), Staff Report to the CPC, Designation Application

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING THE CUSTER-MOORE RESIDENCE (LOCATED AT 1014 ALHAMBRA WAY SOUTH) AS A LOCAL LANDMARK AND ADDING THE PROPERTY TO THE LOCAL REGISTER PURSUANT TO SECTION 16.30.070, CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The City Council finds that the Custer-Moore Residence, which was constructed in 1925, meets four of the nine criteria listed in Section 16.30.070.2.5.D, City Code, for designating historic properties. More specifically, the property meets the following criteria:

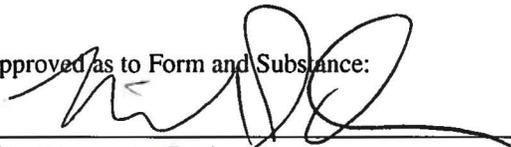
- (1) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation.
- (3) It is identified with a person who significantly contributed to the development of the City, state, or nation.
- (4) It is identified as the work of a master builder, designer, or architect whose individual work has influence dthe development of the City, state, or nation.
- (5) Its value as a building is recognized for its quality of architecture, and it retains sufficient elements showing its architectural significance.

SECTION 2. The Custer-Moore Residence, located upon the following described property, is hereby designated as a local landmark and shall be added to the local register listing of designated landmarks, landmark sites, and historic and thematic districts which is maintained in the office of the City Clerk:

Lot 12 & Pt Lot 11 Desc as Beg SW Cor of Lot 12 Th S31dw 40ft Th N27dw 115.59ft Th NE'y Alg curve to Rt 33ft Th SE'y 90ft to POB, Blk 61, Lakewood Estates Sec A, according to the map or plat thereof as recorded in Plat Book 7, Page 27, of the Public Records of Pinellas County, Florida.

SECTION 3. This ordinance is effective immediately upon adoption.

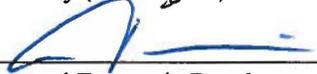
Approved as to Form and Substance:



City Attorney (or Designee)

10/21/13

Date



Planning and Economic Development Department

10-16-13

Date



Community Preservation Commission

1014 Alhambra Way South

AREA TO BE APPROVED,

SHOWN IN



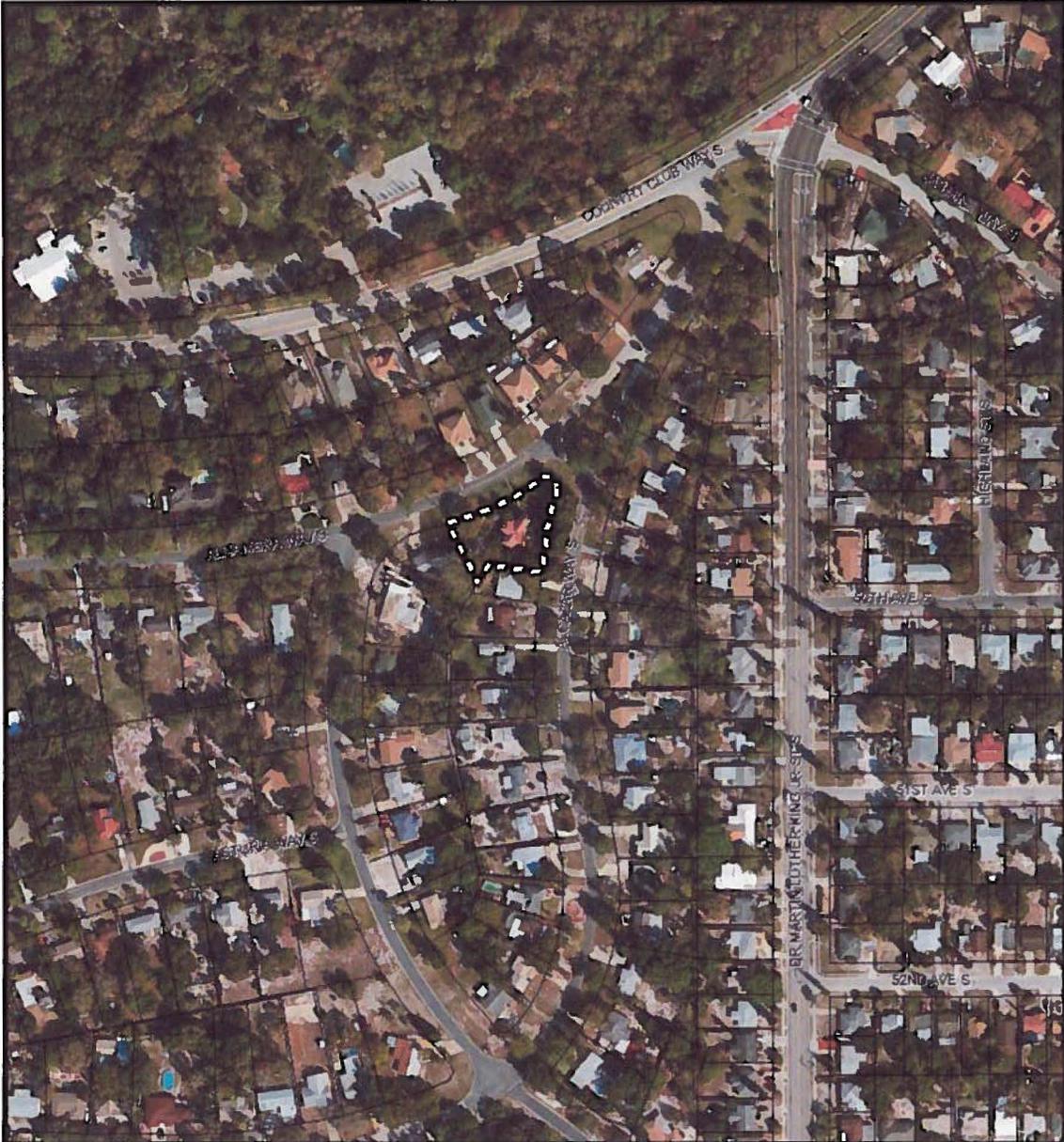
CASE NUMBER

13-90300004



N

SCALE:
Not to Scale



Community Preservation Commission

1014 Alhambra Way South

AREA TO BE APPROVED,

SHOWN IN



CASE NUMBER

13-90300004



N

SCALE:
Not to Scale



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CITY OF ST. PETERSBURG, FLORIDA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
URBAN PLANNING AND HISTORIC PRESERVATION DIVISION

STAFF REPORT

COMMUNITY PRESERVATION COMMISSION

LOCAL DESIGNATION REQUEST

For **Public Hearing and Recommendation to City Council** on **October 18, 2013** beginning at 9:00 A.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

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

CASE NO.:	HPC 13-90300004
STREET ADDRESS:	1014 Alhambra Way South
LANDMARK:	Custer-Moore Residence
OWNER:	Ann Schneller Estate
APPLICANT:	City of St.Petersburg
REQUEST:	Local Designation of the Custer-Moore Residence



Custer-Moore Residence, 1014 Alhambra Way South

STAFF FINDINGS

Staff finds that the Custer-Moore Residence, located at 1014 Alhambra Way South, is eligible to be designated as a local landmark.

The Custer-Moore Residence is significant at the local level in the areas of Community Planning and Development and Architecture and meets the following criteria for designation of a property found in the City Code, Section 16.30.070.2.5:

- (1) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation.
- (3) It is identified with a person who significantly contributed to the development of the City, state, or nation.
- (4) It is identified as the work of a master builder, designer, or architect whose individual work has influence dthe development of the City, state, or nation.
- (5) Its value as a building is recognized for its quality of architecture, and it retains sufficient elements showing its architectural significance.

Constructed in 1925, this Mediterranean Revival style residence was designed by architects Lester Avery and Olin Round and built by contractors Albert Bjoraas and John Wick. Commissioned by Charles Hall to design and build the residence as a piece of statement architecture to be placed at a prominent entrance to his development, the original residents were Frank Custer, the Office Manager and Secretary-Treasurer for the Victory Land Company and his wife Kathryn as their year-round residence. Located south of downtown St. Petersburg near Lake Maggiore and Big and Little Bayous, the residence is representative of the southern expansion of the city to Pinellas Point as well as the evolution of the City's neighborhoods from the 1920s through the 1950s. The Custer-Moore Residence is a representative example of an upper, middle-class residence built at the height of the Florida land boom to promote settlement in a new planned development. The home remains a good example of Mediterranean Revival style architecture significant for its part in the development of the Lakewood Estates development and its associations with Charles Hall, George F. Young, and Lester Avery and Olin Round.

PROPERTY OWNER CONSENT AND IMPACT OF DESIGNATION

The owner, the Ann Schneller Estate, represented by Annette Carter-Wilder, support this City initiated designation of their residence.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject property is designated Residential Low on the City's Future Land Use Map (FLUM) and NS-2 (Neighborhood Suburban Single Family - 2) on the City's Official Zoning Map. The proposed local landmark designation is consistent with the City's Comprehensive Plan, relating to the protection, use and adaptive reuse of historic buildings. The proposed historic landmark designation, which is consistent with Objective LU26 of the City's Comprehensive Plan, will not affect either the FLUM or zoning designations, thus will not affect any existing or future plans for the development of the City.

OBJECTIVE LU26: The City's LDRs shall continue to support the adaptive reuse of existing and historic buildings in order to maximize the use of existing infrastructure, preserve natural areas from being harvested for the production of construction materials, minimize the vehicle miles traveled for transporting new construction materials over long distances, preserve existing natural carbon sinks within the City, and encourage the use of alternative transportation options.

The proposed landmark designation is also consistent with Objective LU10, Policy LU10.1 and Policy HP2.6 of the City's Comprehensive Plan, shown below.

OBJECTIVE LU10: The historic resources locally designated by the St. Petersburg City Council and Community Preservation Commission shall be incorporated onto the Land Use Map or map series at the time of original adoption or through the amendment process and protected from development and redevelopment activities consistent with the provisions of the Historic Preservation Element and the Historic Preservation Ordinance.

Policy LU10.1 Decisions regarding the designation of historic resources shall be based on the criteria and policies outlined in the Historic Preservation Ordinance and the Historic Preservation Element of the Comprehensive Plan.

Policy HP2.6 Decisions regarding the designation of historic resources shall be based on National Register eligibility criteria and policies outlined in the Historic Preservation Ordinance and the Comprehensive Plan. The City will use the following selection criteria for City initiated landmark designations as a guideline for staff recommendations to the Community Preservation Commission and City Council:

- National Register or DOE status
- Prominence/importance related to the City
- Prominence/importance related to the neighborhood
- Degree of threat to the landmark
- Condition of the landmark
- Degree of owner support

RECOMMENDATION

Staff recommends **APPROVAL** of the request to designate the Custer-Moore Residence, located at 1014 Alhambra Way South, as a local historic landmark, thereby referring the application to City Council for first and second reading and public hearing.

ATTACHMENTS: DESIGNATION APPLICATION



Community Preservation Commission

1014 Alhambra Way South

AREA TO BE APPROVED,

SHOWN IN

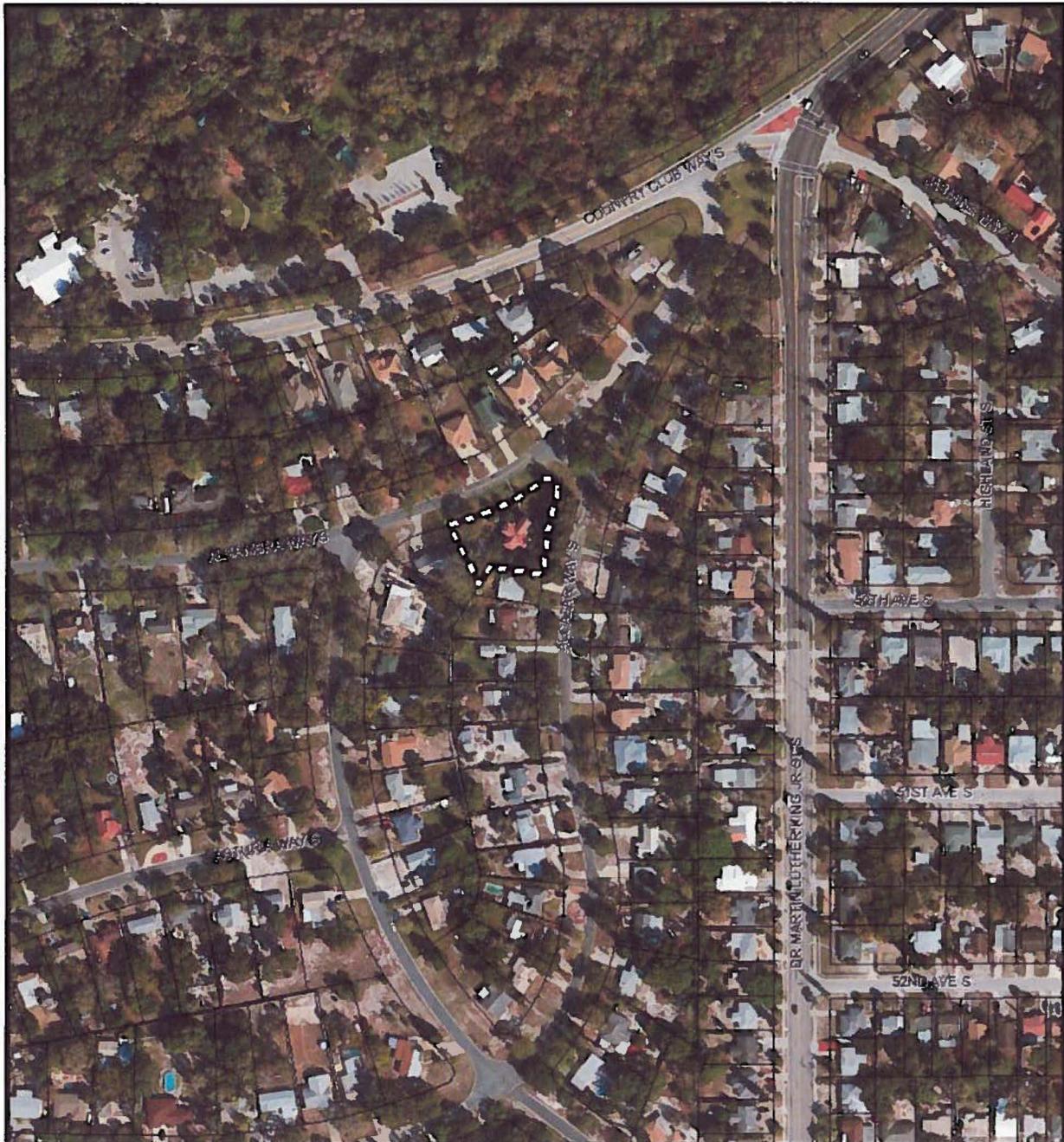


CASE NUMBER

13-90300004



N
SCALE:
Not to Scale



Community Preservation Commission

1014 Alhambra Way South

AREA TO BE APPROVED,

SHOWN IN



CASE NUMBER

13-90300004



N
SCALE:
Not to Scale



Local Landmark Designation Application

Type of property nominated (for staff use only)

- building structure site object
 historic district multiple resource

1. NAME AND LOCATION OF PROPERTY

historic name Custer-Moore Residence

other names/site number _____

address 1014 Alhambra Way South

historic address 1000 Alhambra Way South

2. PROPERTY OWNER(S) NAME AND ADDRESS

name Ann Schneller Estate

street and number 1014 Alhambra Way South

city or town St. Petersburg state FL zip code 33705

phone number (h) _____ (w) _____ e-mail _____

3. NOMINATION PREPARED BY

name/title Kimberly Hinder/Planner III

organization City of St. Petersburg

street and number P.O. Box 2842

city or town St. Petersburg state FL zip code 33731-2842

phone number (h) _____ (w) 8925451 e-mail kimberly.hinder@stpete.org

date prepared 10/14/2013

signature Kimberly O. Hinder

4. BOUNDARY DESCRIPTION AND JUSTIFICATION

Describe boundary line encompassing all man-made and natural resources to be included in designation (general legal description or survey). Attach map delimiting proposed boundary. (Use continuation sheet if necessary)

SEE CONTINUATION SHEET.

5. GEOGRAPHICAL DATA

acreage of property less than 1 acre

property identification
number 13216493920610110

Custer-Moore Residence

Name of Property

6. FUNCTION OR USE

Historic Functions

DOMESTIC/single dwelling

Current Functions

DOMESTIC/single dwelling

7. DESCRIPTION

Architectural Classification

(See Appendix A for list)

Mediterranean Revival

Materials

stucco

Narrative Description

On one or more continuation sheets describe the historic and existing condition of the property use conveying the following information: original location and setting; natural features; pre-historic man-made features; subdivision design; description of surrounding buildings; major alterations and present appearance; interior appearance;

8. NUMBER OF RESOURCES WITHIN PROPERTY

Contributing

Noncontributing

Resource Type

Contributing resources previously listed on the National Register or Local Register

2

Buildings

Sites

Structures

Objects

Number of multiple property listings

2

Total

Custer-Moore Residence

Name of Property

9. STATEMENT OF SIGNIFICANCE

Criteria for Significance

(mark one or more boxes for the appropriate criteria)

- Its value is a significant reminder of the cultural or archaeological heritage of the City, state, or nation.
- Its location is the site of a significant local, state, or national event.
- It is identified with a person or persons who significantly contributed to the development of the City, state, or nation.
- It is identified as the work of a master builder, designer, or architect whose work has influenced the development of the City, state, or nation.
- Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
- It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
- Its character is a geographically definable area possessing a significant concentration, or continuity or sites, buildings, objects or structures united in past events or aesthetically by plan or physical development.
- Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.
- It has contributed, or is likely to contribute, information important to the prehistory or history of the City, state, or nation.

Areas of Significance

(see Attachment B for detailed list of categories)

Community Planning and Development

Architecture

Period of Significance

1925 - 1963

Significant Dates (date constructed & altered)

1925

Significant Person(s)

Hall, Charles

Young, George F.

Cultural Affiliation/Historic Period

Builder

Bjoraas and Wick

Architect

Avery and Round

Narrative Statement of Significance

(Explain the significance of the property as it relates to the above criteria and information on one or more continuation sheets. Include biographical data on significant person(s), builder and architect, if known. Please use parenthetical notations, footnotes or endnotes for citations of work used.)

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Please list bibliographical references.

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 1

BOUNDARY DESCRIPTION AND JUSTIFICATION

Boundary Description

The boundary is defined as Parcel 01/32/16/49392/061/0110, described as Block 61, Lot 12 and pt Lot 11 desc as beg SW cor of Lot 12 Th S31dw 40 ft th N27dw 115.59 ft th ne'ly alg curve to rt 33ft th se'ly 90 ft to POB of the Lakewood Estates Sec A, according to the plat thereof, as recorded in Plat Book 7, Page 27 of the Public Records of Pinellas County, Florida.

Boundary Justification

The boundary consists of the property historically associated with the Custer-Moore Residence.

PHYSICAL DESCRIPTION

Summary

The Mediterranean Revival style Custer-Moore Residence, located at 1014 Alhambra Way South, was constructed in 1925. The home initially served as a single-family residence for Frank and Kathryn Custer. Significant features of the home include the irregular plan with intersecting gable and hip roofs clad with barrel tile, the textured stucco finish, arched openings, and tile accents.

Setting

Located on a projecting corner parcel at the intersection of Alhambra and Alcazar Way South, the Custer-Moore Residence is situated on Block 61 of the Lakewood Estates, Section A plat. At the time of its construction, the area was sparsely inhabited with a few scattered residences. The property remains in a predominantly residential area with some governmental uses nearby around Lake Maggiore to the north.

Physical Description

Constructed in 1925, this Mediterranean Revival style residence was designed by the local architectural firm of Avery and Round and built by local contractors Bjoraas and Wick. The two-story building maintains its irregular plan and incorporates a small basement at the rear of the house. Constructed of hollow clay tile, the residence is set upon a continuous foundation and clad with textured stucco. An intersecting gable and hip roof tops the two-story portion of the residence with small shed extensions on the north and south elevations. The roof is clad with barrel tile. Vents are located in the gable ends. Additional

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 2

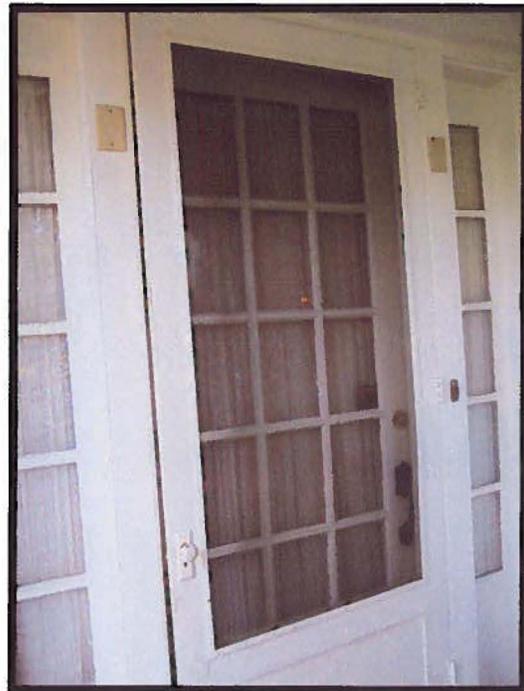


significant features include decorative tile panels, arched casement windows, blind arches, and a balcony with arched openings and columns on the 2nd floor north elevation set above the inset entrance porch with arched openings. A chimney is located on the northwest wall.

As a corner parcel, the residence is set diagonally with the front (northwest) elevation facing Alhambra Way South. Set within an inset porch with arched openings, the primary entrance features a 15-light French door flanked by five-light sidelights. The majority of historic windows are four-over-one, wood double-hung sash set independently and paired. Decorative windows include arched, one-over-one wood windows set independently and a

feature with a 3-light paired arched, wood casement set above a tile panel with a four-light, paired wood casement window below. These decorative windows are situated on the southeast elevation facing Alcazar Way South. Some original windows have been replaced with two-over-two single-hung sash windows and an original second-story porch on the northeast elevation has been partially infilled and enclosed with two-over-two single-hung sash windows. Canvas awnings shade most of the primary windows. The kitchen is located in a rear, one-story projection with a flat roof. A metal railing has been added to the roof of the kitchen structure. Notable interior elements included arcaded halls, original light fixtures, an inset china cabinet, wood floors, original doors, and wrought iron balustrades.

A one-story, two-car historic garage with an apartment is situated southwest of the main residence. Set under a flat roof, it features similar ornamentation with patterned stucco



St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 3

and tile accents. A set of concrete steps with curved wing walls provide access to the property from the sidewalk on the northwest elevation.

Alterations to the property include the enclosure of the second floor porch and the 1974 replacement of wooden French doors with windows on the northeast elevation of the first floor. A wood deck with wood railings has been constructed on the rear southeast corner of the house.



Integrity

Although the evolution of the Custer-Moore Residence resulted in some changes, the building retains its original appearance and integrity of location, design, setting, feeling, materials, workmanship, and association. Even though some windows and doors were replaced, the openings remain identifiable. The style remains clearly identifiable with the majority of the original ornamentation intact.

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 4

STATEMENT OF SIGNIFICANCE

Summary

The Custer-Moore Residence is significant at the local level in the areas of Community Planning and Development and Architecture and meets the following criteria for designation of a property found in the City Code, Section 16.30.070.2.5:

- (1) Its value is a significant reminder of the cultural or archaeological heritage of the City, state or nation.
- (3) It is identified with a person who significantly contributed to the development of the City, state, or nation.
- (4) It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, state, or nation.
- (5) Its value as a building is recognized for its quality of architecture, and it retains sufficient elements showing its architectural significance.

Constructed in 1925, this Mediterranean Revival style residence was designed by architects Lester Avery and Olin Round and built by contractors Albert Bjoraas and John Wick. Commissioned by Charles Hall to design and build the residence as a piece of statement architecture to be placed at a prominent entrance to his development, the original residents were Frank Custer, the Office Manager and Secretary-Treasurer for the Victory Land Company and his wife Kathryn as their year-round residence. Located south of downtown St. Petersburg near Lake Maggiore and Big and Little Bayous, the residence is representative of the southern expansion of the city to Pinellas Point as well as the evolution of the City's neighborhoods from the 1920s through the 1950s. The Custer-Moore Residence is a representative example of an upper, middle-class residence built at the height of the Florida land boom to promote settlement in a new planned development. The home remains a good example of Mediterranean Revival style architecture significant for its part in the development of the Lakewood Estates development and its associations with Charles Hall, George F. Young, and Lester Avery and Olin Round.

St. Petersburg Landmark Designation Application

Historical Context

Initially surveyed in 1845 and 1848, the first tracts of land in present-day downtown St. Petersburg were purchased from the State of Florida in 1860 (State of Florida, Plat Map 1845, 1848 and Tract Book Entries, 59-60). Although an economic decline during and after the Civil War limited settlement in the area, the shores of Big and Little Bayous and the ridge immediately north of Lake Maggiore, now extending along 22nd and 18th Avenues South, were the first areas settled in the St. Petersburg vicinity. Abel Miranda established a farm and grove in the area in 1857, but left during the Civil War in 1862. His brother-in-law, John Bethell, returned to the area in 1868 to establish a small community named Pinellas Village, or Bethel Landing. Although known to most early residents as Salt Lake due to its brackish water which connected by creek to Tampa Bay, Lake Maggiore was originally named by William B. Miranda as Maggiore Lago when he helped plat Disston City (now Gulfport) in 1884. The first post office on the lower Pinellas peninsula was established on the north shore of Big Bayou in 1876, but eventually closed after thirty years. This small settlement was later consumed by the growing community of St. Petersburg following the arrival of Detroit native John C. Williams in 1875 and the Orange Belt Railroad in 1888. These two events served as the major impetus to the formation and growth of St. Petersburg (Grismer 1948, 31-43, 198).

Hamilton Disston, who owned and developed thousands of acres in Florida during the 1880s, financed the construction of the Orange Belt Railroad to the sparsely settled Pinellas Peninsula under the assumption that the railroad would terminate in his newest development, Disston City (now Gulfport). Instead, Orange Belt owner, Peter Demens, built the narrow gauge railroad to land situated northeast of Disston City owned by John C. Williams. Demens and Williams collaborated in their plans to build a new community around the terminus of the railroad complete with a depot, hotel, and city park. In exchange for naming the city after Demens' birthplace, St. Petersburg, Russia, Demens named the hotel after Williams' hometown, Detroit, Michigan. With the city plat filed in 1889, the lots surrounding the new depot and the Detroit Hotel quickly filled with new construction (PCCCC, Plat Book H1, Pages 27 and 49). By 1890, the population grew from less than 50 prior to the arrival of the railroad to 273 residents. With two hotels, two ice plants, two churches, a school, a pier, and a sawmill, the economy remained largely dependent on commercial fishing. Incorporated in 1892, the community received telephone, public water, and electric service by 1900 (Arsenault 1996, 52-64, 81-82; Grismer 1948, 68, 74, 271-72).

Although the Orange Belt Railway was completed, it was not successful. In an effort to boost profits, the Railway started offering seaside excursions to St. Petersburg in 1889. Promotional literature cited the 1885 annual convention of the American Medical Association where Dr. Van Bibber endorsed the Pinellas

St. Petersburg Landmark Designation Application

peninsula as the perfect location for a "Health City" (Arsenault 1996, 62). These excursions were one of the first concentrated efforts by the community and the development company to attract tourists (Grismer 1948, 70, 97, 111). Although the Orange Belt's advertising efforts failed to save the company, Frank Davis, a prominent publisher from Philadelphia who arrived in Florida to alleviate his own health problems, utilized Dr. Van Bibber's endorsement to heavily promote the benefits of St. Petersburg. Davis, along with other new residents including *St. Petersburg Times* editor William Straub and *St. Petersburg Evening Independent* editor Lew Brown, tirelessly promoted the community during the late 1800s and early 1900s (Arsenault 1996, 82-85).

The creation of St. Petersburg's waterfront park system, the incorporation of a trolley system, and the construction of the Electric Pier drew additional tourists and new residents to the area (Arsenault 1996, 87 – 89). In 1902, Frank A. Davis formed the St. Petersburg Investment Company, largely utilizing capital from former associates in Philadelphia. The Investment Company served as the holding company for both the city's electric and streetcar companies. The first trolley line was completed in 1904 and extended to present-day Gulfport the following year (Grismer 1924, 67-79, 273; Grismer 1948, 119, 304-306).

Largely through the efforts of city boosters to attract businesses and residents, developers such as H. Walter Fuller, Noel Mitchell, Charles Hall, Charles Roser, and C. Perry Snell triggered the city's first real estate land boom from 1909 to the start of World War I (Arsenault 1996, 136). The resulting development created a pattern for the future growth of the city. Promotional efforts by the Atlantic Coast Line railroad (created in 1902 from the former Orange Belt Railroad and Henry Plant's South Florida Railroad) brought organized tourist trains from New York in 1909 and from the Midwest in 1913. Many of these tourists continued to winter in the city with some even relocating to St. Petersburg (Arsenault 1996, 135-37, 144-45).

Taking advantage of the local real estate boom starting in 1909, the St. Petersburg Investment Company, led by general manager H. Walter Fuller, acquired 15,000 acres from W.W. Whitehurst and 3,200 from Jacob Disston west of the city. Following the acquisition of several other large tracts, the company subdivided lands in 1911 and 1912, backing a plan to extend Central Avenue west to Boca Ceiga Bay. Fuller encouraged Charles R. Hall, a New Jersey seashore developer who had come to St. Petersburg at the encouragement of F.A. Davis in 1909, to purchase land west of downtown.¹ Born in Detroit, Michigan, Hall was raised in Philadelphia and worked his way from stockman to salesman in several mercantile establishments before investing in the New Jersey seashore. After investigating the opportunities in St. Petersburg, Hall

¹ Walter P. Fuller in his 1972 *St. Petersburg and Its People* credits H. Walter Fuller with persuading Charles Hall to come to St. Petersburg (pg. 118), while Karl H. Grismer in his 1924 *History of St. Petersburg* credits F.A. Davis (pg. 275).

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 7

purchased 80 acres located at Central Avenue and 25th Street from the Fuller companies in 1912 advertising the sale of lots in full page newspaper ads within 48 hours of his purchase. Named Hall's Subdivision No. 1, lots sold rapidly with prices ranging from \$100 to \$1,500 with a 50% discount which was scaled down as the sale progressed. The first subdivision was soon followed by Hall's acquisition of additional land and Hall's Subdivision Nos. 2, 3, 4, and 5, starting the Kenwood neighborhood. The neighborhood was supported by the extension of the trolley line and the brick paving of the western end of Central Avenue in 1913 and 1914 (Grismer 1924, 67-79, 125-26, 132-33, 273-6; Grismer 1948, 118-19, 304-306; Fuller 118).

The City's administration also started to formally encourage tourism with promotional campaigns following the election of Al Lang as mayor in 1916. Lang was elected after he arranged to bring the Philadelphia Phillies to the city for spring training. Under his leadership, the City publicly encouraged tourism and made efforts to improve the physical appearance of the city. With approximately 83 real estate companies operating in the city in 1914, the focus turned increasingly to winter residents with the local population doubling during the season. The winter residents even formed tourist societies organized by state or region of origin which acted as booster clubs in their native states (Arsenault 1996, 143- 46). Although the onset of World War I limited tourism and the real estate market slowed, St. Petersburg quickly rebounded following the war with the winter season of 1918-1919 more profitable than before the war. In spite of the fluctuations of the real estate market during the 1910s, the city's population grew from 4,127 in 1910 to 14,237 by 1920. With the growth of tourism and new seasonal and permanent residents, the demand for new houses, rental units, and hotels escalated (Arsenault 1996, 124, 186-190).

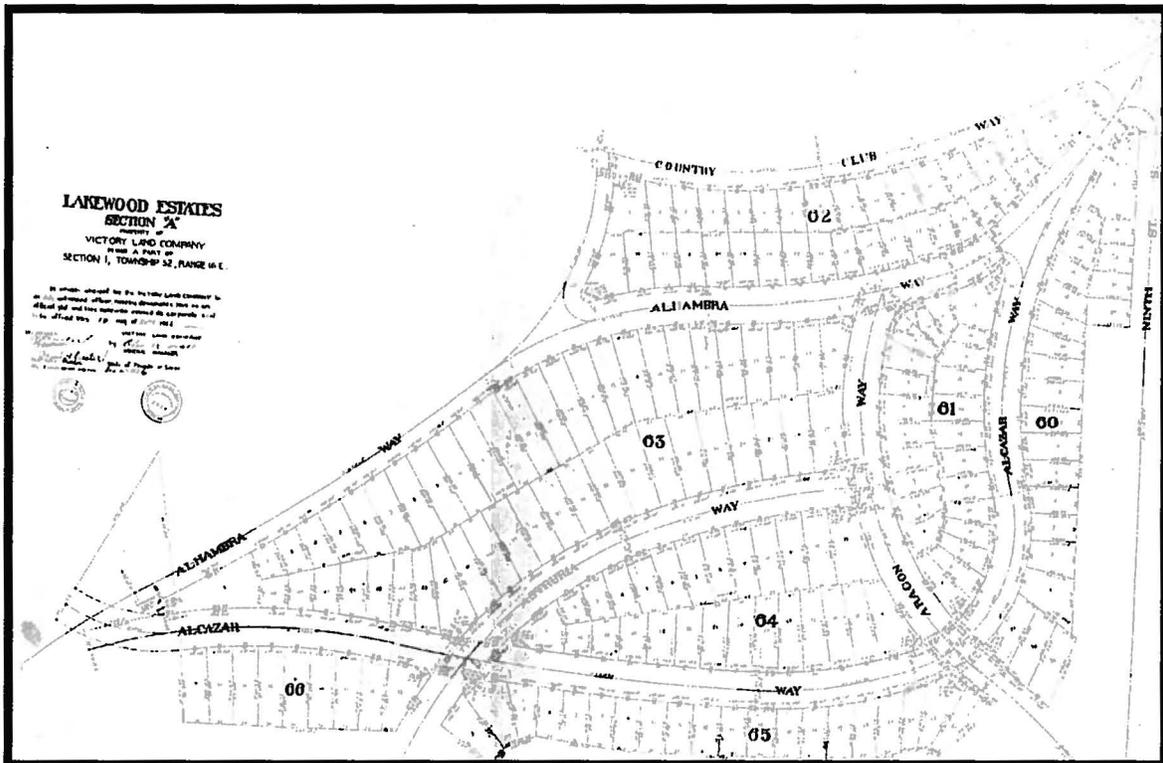
Thanks in part to the efforts of John Lodwick, publicity agent for the Chamber of Commerce and the City of St. Petersburg, the hotels and boarding houses were filled to capacity during the season (Arsenault 1996, 124, 186-190). The construction of a national, state, and local road system opened St. Petersburg to an increasing number of vacationers and new residents. The lack of hotel space and the booming economy during the early 1920s prompted the conversion of a number of private residences surrounding downtown into boarding houses, apartment buildings, or small hotels. Many owners recognized the inevitable growth of the central business district and built new houses in the most fashionable residential section now known as the Old Northeast. The opening of the Gandy Bridge to Tampa in 1924 further encouraged widespread development and construction extending north of downtown to the bridge. Development spread to the western edge of the city to the Jungle and Pasadena areas and south of downtown into the Old Southeast and Bonita Bayou as well.

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 8

With the success of the Kenwood neighborhood, Hall turned his attention to the area around Big and Little Bayous, south of downtown St. Petersburg. As the first area settled in the St. Petersburg vicinity, the lands were already privately owned with some of them already platted by the time Hall grew interested in them. He slowly and quietly acquired nearly 2,000 acres by 1917 and formed the Victory Land Company, which platted and managed the land through its subsidiaries the Bayou Connecting Company and Lake Maggiore Realty Company. Charles R. Hall was listed as the Victory Land Company's General Manager with other local investors Frank H. Custer as Secretary and E.B. Willson, Soren Lund, and George W. Fitch as Directors in addition to several other out-of-state businessmen. Between 1917 and 1924, the Victory Land Company acquired and replatted the Bayou Bonita, Lake Maggiore Park, and Bay Vista Park subdivisions. These plats were followed by the filing of plats for Lakewood Estates Sections A through D in September 1924 and Sections E and F in April 1925. Civil engineer George F. Young, a St. Petersburg resident, surveyed and platted the subdivisions. Young was instructed to make all of the



Lakewood Estates, Section A. Pinellas County Clerk of Circuit Court, Plat Book 7, Page 27.

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 9

avenues in the Lakewood Estates sections 100 ft wide and to curve them as necessary to preserve the existing trees. These sections were subdivided to create approximately three lots to the acre (PCCCC, 1917, 1923, 1924, 1925; *Evening Independent*, "Lakewood Estates" Advertisement, 4 June 1923; *Evening Independent*, "Company Plans...", 4 April 1926).

Eventually incorporating around 2,500 acres, the entire area from Big and Little Bayous to the west and south sides of Lake Maggiore was advertised as Lakewood Estates. Hall, along with his wife Emma and their children, lived in the development along Little Bayou by 1920. The Victory Land Company maintained offices in Pittsburgh, New York, Philadelphia, Baltimore, Atlantic City, Asbury Park and Ocean City to promote the development and send a steady stream of future homeowners. In addition to newspaper advertisements, Hall participated in the 1925 "Home Beautiful" exhibit sponsored by the *St. Petersburg Times* and local merchants. Approximately 3,500 people visited the featured Lakewood Estates residence on opening day. One of four houses in the exhibit, Hall and his organization even offered transportation to visit their Home Beautiful. Hall planned sporting events such as a boat race along the waterfront to entertain

DIRECTORS	
WM. W. MUIR, President Warren, Pa.	WM. G. FOX Saratoga Springs, N. Y.
WM. M. SHOEMAKER, Vice President Norristown, Pa.	E. B. WILLSON St. Petersburg, Fla.
FREEMAN P. LANE, Treasurer Minneapolis, Minn.	SOREN LUND St. Petersburg, Fla.
FRANK H. CUSTER, Secretary St. Petersburg, Fla.	ELMER H. GERAN Asbury Park, N. J.
CHAS. R. HALL, General Manager St. Petersburg, Fla.	GEORGE W. FITCH St. Petersburg, Fla.

LAKEWOOD ESTATES

BEING DEVELOPED BY

VICTORY LAND COMPANY

<p>Lakewood Estates is a close in suburban development with all the advantages of seashore, lake and country combined.</p>	<p>DIRECTORS</p> <table style="width: 100%; font-size: small;"> <tbody> <tr> <td>WM. W. MUIR, President Warren, Pa.</td> <td>WM. G. FOX Saratoga Springs, N. Y.</td> </tr> <tr> <td>WM. M. SHOEMAKER, Vice President Norristown, Pa.</td> <td>E. B. WILLSON St. Petersburg, Fla.</td> </tr> <tr> <td>FREEMAN P. LANE, Treasurer Minneapolis, Minn.</td> <td>SOREN LUND St. Petersburg, Fla.</td> </tr> <tr> <td>FRANK H. CUSTER, Secretary St. Petersburg, Fla.</td> <td>ELMER H. GERAN Asbury Park, N. J.</td> </tr> <tr> <td>CHAS. R. HALL, General Manager St. Petersburg, Fla.</td> <td>GEORGE W. FITCH St. Petersburg, Fla.</td> </tr> </tbody> </table> <p>EXECUTIVES OFFICES</p>	WM. W. MUIR, President Warren, Pa.	WM. G. FOX Saratoga Springs, N. Y.	WM. M. SHOEMAKER, Vice President Norristown, Pa.	E. B. WILLSON St. Petersburg, Fla.	FREEMAN P. LANE, Treasurer Minneapolis, Minn.	SOREN LUND St. Petersburg, Fla.	FRANK H. CUSTER, Secretary St. Petersburg, Fla.	ELMER H. GERAN Asbury Park, N. J.	CHAS. R. HALL, General Manager St. Petersburg, Fla.	GEORGE W. FITCH St. Petersburg, Fla.	<p>SUBSIDIARY COMPANIES</p> <p style="font-size: x-small;">RAYTOW CONCRETE CO. owners of Rayo Beach Park</p> <p style="font-size: x-small;">LAKES MAGGIORE REALTY CO. owners of Lake Maggiore Park and Big Yacht Park</p> <p style="font-size: x-small;">All featured in Lakewood Estates and being developed under the management of the Victory Land Company</p>
WM. W. MUIR, President Warren, Pa.	WM. G. FOX Saratoga Springs, N. Y.											
WM. M. SHOEMAKER, Vice President Norristown, Pa.	E. B. WILLSON St. Petersburg, Fla.											
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<p>476 First Avenue North, St. Petersburg, Florida</p>												

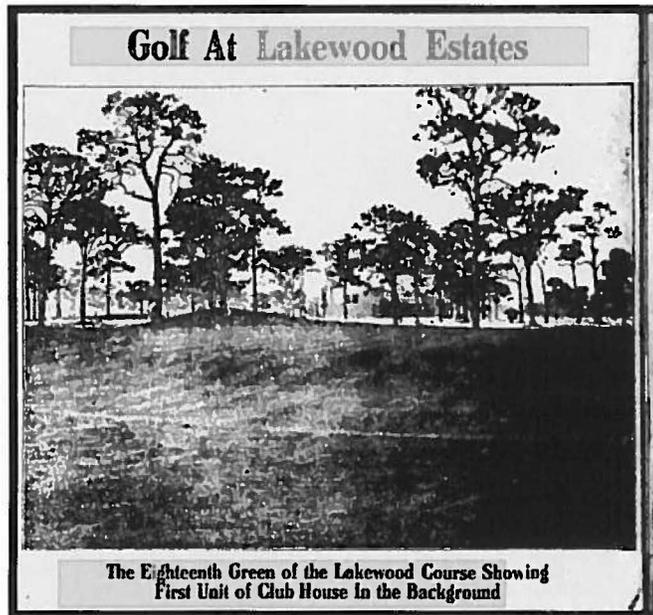
Evening Independent, June 4, 1923.

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 10

residents and visitors. The Bayou Bonita Clubhouse served as the social center of the neighborhood until the completion of a new clubhouse and the golf course in Lakewood Estates. Hall then converted the former Bonita Bayou clubhouse into his own residence. The Lakewood Estates Clubhouse and Golf Course opened to the public on Thanksgiving Day, November 27, 1924. Laid out like the wings of a butterfly, the 18-hole golf course was designed by Herbert Strong so that the subdivision roads paralleled every fairway allowing



Evening Independent, February 7, 1925.

observers to follow every play by car (Grismer 1924, 136-38, 275-76; Fuller 118; Ancestry.com 1920; *St. Petersburg Times*, "Lakewood Estates Planning Course for Speed Regattas," 25 May 1924; *St. Petersburg Times*, "Select Home," 25 December 1924; *St. Petersburg Times*, "Fifteen Thousand..." 5 January 1925; *St. Petersburg Times*, "Many Charmed by Home Exhibits Opened to Public," 6 January 1926; Freeman, *St. Petersburg Times*, 6 January 1925; *St. Petersburg Times*, "Company Plans," 4 April 1926; *Evening Independent*, "Nov. 27 is Date Set..." 5 November 1924).

The Victory Land Company installed approximately 25 miles of hard surfaced roads, concrete sidewalks, street lights, landscaped parks, a school, and a water and observation tower. As 60 percent owner of the holdings of the Victory Land Company, Hall offered to donate his portion of the land around Lake Maggiore to form a park. However, remaining owners refused to sell even though a \$1 million bond issue to purchase the interests of the remaining shareholders was approved. In February 1926, the company announced plans to install a Sunken Gardens at the intersection of 9th Street South (now M.L. King Jr. Street South), Country Club Way, Jasmine Way, and Alcazar Way near the intersection of Alhambra Way. According to the *St. Petersburg Times*, "Color, form and architectural refinement, as these are to be dominant touches in the sunken gardens, will have their rich reflections in the homes which are to go up facing this newest treatment of ground in the estates....The corner plots at this juncture of thoroughfares will have residences in architectural style and detail to add to the vision of general beauty at this point (*St. Petersburg Times*, "Golf at Lakewood Estates," 7 February 1926)." At the same time, the company announced the planned construction of 65 more houses in the development, in

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 11

**MANY PERMITS
ISSUED TODAY**

**TOTAL FOR DAY IS \$76,000—
MANY NEW RESIDENCES
WILL BE BUILT**

(From Yesterday's Finn).
Eighteen building permits, totaling \$76,000, were issued today by the building department. All of these buildings are either homes or garages.

S. V. Schooley took out a permit for a home on Small Isle to cost \$20,000. This was the largest permit of the day. Mr. Schooley will build a two-story hollow tile 10-room residence and garage.

Charles R. Hall was granted a permit for the construction of a two-story eight-room house in the Lakewood estates. Bjoraas & Wick have been awarded the contract.

Evening Independent,
August 18, 1925.

addition to the 47 homes then completed and occupied and the 26 under construction, bringing the total number of homes to 138 (Grismer 1948, 198-99; Fuller 118; *St. Petersburg Times*, "Golf at Lakewood Estates," 7 February 1926; Coll, *St. Petersburg Times*, "Sunken Garden and Buildings are Announced," 7 February 1926; *St. Petersburg Times*, "Lakewood Estates is Entering upon Construction Era," 7 February 1926; *St. Petersburg Times*, "Company Plans," 4 April 1926; *St. Petersburg Times*, "Light System Planned Here," 6 April 1926).

On August 17, 1925, Charles Hall obtained a permit to construct an eight-room, two-story, hollow clay tile residence and garage to be located at 1014 Alhambra Way South (originally 1000 Alhambra Way South). Newspaper accounts listing permits issued for the day identified Bjoraas & Wick as the contractors. Anticipated to cost \$17,000, the subject property was situated at the

corner intersection of Alhambra and Alcazar Way South at the primary east entrance to Section A of the Lakewood Estates plat filed in September 1924. Prior to the issuance of the permit, the development company announced in the

newspaper on July 24 that construction of two new residences would soon begin in Lakewood Estates. Albert Bjoraas & John Wick would serve as contractors for the two buildings which were being designed by local architects Lester Avery and Olin H. Round. During this period, contractor Albert Bjoraas advertised in the

Evening Independent as a

Designer and Builder with 30 years of experience. John Wick appears to have joined him in the business in 1925. The majority of their work appears to have focused on residential construction. Avery and Round designed a number of residences in the Lakewood Estates development as well as several large projects during the 1920s, including the Flori-de-Leon Cooperative Apartments,



1014 Alhambra Way. Provided courtesy of owner.

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 12

the Patio Theater, and the Mari-Jean Hotel of St. Petersburg and the Lakeland Terrace Hotel in Lakeland, Florida (City of St. Petersburg, Property Card, 1014 Alhambra Way South; *Evening Independent*, "Many Permits Issued," 18 August 1925; *Evening Independent*, "Albert Bjoraas," 16 September 1924; *Evening Independent*, "Architect Will Study," 21 January 1926; *Evening Independent*, "Olin H. Round Dies," 10 August 1927; *Evening Independent*, "Building Total Reaches \$45,200," 27 August 1928; *Evening Independent*, "Mari-Jean Hotel Just Completed," 16 January 1928; *St. Petersburg Times*, "Planning for New Dwellings," 24 July 1925; Polk 1924, 1925, 1926; Brown, *Lakeland Ledger*, 9 December 2001).

The residence at 1014 Alhambra Way was built for Frank H. Custer, Secretary of the Victory Land Company, and his wife, Kathryn. An April 1926 article lauded the new Spanish style residence of Frank Custer and the Moorish style house of E.C. Pfahl, which was under construction across the street. Situated on an elevated piece of land, the two buildings "both occupy commanding positions fronting the parkway at the entrance to Alhambra Way, in a district sure to be one of the beauty spots of the south section of the city (*Evening Independent*, "House on Hill Gets Attention," 30 April 1926)." Pfahl, General Sales Manager of Lakewood Estates, had received a permit for the construction of his residence designed by J.A. Ingram and built by C.H. Ehrke to be located at 1007 Alhambra Way South in February 1926 (*Evening Independent*, "Plans Erection of New Bungalow," 4 February 1926; *Evening Independent*, "House on Hill Gets Attention," 30 April 1926; City of St. Petersburg, Property Card, 1007 Alhambra Way South).

House on Hill Gets Attention

The elevation of the land in Lakewood Estates is being strikingly called to the attention of visitors to the estates during "Model Homes Week," where the home being erected by E. C. Pfahl, general sale manager of the estates, is being exhibited.

Mr. Pfahl's new home, a striking structure embodying Moorish and Spanish suggestions, is being erected on Alhambra Way, on an elevation permitting a feature seldom seen in Florida, but which is quite common in the hilly states of the north, namely, the placing of the garage and laundry room beneath a portion of the living rooms of the house. The ground levels permit this unusual feature with a small amount of excavation and grading.

This house, and the new residence of Mr. Frank H. Custer, across the avenue from that of Mr. Pfahl, both occupy commanding positions fronting the parkway at the entrance to Alhambra Way, in a district sure to be one of the beauty spots of the south section of the city.

Evening Independent,
April 30, 1926.

Originally from New Jersey, Frank Custer worked for Charles Hall as a bookkeeper, stenographer, and secretary in Avalon, New Jersey, early as 1917, when he registered for service in World War I (Ancestry 1917-18). Custer served as a witness to the Bayou Connecting Company's² 1917 replat of the Bayou Bonita subdivision in St. Petersburg. Following his service in World War I, Custer married Kathryn Shimko in 1920 and lived with her family in Brooklyn, New York,

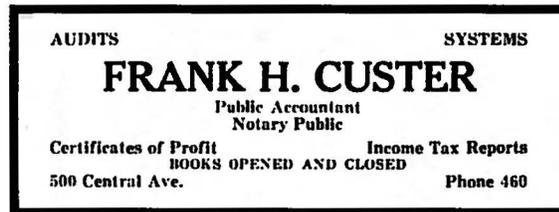
² A subsidiary of the Victory Land Company.

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 13

before relocating to St. Petersburg with their son by late 1922. Once in Florida, Custer worked as a public accountant and notary public, maintaining an office at 500 Central Avenue. By 1923, Custer managed the offices of the Victory Land Company, notarized all of the official plats filed for the development, and served as Secretary and Treasurer of the organization. He lived in the Bayou Bonita subdivision at the corner of present-day 45th Avenue and 4th Street South, before moving into his new house on the prominent corner of Alhambra and Alcazar Way South in Lakewood Estates, Section A (Ancestry.com 1920 and 1930; Polk 1920, 1922, 1924, 1925, 1926; PCCCC, 1917, 1923, 1924).



R.L. Polk's St. Petersburg City Directory, 1922

As previously noted, Hall wanted a residence with architectural style and detail to add to the beauty at this prominent entrance to the country club section of his development. Hall selected the architect and builder for the home, and Frank Custer, as the Secretary and Treasurer of his company, was the perfect recipient to live in his model home. Frank and Kathryn Custer were actively involved in their neighborhood and in the business community of the city. Her brother, Anthony Shimko, came to St. Petersburg and built the Patio Theater at 1850 Central Avenue in 1925. One of three open air theaters in operation in the city at the time, Shimko decided to remodel the structure in 1928 to create an atmospheric theater, advertised as the first in St. Petersburg and the second in the state with Tampa Theater soon to open. With a stage to allow for live performances in addition to the motion pictures, the theater now featured a domed ceiling "perforated with myriads of tiny lights arranged to give the effect of the sky on a starry night," with clouds moving slowly across the stars (*St. Petersburg Times*, "Patio Theater to Open Soon," 7 October 1928).

Along with his brother, John Shimko, and brother-in-law, Frank Custer, Anthony Shimko formed the Southern Theaters, Inc. The company planned to become a chain theater operation by acquiring, building, and operating movie theaters throughout the state. In addition to the Patio Theater, one of their first projects was the Hyde Park Theater in Tampa, located on present-day Kennedy Boulevard across from the University of Tampa (*Evening Independent*, "Theater Chain...", 21 February 1928; *St. Petersburg Times*, "New Patio Theater," 12 July 1925; *St. Petersburg Times*, "Patio Theater to Open Soon," 7 October 1928; *St. Petersburg Times*, "Picture Show...", 11 November 1928).

A relatively healthy tourist trade initially kept the local economy afloat following the downturn of the real estate market in 1926 and the devastating hurricanes which damaged south Florida in 1926 and 1928. By April 1927, approximately

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 14

170 homes were completed in Lakewood Estates, and large urns now marked the entrances to the neighborhood. The Victory Land Company's focus turned increasingly to providing for year round residents, opening the Lakewood Estates Clubhouse year round and building an addition to double its capacity. No doubt in response to the declining real estate market, Hall also announced the planned construction of a section of 400 smaller, distinctively designed homes immediately west of the Lakewood Estates Clubhouse. Anticipated to cost between \$6,500 and \$10,000, the company planned to sell the homes for \$1,000 down with the balance arranged on terms suitable to the owner's convenience, even allowing 100 years for the purchaser to pay (*Coll, St. Petersburg Times*, 12 April 1927; *St. Petersburg Times*, "Construction of 400 Homes," 1 June 1927; *Evening Independent*, "Hall Announces Plan for Colony...", 1 June 1927).



Urn at the intersection of Alhambra and Alcazar Way South with 1014 Alhambra Way in the background.

According to Hall, "We of Lakewood Estates have learned that the investor of the north wants the modest home, removed from the cares and worries of display and servants, and that is what we are going to give them (*Evening Independent*, "Hall Announces Plan for Colony...", 1 June 1927)." Construction started late in 1927. While Hall took a 17,500-mile trip through the northern states, machinery was set up to manufacture the concrete blocks to be used during construction. To be erected in groups of 12, the blocks for one house could be produced in 48 hours. It was anticipated that the first group of houses would be completed and ready for occupancy early in 1928 (*Evening Independent*, "Entire Village of Small Homes," 22 November 1927; *St. Petersburg Times*, "Home Material is Being Made," 21 November 1927). Nicknamed "the little aristocrats" by the development company, each home would have five rooms and a garage with modern conveniences and "the right touch of richness, and yet avoid over-embellishment and gaudiness (*Evening Independent*, "Entire Village of Small Homes," 22 November 1927)."

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 15

However, the real estate market continued to decline, and the crash of the stock market in 1929 kept the traveling public at home during the ensuing national depression. A dismal tourist season during the winter of 1929-1930 led to business failures, mortgage foreclosures, and unemployment throughout the city. As a result, many of the lots in Lakewood Estates remained vacant throughout the Great Depression. Developer Charles Hall continued to promote Lakewood Estates and remained active in the local Real Estate Board and the state Real Estate Commission through the 1920s. Although he continued to maintain a residence at 4104 Fairway Avenue South in Lakewood Estates until 1931, the 1930 federal census indicates that Charles and Emma Hall had relocated to Monmouth, New Jersey where he worked as a stockbroker. On May 1, 1934, Charles Hall unexpectedly died in Stroudsburg, Pennsylvania, following reports of a recent nervous breakdown. Apparently en route to St. Petersburg at the time of his death, Hall had planned to go back into business either in St. Petersburg or in Miami. One of his sons, John K. Hall, still lived in St. Petersburg. Following his death, funeral services were held in St. Petersburg where his contributions to the city were celebrated (*Evening Independent*, "St. Petersburg Day," 20 January 1928; *Evening Independent*, "Realty Board Hears Hall," 23 April 1929; *Evening Independent*, "Charles R. Hall, 65, Pioneer City Developer, Dies," 2 May 1934; *Evening Independent*, "Funeral Services for Charles Hall Conducted Today," 7 May 1934; Polk 1927, 1928, 1929, 1930, 1931; Ancestry 1930).

In spite of the economic downturn, Frank and Kathryn Custer remained in their home at 1014 Alhambra Way South. The home, which they owned, was valued at \$10,000 in the 1930 census. Although listed as a real estate agent in the census, Frank Custer was recorded in the 1930 and 1931 St. Petersburg City Directories as a receiver for Lakewood Estates. The Victory Land Company officially dissolved on September 17, 1936.³ Similarly, the Patio Theater closed in 1931 and entered receivership like many other businesses

**CHARLES R. HALL,
65, PIONEER CITY
DEVELOPER, DIES**

REALTY MAN WHO OPENED
WEST CENTRAL, BUILT LAKE-
WOOD ESTATES, WAS EN
ROUTE TO CITY

Charles R. Hall, 65, pioneer St. Petersburg developer, died late yesterday afternoon in Stroudsburg, Pa., while en route to this city, presumably to resume business activity here.

Mr. Hall had been absent from St. Petersburg for two years, living first in Allenhurst, N. J., and later



Evening Independent,
May 2, 1934.

³ The Victory Land Company dissolved on September 17, 1936 according to a lawsuit filed in 1944 to remove the building restrictions limiting new construction to a minimum cost of \$17,000 on some of the tracts (*Evening Independent*, "Suit to Remove Restrictions," 20 January 1944).

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 16

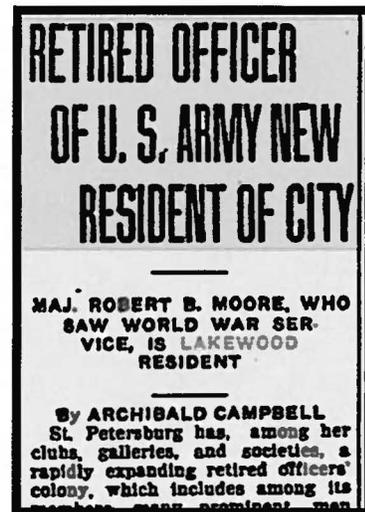
during the Depression.⁴ Although Frank Custer reported that the business conditions in the northern states had improved, and he was optimistic about recovery after spending the summer of 1932 in New York and Chicago, the Custers returned to live in New Jersey in 1935. The couple remained in New Jersey, where he later registered for the draft and served during World War II (Ancestry.com 1930, 1942; Polk 1930, 1931, 1934, 1935, 1937; *Evening Independent*, "Theater Gossip," 15 June 1931; *Evening Independent*, "Veterans Lease Patio Theater," 9 December 1932; *Evening Independent*, "Mr. & Mrs. Frank Custer Have Returned," 15 November 1932).

Federal relief projects helped revive the city's economy by the mid-1930s. Local projects included the construction of Bay Pines Veterans' Hospital, an addition to Albert Whitted Airport, Bartlett Park, an addition to Mound Park City Hospital, a beach water system, a new city hall, the construction of the U.S. Coast Guard Air Station near Bayboro Harbor, the North Shore sewer system, a National Guard armory, and a new campus for the St. Petersburg Junior College (Arsenault 1996, 257-260). By providing these kinds of projects throughout the nation, the New Deal agencies brought economic recovery to residents of St. Petersburg as well as other cities. With an improved financial outlook, tourists and winter residents returned to St. Petersburg during the late 1930s. In 1935, local residents formed a private club, the Lakewood Country Club, and purchased the Lakewood golf course and clubhouse from E.R. Sheldon, receiver of the National Bond Mortgage Company. The clubhouse reopened in 1936 with 300 members (Grismer 1948, 234; *Evening Independent*, "Lakewood Club Purchase Sure," 19 December 1935).

In 1935, Major Robert Moore and his wife, Leona, purchased the residence located at 1014 Alhambra Way South. After serving in France during World War I and being stationed in the Philippines and China during 18 years of service in the Army, Moore retired due to ill health. Selecting St. Petersburg and Lakewood Estates to spend his retirement, Moore

and his wife brought their 17-year old son, Robert, Jr., as well. According to the 1940 census, their home was valued at \$4,700. With the exception of John

Elliott, who now occupied the residence across the street at 1007 Alhambra Way South, few homes existed in the immediate vicinity (Ancestry.com 1940; *Evening Independent*, "Retired Officer of U.S. Army," 21 July 1936; *St. Petersburg Times*,



Evening Independent,
July 21, 1936.

⁴ It was leased by state department of Disabled Veterans as an indoor arena for wrestling and movies in 1932 (*Evening Independent*, "Veterans Lease Patio Theater," 9 December 1932). The building has since been used by a variety of businesses but remains standing at 1850 Central Avenue.

St. Petersburg Landmark Designation Application

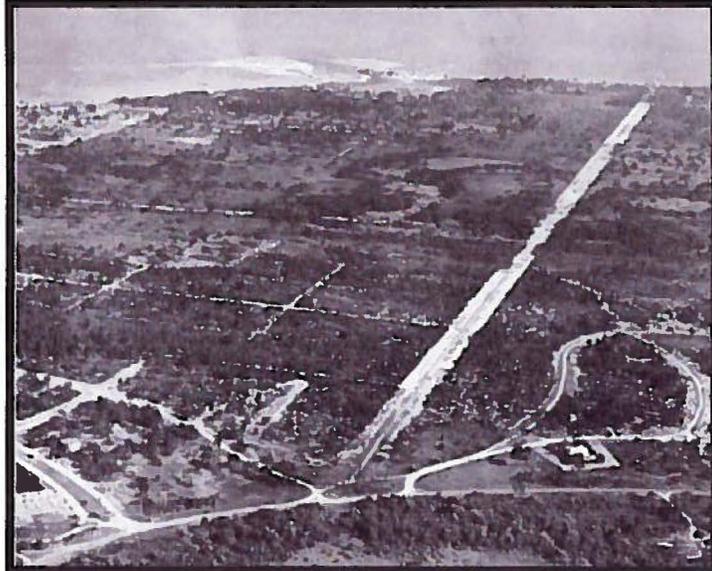
Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 17

"Three Applications for Tax Relief," 18 June 1948; Polk, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956).

Although tourism had rebounded to some extent by 1940, the activation of the military, rationing, and travel restrictions during World War II severely curtailed St. Petersburg's tourism based economy. Most of the city's hotels and boarding houses remained empty during the winter of 1941-42, and new construction virtually halted. Realizing

that the empty rooms could be an asset as military housing, city leaders successfully lobbied the War Department for a military base. The opening of a technical services training center for the Army Air Corps brought over ten thousand soldiers to the city during the summer of 1942. The military leased almost every major hotel and many of the smaller hotels in the city. Only the Suwannee Hotel and some of the smaller hotels and boarding houses were open to civilian use. By the time the training



1941 Aerial of south St. Petersburg showing the Lakewood Estates at the south shore of Lake Maggiore and 9th Street South (now M.L. King, Jr. Street South). *St. Petersburg Times*, June 2, 1941.

center closed in July 1943, over 100,000 soldiers had visited St. Petersburg. Although the training center closed, the United States Maritime Service Bayboro Harbor Base, which trained merchant seamen, continued to grow, and eventually leased four of the downtown hotels abandoned by the Army Air Corps. Other bases and support facilities throughout the area brought thousands of soldiers to central Florida and the St. Petersburg area. Robert Moore, Jr., still a resident in his parent's household, was inducted into the Army in November 1942 as part of the city's contribution to the war effort (Arsenault 1996, 298-301; *Evening Independent*, "Draft Board No. 1," 18 November 1942).

In 1934, at the height of the depression, local residents had formed the Lake Maggiore Park Association to encourage the acquisition and development of the lake and surrounding land as a park. Although limited funds prevented action at the time, the movement was revived in 1941 by Mayor R. J. McCutcheon, Jr., who convinced the owners that the lake and surrounding acreage was needed

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 18

for City park lands. Recently offered \$75,000 for the land, the owners agreed to sell it to the City for \$40,000 and the cancellation of \$14,200 in delinquent taxes. On December 21, 1943, the City acquired approximately 1,500 acres incorporating Lake Maggiore and its south shore to create the City's largest park, eventually named for Boyd Hill, an early director of the City's Parks Department. Plans for creating the park were completed during the war, with work on its creation started in 1947 (Grismer 1948, 198-99; Fuller 119).

The city rapidly demilitarized following the war, and many veterans returned to St. Petersburg. The Great Depression and governmental restrictions during the war led to a housing shortage following World War II. Many hotels and boarding houses were again filled with tourists and new residents awaiting the construction of new homes. New houses filled the subdivisions platted during the 1920s, but left vacant by the real estate decline and depression. Construction resumed in Lakewood Estates during the late 1940s. With the post-war prosperity, new construction, and new residents, home values increased along with tax assessments. Major Robert Moore, who had purchased his home at 1014 Alhambra Way South in 1935 for \$5,000, saw the value of the property jump to more than \$8,000 by 1948. As a retired and disabled veteran, he requested tax relief from City Council, but was denied any additional adjustment in addition to the \$500 veteran exemption (St. Petersburg Times, "Three Applications for Tax Relief," 18 June 1948). In 1952, residents organized the Lakewood Estates

Property Owners Association roughly covering the area from 35th to 74th Avenues South and from 4th to 34th Street South (*Evening Independent*, "Association Serves Area," 31 March 1966; *St. Petersburg Times*, "Lakewood Group Gives Drainage Top Priority," 7 March 1959; *Evening Independent*, "Lakewood Organization Votes Change in Name," 4 April 1968). As development spread westward, the introduction of shopping centers, including Central Plaza and Tyrone Gardens Shopping Center, and motels along the west coast drew new residents and tourists away from downtown St. Petersburg and the eastern shore of the peninsula (Arsenault 1996, 307-313).



1014 Alhambra Way. Provided courtesy of owner.

Property Owners Association roughly covering the area from 35th to 74th Avenues South and from 4th to 34th Street South (*Evening Independent*, "Association Serves Area," 31 March 1966; *St. Petersburg Times*, "Lakewood Group Gives Drainage Top Priority," 7 March 1959; *Evening Independent*, "Lakewood Organization Votes Change in Name," 4 April 1968). As development spread westward, the introduction of shopping centers, including Central Plaza and Tyrone Gardens Shopping Center, and motels along the west coast drew new residents and tourists away from downtown St. Petersburg and the eastern shore of the peninsula (Arsenault 1996, 307-313).

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 19

One of the most far-reaching local projects undertaken during this period was the construction of the Sunshine Skyway Bridge. Completed in 1954, the bridge opened southern Pinellas County and the Gulf beaches by providing a major north-south route to Manatee and Sarasota Counties. The completion of U.S. 19 (34th Street South in St. Petersburg) as the main route to the bridge decreased traffic along 4th Street South which provided access to the now defunct ferry service, while increasing north-south traffic through the county and improving the visibility of the south St. Petersburg neighborhoods. By the early 1950s, Lakewood Estates was in the midst of substantial development. Located near one of the primary north-south routes to the Gulf beaches, contractors filled many of the surrounding lots with Ranch style homes which were so popular during the 1950s and 1960s. In 1960, Robert Moore, Jr. built one of the new Ranch style homes directly behind his parents' house at 1028 Alhambra Way South. His parents continued to live in their residence at 1014 Alhambra Way South throughout the historic period. Robert Moore, Sr. passed away in 1976. Ann Schneller purchased the property in 1987. Following her death, her daughters, who have inherited the property, wish to honor their mother by designating the home that she loved (City of St. Petersburg, Property Card, 1028 Alhambra Way South; Ancestry.com, Florida Death Index).

Significance: Architecture

Constructed in 1925, this Mediterranean Revival style residence was designed by architects Lester Avery and Olin Round and built by contractors Albert Bjoraas and John Wick. Architecturally, the Mediterranean Revival style originated as an adaptation of the Mission style which developed in California during the 1880s to replicate Spanish Colonial heritage, particularly ecclesiastical buildings from the Franciscan missions of the southwestern United States. In 1915, architect Bertram Grosvenor Goodhue incorporated more elaborate Spanish prototypes and rich detail found throughout Latin America in designing the California pavilion for the Panama-California Exposition in San Diego. The popularity of the exhibit and the architect led others to draw inspiration from a broader spectrum of Spanish history including Byzantine, Gothic, Renaissance, and Moorish elements. The resulting style, called Mediterranean Revival or Spanish Eclectic, grew in popularity as it spread throughout the United States during the late 1910s. Particularly fashionable in states with a Spanish heritage, such as California, Texas, and Florida, the style remained hugely popular throughout the 1920s.

The Mediterranean Revival style is defined by the application of architectural details from the Spanish, Byzantine, Renaissance, and Moorish past. Identifying features include:

- a low-pitched roof clad with barrel tile,

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 20

- arcaded porches,
- asymmetrical façade,
- arched windows and doors, typically casements and French doors,
- quatrefoil windows,
- ornamental molding or band of moldings following the contour of an arch (known as archivolt trim),
- dramatically carved doors and door surrounds,
- focal windows that are commonly triple-arched, parabolic in shape, or filled with stained glass,
- window grilles and balconies of wrought iron,
- patterned tiles, carved stonework, or molded plaster ornamentation, and
- use of stucco on the exterior.

After the collapse of the Florida land boom in 1926 and the onset of the Great Depression, the Mediterranean Revival style decreased in popularity during the 1930s and 1940s as architectural preference shifted to a simpler, more Modern style.

The Custer-Moore Residence remains a good example of a Mediterranean Revival style residence. The building features the character defining red clay barrel tile roof, stucco exterior, asymmetrical design, and arched windows and doors. Other elements common to the style include the arcaded entrances and balcony, the textured stucco exterior, focal windows, and tile accents. The interior of the Custer-Moore Residence also demonstrates the character defining elements of the style including arcaded hallways, arched openings, elaborate wrought iron balustrades, and original light fixtures. Although some alterations have been made to this building, the architectural style and ornamentation remain identifiable.

The building was also designed by architects who played an important role in the architectural design of the city. Architect Lester Avery initially lived and worked in Clearwater before relocated to St. Petersburg during the mid-1920s and joining Olin Round in establishing the firm of Avery and Round. Round came to St. Petersburg in 1924. For the firm's designs in Lakewood Estates, Avery visited Cuba to study Spanish architecture for inspiration. At the time of his visit in January 1926, the newspaper reported that the firm had prepared a number of plans for homes in Lakewood Estates, and "due to the intensive building campaign planned by Mr. Hall and his associates,...it was deemed advisable for Mr. Avery to make this trip (*Evening Independent*, "Architect Will Study," 21 January 1926)." The firm anticipated starting a new series of plans for the

St. Petersburg Landmark Designation Application

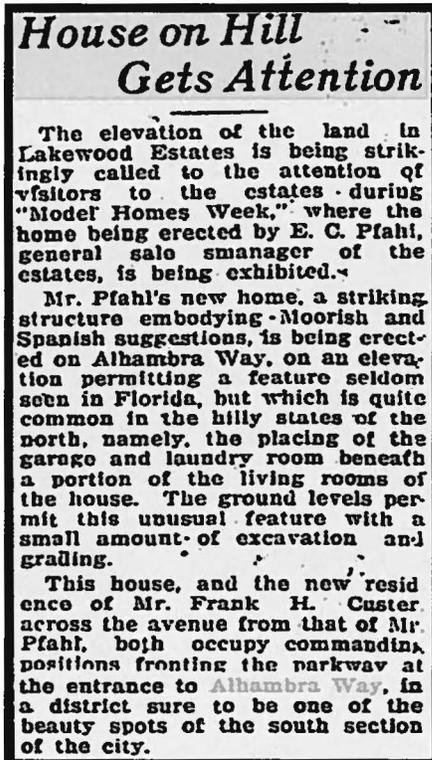
Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 21

development upon Avery's return the following week. In addition to their residential work, the firm designed several large projects during the 1920s, including the Flori-de-Leon Cooperative Apartments, the Patio Theater, and the Mari-Jean Hotel of St. Petersburg and the Lakeland Terrace Hotel in Lakeland, Florida. Suffering from Bright's disease starting in 1926, Olin Round passed away on August 10, 1927. As a founding member of the City's American Institute of Architects, Avery continued to practice architecture and complete the firm's ongoing projects (*Evening Independent*, "Death Occurred...", 15 August 1923; *Evening Independent*, "Will Build Big Apartment House," 12 August 1925; *Evening Independent*, "Young Plans Large Hotel," 19 August 1925; *Evening Independent*, "Architect Will Study," 21 January 1926; *Evening Independent*, "Architects Plan Organization," 5 August 1926; *Evening Independent*, "Olin H. Round Dies," 10 August 1927; *Evening Independent*, "Mari-Jean Hotel Just Completed," 16 January 1928; *Evening Independent*, "Building Total Reaches \$45,200," 27 August 1928; Polk 1925, 1926; Brown, *Lakeland Ledger*, 9 December 2001).

Significance: Community Planning and Development

The Custer-Moore Residence is significant as evidence of the southward expansion of the city and its overall pattern of growth. Located south of downtown St. Petersburg near Lake Maggiore and Big and Little Bayous, the residence is representative of the southern expansion of the city to Pinellas Point as well as the evolution of the City's neighborhoods from the 1920s through the 1950s.



Evening Independent,
April 30, 1926.

The Custer-Moore House is significant under Community Planning and Development as a representative example of the residential construction and layout of Lakewood Estates. It is also significant for its association with pioneer developer Charles Hall and engineer George F. Young. Previously discussed in the historical context, Hall's contributions to the development of St. Petersburg include large portions of the Kenwood neighborhood, Bonita Bayou, Lake Maggiore, and Lakewood Estates. Although not completely built-out during his life time, his developments laid the groundwork for the settlement of St. Petersburg during the 1920s and the post-World War II boom. A master promoter, Hall made sure to incorporate recreational, educational, religious, and social

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 22

facilities with numerous public spaces and parks included in his subdivisions. His focus on creating parkways, attractive vistas, architectural models for his residential developments and maintaining the mature tree canopy were indicative of the City Beautiful Movement and early efforts at environmental conservation.

Engineer George F. Young, who platted the Lakewood Estates development, arrived in Florida in 1913 to work on the construction of a railroad from Tampa to Miami. He subsequently opened his own landscape engineering office in Tampa. In 1918, Charles Hall induced Young to come to St. Petersburg and take charge of designing his newest development, Lakewood Estates. By 1926, when Young decided to retire from engineering and focus more on design work, he operated offices in eight Florida cities, including Sarasota, Tarpon Springs, and Winter Park, and maintained a workforce of approximately 175 individuals. In addition to Lakewood Estates, Young platted Davis Islands, Davis Shores, and Temple Terrace in the Tampa area. He also operated a contracting firm with Claude Barnard Jr. and owned and built the Mari-Jean Hotel on Central Avenue at 24th Street (*Evening Independent*, "G.F. Young Retires," 2 October 1926).

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"Albert Bjoraas." *Evening Independent*. 16 September 1924.

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St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 23

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St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 24

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St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 25

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St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South Page 26

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St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 27

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St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 28

PHOTOS



Northeast elevation, 2013



Northwest (Front) Elevation, 2013

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 29



Southeast
Elevation, 2013



East Elevation, 2013

St. Petersburg Landmark Designation Application

Name of Property Custer-Moore Residence, 1014 Alhambra Way South

Page 30



Tile and window detail



Balcony detail,
2013

Attached documents for item Insurance Renewal Agreements:

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Renewing an agreement with Metropolitan Life Insurance Company for voluntary dental DHMO and PPO insurance at an estimated annual premium of \$791,250.

Explanation: On January 10, 2013 City Council approved a one year agreement for voluntary dental insurance for employees, retirees and their dependents. Under the renewal of contract clause, the City reserves the right to extend the agreement for four additional one-year periods if mutually agreeable. This is the first renewal.

The Procurement Department in cooperation with the Human Resources Department recommends for renewal:

Metropolitan Life Insurance Company.....	\$791,250
MetLife DHMO	
1,006 employees	\$289,763
127 retirees	\$ 30,576
MetLife PPO	
816 employees	\$414,825
140 retirees	\$ 56,086

There is no rate increase for the 2014 – 2015 plan year. These plans are paid for by employees and retirees, therefore, there is no cost to the City. For Plan Year April, 2014 – March, 2015, the projected cost of these plans will be \$791,250. The employees' portion is projected to be \$704,588 and the retirees' portion \$86,662 depending on enrollment. The renewal will be effective through March 31, 2015.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Health Insurance Fund (5121), Human Resources Group Benefits (0901177).

Attachments: Group Dental Insurance Rate History
Resolution

Approvals:


Administrative


Budget

City of St. Petersburg

Group Dental Insurance Monthly Rate History

	Plan Years				
	2010	2011	2012	2013	2014
DHMO					
Single	\$14.12	\$15.25	\$15.25	\$13.29	\$13.29
Two Person	24.62	26.59	26.59	23.25	23.25
Family	34.36	37.11	37.11	36.55	36.55
PPO					
Single	20.66	22.31	22.31	20.95	20.95
Two Person	43.80	47.30	47.30	44.41	44.41
Family	67.66	73.01	73.01	68.56	68.56

A RESOLUTION APPROVING THE FIRST ONE-YEAR RENEWAL OPTION OF AN AGREEMENT WITH METROPOLITAN LIFE INSURANCE COMPANY FOR VOLUNTARY DENTAL DHMO AND PPO INSURANCE AT AN ESTIMATED ANNUAL PREMIUM NOT TO EXCEED \$791,250; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2013 City Council approved the award of a one-year agreement with four one-year renewal options to Metropolitan Life Insurance Company for voluntary dental DHMO and PPO insurance pursuant to IFB No. 6915A dated January 19, 2010; and

WHEREAS, the City desires to exercise the first one-year renewal option to the Agreement; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Human Resources Department, recommends approval of this renewal.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the first one-year renewal option of the Agreement with Metropolitan Life Insurance Company for Voluntary Dental DHMO and PPO insurance at an estimated annual premium not to exceed \$791,250 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective through March 31, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney (Designee)

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Renewing a blanket purchase agreement with Standard Insurance Company for group ancillary insurance at an estimated annual premium of \$782,044.

Explanation: On November 22, 2010 City Council approved a one-year agreement for group ancillary insurance services effective through March 31, 2012. Under the renewal of contract clause, the City reserves the right to extend the agreement for four one-year periods if mutually agreeable. This is the third of four renewals.

Standard Insurance Company provides basic life insurance and accidental death and dismemberment insurance (AD&D) for employees and retirees, supplemental life insurance for employees and their covered dependents, voluntary AD&D for employees, retirees and their covered dependents and long term disability for management employees and professional employees who participate in the City's 401(a) Plan.

Basic life and AD&D insurance coverage is provided to eligible City employees at the City's cost and to retirees at their expense. Supplemental life insurance premiums are paid by the employees. Voluntary AD&D coverage is paid by the employees and retirees. Long term disability insurance coverage is provided for management employees and covered professional employees at the City's cost.

Renewal rates for supplemental spouse and retiree life coverage assessed by Standard for the 2014 – 2015 plan year will increase due to a significantly higher incidence of claims. Rates actually charged to employees, retirees and departments (Basic Life and LTD) will be slightly higher than the contracted rates in order to fund the cost of administrative expenses and maintain the required fund balance.

The Procurement Department, in cooperation with the Human Resources Department, recommends for renewal:

Standard Insurance Company.....\$782,044

BASIC LIFE INSURANCE

Employees	\$ 91,519
Retirees	\$292,435

VOLUNTARY SUPPLEMENTAL LIFE INSURANCE

Employee	\$221,798
Spouse	\$ 39,046
Child(ren)	\$ 2,937

VOLUNTARY AD&D

Employee	\$ 93,105
Retirees	\$ 14,157

LONG TERM DISABILITY

Management / Professionals \$ 27,047

For Plan Year April, 2014 – March, 2015 the projected cost of the life insurance and disability insurance plans will be \$782,044. The City's cost is projected to be \$118,566; the employees' portion is projected to be \$356,886, and the retirees' portion is projected to be \$306,592, depending on enrollment. This renewal will be effective through March 31, 2015.

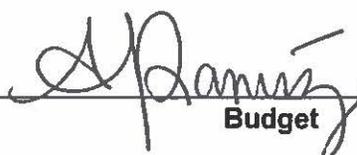
Cost/Funding/Assessment Information: Funds have been previously appropriated in the Life Insurance Fund (5123), Human Resources Group Benefits (0901177).

Attachments: Insurance Rate History (2 pages)
Resolution

Approvals:



Administrative



Budget

City of St. Petersburg

Group Insurance

Standard Insurance Company Rates

	Plan Year				
	2010	2011	2012	2013	2014
Basic Employee Life Insurance*	\$0.169	\$0.110	\$0.110	\$0.110	\$0.110
Basic Retiree Life Insurance*	\$4.580	\$4.580	\$4.580	\$4.580	\$4.980
Employee Supplemental Life*	\$0.350	\$0.290	\$0.290	\$0.290	\$0.290
Spouse Supplemental Life*	\$0.220	\$0.220	\$0.220	\$0.220	\$0.440
Dependent Supplemental Life*	\$0.120	\$0.120	\$0.120	\$0.120	\$0.120
Voluntary AD&D Insurance- EE**	\$0.035	\$0.020	\$0.020	\$0.020	\$0.020
Voluntary AD&D Insurance- Family*	\$0.040	\$0.030	\$0.030	\$0.030	\$0.030
Long Term Disability**	\$0.300	\$0.190	\$0.190	\$0.190	\$0.190

*Cost per \$1,000 of coverage

**Cost per \$100 of covered earnings

City of St. Petersburg
Group Insurance
Proposed Plan Year 2014
Internal Service Fund Charged Rates

	2014
Basic Employee Life Insurance*	\$0.128
Basic Retiree Life Insurance*	\$5.792
Employee Supplemental Life*	\$0.337
Spouse Supplemental Life*	\$0.512
Dependent Supplemental Life*	\$0.140
Voluntary AD&D Insurance- EE**	\$0.023
Voluntary AD&D Insurance- Family*	\$0.035
Long Term Disability**	\$0.221

*Cost per \$1,000 of coverage

**Cost per \$100 of covered earnings

A RESOLUTION APPROVING THE THIRD ONE-YEAR RENEWAL OPTION TO THE AGREEMENT WITH STANDARD INSURANCE COMPANY FOR GROUP ANCILLARY INSURANCE AT AN ESTIMATED ANNUAL PREMIUM NOT TO EXCEED \$782,044; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 22, 2010 City Council approved the award of a one-year agreement with four one-year renewal options to Standard Insurance Company for group ancillary insurance services pursuant to RFP No. 7034 dated July 27, 2010; and

WHEREAS, on January 12, 2012 City Council approved the first one-year renewal option to the Agreement; and

WHEREAS, on January 10, 2013 City Council approved the second one-year renewal option to the Agreement; and

WHEREAS, the City desires to exercise the third one-year renewal option to the Agreement; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Human Resources Department, recommends approval of this renewal.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the third one-year renewal option of the agreement with Standard Insurance Company for group ancillary insurance at an estimated annual premium not to exceed \$782,044 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective through March 31, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney (Designee)

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Renewing an agreement with CompBenefits Company for voluntary vision insurance at an estimated annual premium of \$173,722.

Explanation: On January 10, 2013 City Council approved a one year agreement for voluntary vision insurance for employees, retirees and their dependents. Under the renewal of contract clause, the City reserves the right to extend the agreement for four additional one-year periods if mutually agreeable. This is the first renewal.

The Procurement Department in cooperation with the Human Resources Department recommends for renewal:

CompBenefits Company.....		\$173,722
CompBenefits High Option		
1,061 employees	\$136,459	
207 retirees	\$ 23,065	
CompBenefits Low Option		
667 employees	\$ 12,170	
131 retirees	\$ 2,028	

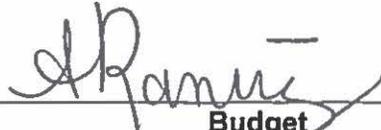
There is no rate increase for the 2014 – 2015 plan year. These plans are paid for by employees and retirees, therefore, there is no cost to the City. For Plan Year April, 2014 – March, 2015, the projected cost of these plans will be \$173,722. The employees' portion is projected to be \$148,629 and the retirees' portion \$25,093 depending on enrollment. The renewal will be effective through March 31, 2015.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Health Insurance Fund (5121), Human Resources Group Benefits (0901177).

Attachments: Group Vision Insurance Rate History Resolution

Approvals:

 11-8-13
Administrative


Budget

City of St. Petersburg

Group Vision Insurance Monthly Rate History

Plan Years

	2010	2011	2012	2013	2014
High Option					
Single	\$6.94	\$5.92	\$5.92	\$5.92	\$5.92
Two Person	13.86	11.80	11.80	11.80	11.80
Family	18.54	15.78	15.78	15.78	15.78
Low Option					
Single	\$.95	\$.95	\$.95	\$.95	\$.95
Two Person	1.43	1.43	1.43	1.43	1.43
Family	2.38	2.38	2.38	2.38	2.38

A RESOLUTION APPROVING THE FIRST ONE-YEAR RENEWAL OPTION OF AN AGREEMENT WITH COMPBENEFITS COMPANY FOR VOLUNTARY VISION INSURANCE AT AN ESTIMATED ANNUAL PREMIUM NOT TO EXCEED \$173,722; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2013 City Council approved the award of a one-year agreement with four one-year renewal options to CompBenefits Company for voluntary vision insurance pursuant to RFP No 7343 dated July 26, 2012; and

WHEREAS, the City desires to exercise the first one-year renewal option to the Agreement; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Human Resources Department, recommends approval of this renewal.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the first one-year renewal option of the Agreement with CompBenefits Company for voluntary vision insurance at an estimated annual premium not to exceed \$173,722 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective through March 31, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Approving awards to Kimmins Contracting Corporation and Marvin Oster Investments, Inc. d/b/a Drew Park Metals for the sale of recyclable metal and metal products for an estimated annual sales revenue of \$500,934.

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Approving awards to Kimmins Contracting Corporation and Marvin Oster Investments, Inc. d/b/a Drew Park Metals for the sale of recyclable metal and metal products for an estimated annual sales revenue of \$500,934.

Explanation The Procurement Department received three bids for sale of recyclable metal and metal products.

The vendors will purchase mixed scrap metals; non-ferrous metals including aluminum, stainless steel, lead, brass and copper meters; ferrous metals including white goods, appliances and sheet metal; and heavy iron including dumpsters. The material will be picked up from 14 designated City sites by the vendor, or selected material will be delivered to the vendor by the City. The primary users are the Fleet Management, Stormwater Pavement & Traffic Operations, Sanitation, and Water Resources departments. Bid prices were based on a fixed percentage of the American Metal Market (AMM) published prices for August 1, 2013. Awards are recommended to the two firms offering the highest percentage of this market index value. Actual sale prices will be based on the percentage of the daily published AMM price at the time of sale for non-ferrous scrap and on the first business day of the month for scrap iron and steel.

The Procurement Department recommends for award:

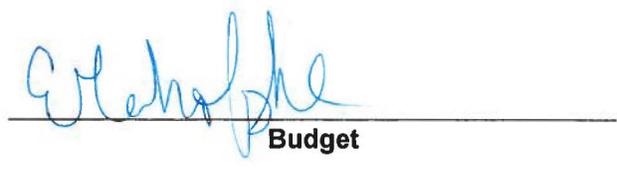
Kimmins Contracting Corporation.....	\$227,865
Marvin Oster Investments, Inc. d/b/a Drew Park Metals.....	\$273,069

Kimmins Contracting Corporation and Marvin Oster Investments, Inc. d/b/a Drew Park Metals have met the specifications, terms and conditions of IFB 7513 dated September 10, 2013. The new agreements will be effective from date of award through November 30, 2015 with three one-year renewal options. Kimmins Contracting Corporation, based in Tampa, has been in business for 30 years. Drew Park Metals, based in Tampa, has been in business for 22 years. The City has utilized both vendors in the past and they have performed satisfactorily.

Cost/Funding/Assessment Information: Upon receipt, revenues will be deposited into the Water Resources Operating Fund (4001), Water Resources Department (420), Fleet Management Fund (5001), Fleet Management Department (800), Sanitation Operating Fund (4021) Sanitation Department (450), Material Management Operating Fund (5031), and the Stormwater Operating Fund (4011), Stormwater, Pavement & Traffic Operations Department (400).

Attachments: Resolution

Approvals:

Administrative
Budget

A RESOLUTION ACCEPTING THE BIDS AND APPROVING THE AWARD OF TWO-YEAR AGREEMENTS (BLANKET AGREEMENTS) WITH THREE ONE-YEAR RENEWAL OPTIONS FOR THE SALE OF RECYCLABLE METAL AND METAL PRODUCTS TO KIMMINS CONTRACTING CORP. FOR AN ESTIMATED ANNUAL SALES REVENUE OF \$227,865 AND MARVIN OSTER INVESTMENTS, INC. D/B/A DREW PARK METALS FOR AN ESTIMATED ANNUAL SALES REVENUE OF \$273,069 FOR A TOTAL ESTIMATED ANNUAL SALES REVENUE OF \$500,934; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received three bids for the sale of recyclable metal and metal products pursuant to IFB 7513 dated September 10, 2013; and

WHEREAS, Kimmins Contracting Corp. and Marvin Oster Investments, Inc. d/b/a Drew Park Metals have met the specifications, terms and conditions of IFB. 7513; and

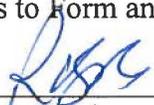
WHEREAS, the Procurement & Supply Management Department recommends approval of these awards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bids are accepted and the award of two-year agreements (Blanket Agreements) with three one-year renewal options for the sale of recyclable metal and metal products to Kimmins Contracting Corp. at an estimated annual sales revenue of \$227,865 and Marvin Oster Investments, Inc. d/b/a Drew Park Metals at an estimated annual sales revenue of \$273,069 for a total estimated annual sales revenue of \$500,934 are hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions; and

BE IT FURTHER RESOLVED that these agreements will be effective from the date of award through November 30, 2015.

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 \$1,303,000 from the Capital Repair, Renewal and Replacement Sinking Fund Account for Tropicana Field Capital Projects; approving a supplemental appropriation in the amount of \$1,303,000 from the un-appropriated balance of t

St. Petersburg City Council
Meeting of November 25, 2013

Consent Agenda A

To: The Honorable Karl Nurse and Members of City Council

Subject: Approving disbursement of up to \$1,303,000 from the Capital Repair, Renewal and Replacement Sinking Fund Account for Tropicana Field Capital Projects; approving a supplemental appropriation in the amount of \$1,303,000 from the unappropriated balance of the Tropicana Field Capital Projects Fund (3081) to the Tropicana Field FY14 Improvements Project (14401); 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 has developed a list of various repair, renewal and/or replacement projects for funding from the Tropicana Field Capital Account during FY 2014 & 2015. The City requested that the Club prioritize and phase the projects to ensure sufficient funds remain in the Capital Account to handle any unforeseen items. The following are the Phase 1 projects expected to be completed prior to the start of the 2014 baseball season:

Gate 2 Exterior Expansion Joint Repair	50,000
ADA Projects – Interior & Exterior	250,000
Home Clubhouse Pipe Replacement & Ceiling Restoration	50,000
Main Stadium Level Floor Paint/Safety Coating	300,000
Main Level Restroom Renovation	110,000
Exterior Awnings	38,000
Box Office Emergency Exit Doors	15,000
Renovation of Elevated Restrooms – Left & Right Field	95,000
Exterior Lighting to Employee Parking Areas	25,000
360° Interior Stadium Fan Access Project	250,000
Safety Hand Rails on Sidewalk Steps from Parking Lot 5	20,000
General Contingency for projects (approx. 8%)	100,000

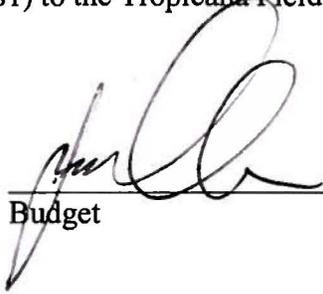
Total cost for the above items, including the Contingency, is \$1,303,000. City administration has reviewed these items and concurs with the Club that they meet the requirements established for use of the Capital Account. Future project phases will be brought forward for City Council approval during FY 2014 and 2015 depending on available Capital Account funds and the required timing of the projects.

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 \$2.1 Million with an additional \$250,000 to be deposited before the end of November from Tropicana Field Naming Rights. A supplemental appropriation in the amount of \$1,303,000 from the Tropicana Field Capital Projects Fund (3081) to the Tropicana Field FY14 Improvements Project (14401) is required.

Approvals:

 R. Mussett 11-6-13
City Development Administration


Budget

RESOLUTION NO. _____

A RESOLUTION APPROVING DISBURSEMENT OF UP TO \$1,303,000 FROM THE TROPICANA FIELD CAPITAL REPAIR, RENEWAL AND REPLACEMENT SINKING FUND ACCOUNT FOR QUALIFYING CAPITAL ITEMS TO TROPICANA FIELD; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,303,000 FROM THE UNAPPROPRIATED BALANCE OF THE TROPICANA FIELD CAPITAL PROJECTS FUND (3081) TO THE TROPICANA FIELD FY14 IMPROVEMENTS PROJECT (14401); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 5.01 of the Use Agreement with the Tampa Bay Rays (“Club”) established an escrowed sinking fund called the Capital Repair, Renewal and Replacement Sinking Fund Account (“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 \$1,303,000; 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 \$1,303,000 for capital items from the Capital Repair, Renewal and Replacement Sinking Fund Account, subject to receipt by the City of appropriate supporting documentation, is hereby approved.

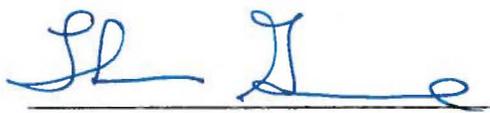
BE IT FURTHER RESOLVED, that there is hereby approved from the unappropriated fund balance of the Tropicana Field Capital Projects Fund (3081), the following supplemental appropriation for FY14:

<u>Tropicana Field Capital Projects Fund (3081)</u>	
Tropicana Field FY14 Improvements Project (14401)	\$1,303,000

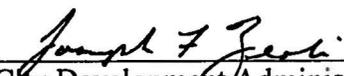
This resolution shall become effective upon adoption.



City Attorney (Designee)



Budget & Management



City Development Administration
V2 - 184338

Attached documents for item Authorizing the Mayor or his designee to execute Change Order No. 1 to the contract with LEMA Construction & Developers, Inc. in the amount of \$140,000 for the Solar Parks Project for a total contract amount of \$1,702,820. (Engineering Project No. 10237-

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Authorizing the Mayor or his designee to execute Change Order No. 1 to the contract with LEMA Construction & Developers, Inc. in the amount of \$140,000 for the Solar Parks Project for a total contract amount of \$1,702,820 and providing an effective date (Engineering Project No. 10237-017, Oracle No.12710).

Explanation: On November 3, 2011 City Council approved a contract with LEMA Construction & Developers, Inc. in the amount of \$1,562,920 to furnish and install roof top solar photovoltaic systems at nineteen (19) park locations throughout the city and the Science Center of Pinellas County in the amount of \$1,562,920. The work included furnishing all labor, materials and equipment necessary to mount solar photovoltaic panels on existing roofs, full roof replacement at several locations, all electrical connections to existing service panels and installation of temperature and irradiance sensors for data transfer to the National Renewable Energy Laboratory.

The City received Congressionally Directed Project funding in the 2009 Federal Omnibus Appropriations Act to design, build and operate solar power systems within city parks. The Federal appropriation was funded through a grant from the U. S. Department of Energy. On January 7, 2010 City Council approved the Solar Parks Assistance Agreement, in the amount of \$1,427,250. On April 7, 2011, City Council approved Phase II funding in the amount of \$1,000,000 from the 2010 Energy and Water Development and Related Agencies Appropriations Act for a total not to exceed Assistance Agreement amount of \$2,427,250.

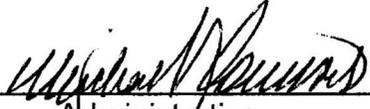
The nineteen sites were completed by the Summer of 2013. Grant funds remained in the budget due to savings in the procurement of the work. The DOE has authorized a scope change to the grant to allow the addition of a solar panel site to the project and the expenditure of the remaining grant funds. Additional sites were evaluated and the pump house building at the Northshore Aquatics Complex was selected based on specific selection criteria including locations with approximately 90 percent or greater solar exposure annually, the availability of visible and secure locations for solar panels and related equipment, and economic considerations including electrical demands and electrical utility rate structure. The solar power sources will be integrated into the electric utility grid using a grid-tie inverter.

Recommendation: Administration recommends authorizing the Mayor or his designee to execute Change Order No. 1 to the contract with LEMA Construction and Developers, Inc. in the amount of \$140,000 for the Solar Parks Initiative Grant Project for a total contract amount of \$1,702,820 and providing an effective date (Engineering Project No. 10237-017, Oracle No.12710).

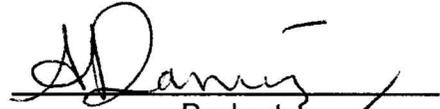
Cost/Funding/Assessment Information: Funds are available in the General Capital Improvement Fund (3001), Solar Parks Initiative Grant Project (12710).

Attachment: Resolution

APPROVALS:
rq **TBG**



Administrative



Budget

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 TO THE CONTRACT WITH LEMA CONSTRUCTION & DEVELOPERS, INC. IN THE AMOUNT OF \$140,000 FOR THE SOLAR PARKS PROJECT FOR A TOTAL CONTRACT AMOUNT OF \$1,702,820 AND PROVIDING AN EFFECTIVE DATE (ENGINEERING PROJECT NO. 10237-017, ORACLE NO.12710).

WHEREAS, the City received Congressionally Directed Project funding in the 2009 Federal Omnibus Appropriations Act to design, build and operate solar power systems within city parks through a grant from the U. S. Department of Energy; and

WHEREAS, on January 7, 2010 City Council approved the Solar Parks Assistance Agreement, in the amount of \$1,427,250 and on April 7, 2011, City Council approved Phase II funding in the amount of \$1,000,000 from the 2010 Energy and Water Development and Related Agencies Appropriations Act for a total not to exceed Assistance Agreement amount of \$2,427,250; and

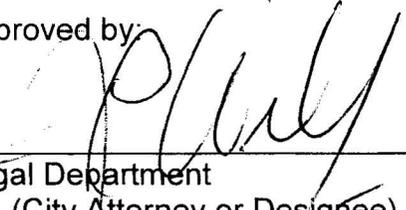
WHEREAS, on November 3, 2011 City Council approved a contract with LEMA Construction & Developers, Inc. in the amount of \$1,562,920 to furnish and install roof top solar photovoltaic systems at nineteen (19) park locations throughout the city and the Science Center of Pinellas County in the amount of \$1,562,920; and

WHEREAS, after nineteen (19) sites were completed in 2013, grant funds remained in the budget due to savings in the procurement of the work and the U.S. Department of Energy authorized an additional solar panel site to be installed at the Northshore Aquatics Complex pump house.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee execute Change Order No. 1 to the contract with LEMA Construction & Developers, Inc. in the amount of \$140,000 for the Solar Parks Project for a total contract amount of \$1,702,820 and providing an effective date (Engineering Project No. 10237-017, Oracle No.12710).

This resolution shall become effective immediately upon its adoption.

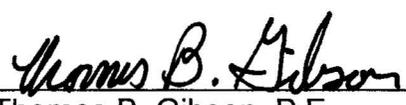
Approved by:



Legal Department

By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.

Engineering Director

Attached documents for item Renewing blanket purchase agreements with Cross Construction Services, Inc., Cross Environmental Services, Inc., H & H Fergusons' Contracting, Inc. and Sonny Glasbrenner, Inc. for demolition and removal of structures at an estimated annual cost of \$440,00

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Renewing blanket purchase agreements with Cross Construction Services, Inc., Cross Environmental Services, Inc., H & H Fergusons' Contracting, Inc. and Sonny Glasbrenner, Inc. for demolition and removal of structures at an estimated annual cost of \$440,000.

Explanation: On January 12, 2012 City Council approved a two-year agreement with three one-year renewals. This is the first renewal. The vendors provide demolition services including removal of structures, foundations, driveways, walkways, footers, slabs, steps, basements and debris. In addition, vendors must obtain permits, disconnect utilities and grade the lot to surrounding grade using clean-fill dirt and apply grass seed or sod.

For each demolition project, the city will develop a scope of work and solicit quotes from the four contractors. Except in an emergency demolition, the job is awarded to the lowest responsive bidder. In an emergency demolition, the criteria for award are based on price as well as job site conditions, public safety concerns and immediate availability. The main users are the Neighborhood Services, Housing & Community Development, Codes Compliance, Water Resources, Engineering and Capital Improvements, and Real Estate & Property Management departments.

The Procurement Department recommends renewal:

Demolition and Removal of Structures.....\$440,000

Cross Construction Services, Inc.
Cross Environmental Services, Inc.
H & H Fergusons' Contracting, Inc.
Sonny Glasbrenner, Inc.

The contractors have agreed to hold the terms and conditions of RFQ No. 7189 dated October 10, 2011. Administration recommends renewal of the agreement based upon the vendor's past satisfactory performance, and demonstrated ability to comply with the terms and conditions of the contract. Amounts paid to contractors under this renewal shall not exceed a combined total of \$440,000. The renewal will be effective from date of approval through January 31, 2015.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Neighborhood Stabilization Program Fund (1114) [\$100,000], Sanitation Operating Fund (4021), Neighborhood Services, Codes Compliance Department, Demolition Division (110-1129) [\$315,000], Water Resources Operating Fund (4001), Cosme WTP Operations and Maintenance (420-2077) [\$25,000] and in various capital improvement projects in the Housing Capital Improvement Fund (3000) [\$5,000], and the General Capital Improvement Fund (3001) [\$8,000].

Attachments: Resolution

Approvals:

 11-8-13

Administrative



Budget

A RESOLUTION APPROVING THE FIRST RENEWAL OPTIONS OF AGREEMENTS (BLANKET AGREEMENTS) WITH CROSS CONSTRUCTION SERVICES, INC., CROSS ENVIRONMENTAL SERVICES, INC., H & H FERGUSONS' CONTRACTING, INC. AND SONNY GLASBRENNER, INC. FOR DEMOLITION AND REMOVAL OF STRUCTURES AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$440,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 12, 2012 City Council approved the award of two-year agreements (Blanket Agreements) with three one-year renewal options to Cross Construction Services, Inc., Cross Environmental Services, Inc., Forristall Enterprises, Inc., H & H Fergusons' Contracting, Inc. and Sonny Glasbrenner, Inc. for demolition and removal of structures pursuant to RFP No. 7189 dated October, 10, 2011; and

WHEREAS, the City desires to exercise the first one-year renewal options to the Agreements with Cross Construction Services, Inc., Cross Environmental Services, Inc., H & H Fergusons' Contracting, Inc. and Sonny Glasbrenner, Inc.; and

WHEREAS, the Procurement & Supply Management Department recommends approval of these renewals.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the first one-year renewal options to the Agreements (Blanket Agreements) with Cross Construction Services, Inc., Cross Environmental Services, Inc., H & H Fergusons' Contracting, Inc. and Sonny Glasbrenner, Inc. for demolition and removal of structures at an estimated annual cost not to exceed \$440,000 are hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions; and

BE IT FURTHER RESOLVED that these renewals will be effective from the date of approval through January 31, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney (Designee)

Attached documents for item Approving a contract and increasing the allocation to ABM Security Services, Inc. for security guard services at The Pier in the amount of \$240,000, which increases the total contract amount to \$295,000.

**SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 25, 2013**

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

Subject: Approving a contract and increasing the allocation to ABM Security Services, Inc. for security guard services at The Pier in the amount of \$240,000, which increases the total contract amount to \$295,000.

Explanation: Administration awarded a three month contract in the amount of \$55,000 (4,337 hrs. @ \$12.68/hr) to ABM Security Services, Inc., which did not initially meet the threshold for Council approval; therefore Council approval was not sought. Initially, services were to continue after the management contract ended, July 15, 2013, with Urban Retail Properties and until the Pier was demolished estimated by mid-October, 2013. As the Pier is not demolished, an extension of their services is required, estimated at an additional \$240,000 (23,265 hours @ \$12.68/hr).

The vendor provides un-armed uniformed security guard services at The Pier, including the approach and secured building. The guards provide protection to the City's Pier property, buildings and equipment against loss or damage from preventable cause, including fire, structure or equipment failure, theft, vandalism, trespass or other violation of the law. The guards provide written reports to the City documenting events, incidents or changes in property and equipment, injuries, suspected theft or vandalism of property. While security is the main focus on this particular property, public relations is a major component to maintaining a customer friendly/tourist friendly environment. Two guards provide 24/7 coverage.

A sole source is requested for the continuation of services by this original vendor as they are familiar with the facility, and have the experience to monitor Pier building life safety and HVAC system and controls. This purchase is made in accordance with Section 2-241 (d) of the Sole Source Procurement of the Procurement Code, which authorizes City Council to approve the purchase of a supply or service over \$100,000 without competitive bidding if it has been determined that the supply or service is available from only one source.

The Procurement Department, in cooperation with Downtown Enterprise Facilities, recommends:

ABM Security Services, Inc.....\$295,000

Original Contract Sum	\$ 55,000
Increased Allocation	<u>240,000</u>
Revised Contract Sum	\$295,000

The vendor has agreed to hold pricing firm under the terms and conditions of Blanket Purchase Agreement 175572 dated July 16, 2013. Administration recommends extension of the agreement based upon the vendor's past satisfactory performance and demonstrated ability to comply with the terms and conditions of the contract. Additionally, this vendor provided these services at The Pier for four years under the management of Urban Retail Properties and has performed satisfactorily. The extension will be effective through September 30, 2014 and will be binding only for actual services rendered. The contract includes a termination for convenience clause.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Pier Operating Fund (1203) Downtown Enterprise Facilities Pier Administration account (2822861).

Attachments: Sole Source
Resolution

Approvals:


Administrative


Budget

City of St. Petersburg
Sole Source Request
Procurement & Supply Management

Department: DEFD - Pier Requisition No. _____
Check One: Sole Source Proprietary Specifications
Proposed Vendor: ABM Security Services, Inc.
Estimated Total Cost: \$ 240,000

Description of Items (or Services) to be purchased:

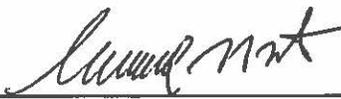
Security and system monitoring services for municipal Pier.

Purpose of Function of items:

Provide security and building system monitoring services for dormant Pier building and Pier approach.

Justification for Sole Source of Proprietary specification:

Vendor was used by former Pier management company (Urban Retail Properties) and has excellent knowledge of the facility, including ability to monitor Pier building life safety and HVAC system and controls.



Department Director

10/30/13

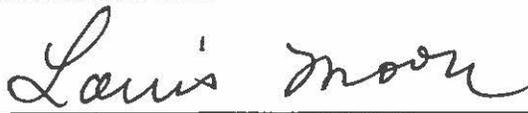
Date



Administrator/Chief

10-30-13

Date



Louis Moore

10/13/13

Date

A RESOLUTION DECLARING ABM SECURITY SERVICES, INC. TO BE A SOLE SOURCE SUPPLIER; APPROVING A CHANGE ORDER TO THE AGREEMENT WITH ABM SECURITY SERVICES, INC. FOR SECURITY GUARD SERVICES AT THE PIER, EXTENDING THE TERM TO SEPTEMBER 30, 2014 AND INCREASING THE AMOUNT BY \$240,000 FOR A REVISED TOTAL COST NOT TO EXCEED \$295,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Administration awarded a three-month agreement in the amount of \$55,000, (said amount did not meet the threshold for City Council approval) to ABM Security Services, Inc. for security services at The Pier ("Agreement") after the management contract with Urban Retail Properties on July 15, 2013 ended; and

WHEREAS, it was anticipated that the Agreement would cover the time period up to the demolition of The Pier which was estimated to be mid-October, 2013; and

WHEREAS, the Pier was not demolished and security services are still needed at the Pier; and

WHEREAS, ABM Security Services, Inc. is familiar with The Pier facility and the City desires continuity of security services at The Pier and thereby requests that ABM Security Services, Inc. be deemed a sole source supplier; and

WHEREAS, Section 2-241(d) of the City Code provides requirements for sole source procurement; and

WHEREAS, the Procurement & Supply Management Department recommends approval of the award of a Change Order extending the term of the Agreement to September 30, 2014 and increasing the total cost to \$295,000 to ABM Security Services, Inc. as a sole source supplier; and

WHEREAS, the Mayor or his designee has prepared a written statement to the City Council certifying the condition and circumstances for the sole source purchase; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that ABM Security Services, Inc. is a sole source supplier for security services at The Pier; and

BE IT FURTHER RESOLVED that a Change Order to the Agreement with ABM Security Services, Inc. for security guard services at The Pier extending the term to September 30, 2014 and increasing the amount to \$240,000 for a revised total cost not to exceed \$295,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Renewing blanket purchase agreements with Southeastern Paper Group Inc., Sani-Chem Janitorial Supplies, Inc. and American Chemical & Building Maintenance Supply, Inc. for janitorial supplies at an estimated annual cost of \$250,000.

**SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 25, 2013**

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

Subject: Renewing blanket purchase agreements with Southeastern Paper Group Inc., Sani-Chem Janitorial Supplies, Inc. and American Chemical & Building Maintenance Supply, Inc. for janitorial supplies at an estimated annual cost of \$250,000.

Explanation: On December 1, 2011 City Council approved one-year agreements for janitorial supplies through November 30, 2012. Under the renewal of contract clause, the City reserves the right to extend the contract for a period of one year if mutually agreeable. This is the second of three renewals.

The vendors provide items such as brooms, mops, brushes, cleaners, detergents, hand soaps, insect repellants, buckets, personal hygiene items and trash liners and containers. These items will be stocked at the Consolidated Warehouse.

The Procurement Department recommends for renewal:

Janitorial Supplies.....\$250,000

Southeastern Paper Group, Inc.
Sani-Chem Janitorial Supplies, Inc. (SBE)
American Chemical & Building
Maintenance Supply, Inc. (SBE)

The vendors have agreed to uphold the terms and conditions of IFB No. 7198 dated September 29, 2011. Amounts paid to vendors pursuant to this renewal shall not exceed a combined total of \$250,000 during the renewal term. The renewals will be effective from date of approval through November 30, 2014.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001) Fire Suppression Account (150-1497) [\$70,000], Police Department, Building Maintenance Account (140-1393) [\$40,000], various Parks and Recreation account numbers within the Parks and Recreation Department (190) [\$80,000]; Municipal Office Buildings Fund (5005), Real Estate & Property Management Department, Municipal Services Center Account (360-2617) [\$20,000] and the Water Resources Operating Fund (4001), Water Resources Department (420) various account numbers [\$40,000].

Attachments: Resolution

Approvals:


BY:  Administrative


Budget

A RESOLUTION APPROVING THE SECOND ONE-YEAR RENEWAL OPTIONS OF AGREEMENTS (BLANKET AGREEMENTS) WITH SOUTHEASTERN PAPER GROUP INC. SANI-CHEM JANITORIAL SUPPLIES, INC. AND AMERICAN CHEMICAL & BUILDING MAINTENANCE SUPPLY, INC. FOR JANITORIAL SUPPLIES AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$250,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 1, 2011 City Council approved the award of one-year agreements (Blanket Agreements) with three one-year renewal options to Southeastern Paper Group, Inc., Sani-Chem Janitorial Supplies, Inc., and American Chemical & Building Maintenance Supply, Inc. ("Vendors") for janitorial supplies pursuant to IFB No. 7198 dated September 29, 2011; and

WHEREAS, on December 20, 2012 City Council approved the first one-year renewal options of the Agreements; and

WHEREAS, the City desires to exercise the second one-year renewal options to the Agreements; and

WHEREAS, the Vendors have agreed to uphold the terms and conditions of IFB No. 7198; and

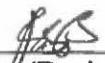
WHEREAS, the Procurement & Supply Management Department recommends approval of these renewals.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the second one-year renewal options to the Agreements (Blanket Agreements) with Southeastern Paper Group, Inc., Sani-Chem Janitorial Supplies, Inc., and American Chemical & Building Maintenance Supply, Inc. for janitorial supplies at an estimated annual cost not to exceed \$250,000 are hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions; and

BE IT FURTHER RESOLVED that these renewals will be effective from the date of approval through November 30, 2014.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Renewing a blanket purchase agreement with Boley Centers, Inc. for management services for summer youth intern program (SYIP) for the Community Services Department at an estimated annual cost of \$250,000.

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Renewing a blanket purchase agreement with Boley Centers, Inc. for management services for summer youth intern program (SYIP) for the Community Services Department at an estimated annual cost of \$250,000.

Explanation: On January 12, 2012 City Council approved a one year agreement with Boley Centers, Inc. Under the renewal of contract clause, the City reserves the right to extend the contract for a period of one year if mutually agreeable. This is the second of two renewals.

The vendor recruits, screens, places applicants and provides full payroll services and supervision for individuals employed under this summer program. In addition, the provider will work with private industries and community groups to recruit eligible participants and employers. The city funded program provides temporary employment for the city's youth in economically disadvantaged families, who meet certain household income guidelines. SYIP provides diverse opportunities for participants between the ages of 16 and 21 to develop real vocational skills and earn income. The 2014 program will run from approximately June 17 through mid-August with projections to place approximately 120 interns.

The Procurement Department, in cooperation with the Community Services Department, recommends for renewal:

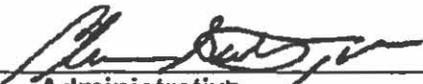
Boley Centers, Inc. \$250,000

The vendor has agreed to hold prices firm under the terms and conditions of RFP No. 7196 dated October 14, 2011. Administration recommends renewal of the agreement based upon the vendor's past satisfactory performance, demonstrated ability to comply with the terms and conditions of the contract, and no requested increase in cost. The renewal will be effective from date of approval through the end of the 2014 summer program.

Cost/Funding/Assessment Information: Funds are available in the General Operating Fund (0001), Community Services Department (083), Community Services Administration (1081).

Attachments: Resolution

Approvals:



Administrative
BY: 


Budget

A RESOLUTION APPROVING THE FIRST ONE-YEAR RENEWAL OPTION OF THE AGREEMENT (BLANKET AGREEMENT) WITH BOLEY CENTERS, INC. FOR MANAGEMENT SERVICES FOR THE SUMMER YOUTH INTERN PROGRAM FOR THE HUMAN RESOURCES DEPARTMENT AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$250,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 12, 2012 City Council approved the award of a one-year agreement (Blanket Agreement) with two one-year renewal options to Boley Centers, Inc. for management services for the Summer Youth Intern Program for the Human Resources Department pursuant to RFP No. 7196 dated October 14, 2011; and

WHEREAS, the City desires to exercise the first one-year renewal option of the Agreement; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Community Services Department, recommends approval of this renewal.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the first one-year renewal option to the Agreement (Blanket Agreement) with Boley Centers, Inc. for management services for the Summer Youth Intern Program for the Human Resources Department at an estimated annual cost not to exceed \$250,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective from the date of approval through the end of the 2014 summer program.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Accepting a proposal from AGC Electric, Inc., a sole source supplier, for a three-year agreement to supply, install and maintain pedestrian crosswalk assemblies for the Transportation & Parking Department in an amount not to exceed \$195,000.

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Accepting a proposal from AGC Electric, Inc., a sole source supplier, for a three-year agreement to supply, install and maintain pedestrian crosswalk assemblies for the Transportation & Parking Department in an amount not to exceed \$195,000.

Explanation: The vendor will supply and install new assemblies, if needed, maintain, repair and replace the existing 45 rectangular rapid flashing beacon (RRFB) crosswalk assemblies on an as needed basis. Because the vendor is the only supplier approved by Florida Department of Transportation (FDOT) that offers a solar powered rapid flashing beacon system, a sole source procurement is recommended. The system alerts motorists with flashing amber warning beacons, which are push-button activated by the pedestrian. In addition, an infrared motion sensor detects nearby pedestrians and alerts them of the crosswalk system in both English and Spanish languages. LED lights at the crosswalk also illuminate the pedestrian's path at night. When damaged or destroyed by accident, the city seeks a claim against the insurance provider of the involved party to cover the cost of replacement.

The Procurement Department in cooperation with the Transportation & Parking Department recommends for award:

AGC Electric, Inc.....\$195,000

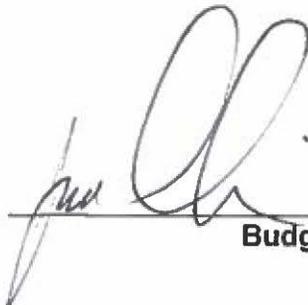
This purchase is made in accordance with Section 2-241 (d) of the Sole Source Procurement of the Procurement Code, which authorizes City Council to approve the purchase of a supply or service over \$100,000 without competitive bidding if it has been determined that the supply or service is available from only one source. A blanket purchase agreement will be issued to the vendor and will be binding only for actual services provided. This agreement will be effective through December 31, 2016 with two one-year renewal options.

Cost/Funding/Assessment Information: Funds have been appropriated in the Transportation Impact Fees CIP Fund (3071), Traffic Safety Program FY14 Project (13288).

Attachments: Sole Source
Resolution

Approvals:

R. Mussett 11-8-13
Administrative *RS*


Budget

City of St. Petersburg
Sole Source Request
Procurement & Supply Management

Department: Transportation Requisition No. _____
Check One: Sole Source Proprietary Specifications
Proposed Vendor: AGC Electric, Inc.
Estimated Total Cost: \$ 195,000

Description of Items (or Services) to be purchased:

CW/SSI System. Future replacements due to damage or any new locations that need to be installed as a priority.

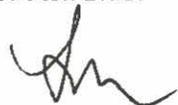
Purpose of Function of items:

Pedestrian activated Rectangular Rapid Flashing Beacons to enhance pedestrian crosswalks by warning motorists that a pedestrian is attempting to cross the roadway at a marked crosswalk.

Justification for Sole Source of Proprietary specification:

The City was the first community to receive Interim Approval from the Federal Highway Administration and FDOT to install this type of traffic control device. This supplier was the creator of the device and together we have installed a total of 45 systems to date throughout the City. The electronic components within these devices are specific to this supplier and cannot be provided by any other supplier.

I hereby certify that in accordance with Section 2-232(d) of the City of St. Petersburg

 _____ Department Director	<u>10-29-13</u> _____ Date
 _____ Administrator/Chief	<u>10-29-13</u> _____ Date
 _____ Louis Moore, Director Procurement & Supply Management	<u>10/29/13</u> _____ Date

Procurement Code, I have conducted a good faith review of available sources and have determined that there is only one potential source for the required items per the above justification. I also understand that under Florida Statute 838.22(2) it is a second degree felony to circumvent a competitive bidding process by using a sole-source contract for commodities or services.

A RESOLUTION DECLARING AGC ELECTRIC, INC. TO BE A SOLE SOURCE SUPPLIER; ACCEPTING THE PROPOSAL AND APPROVING THE AWARD OF A THREE-YEAR AGREEMENT (BLANKET AGREEMENT) WITH TWO ONE-YEAR RENEWAL OPTIONS TO AGC ELECTRIC, INC. TO SUPPLY, INSTALL AND MAINTAIN THE EXISTING 45 RECTANGULAR RAPID FLASHING BEACON CROSSWALK ASSEMBLIES FOR THE TRANSPORTATION & PARKING DEPARTMENT AT A TOTAL ESTIMATED AMOUNT NOT TO EXCEED \$195,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has a need for maintenance and repair of its 45 rectangular rapid flashing beacon crosswalk assemblies; and

WHEREAS, AGC Electric, Inc. is the only approved supplier by the Florida Department of Transportation of solar powered rapid flashing beacon systems; and

WHEREAS, Section 2-24I(d) of the City Code provides requirements for sole source procurement; and

WHEREAS, the Procurement & Supply Management Department, cooperation with the Transportation & Parking Department, recommends approval of the award of an agreement to AGC Electric, Inc. as a sole source supplier; and

WHEREAS, the Mayor or his designee has prepared a written statement to the City Council certifying the condition and circumstances for the sole source purchase.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that AGC Electric, Inc. is a sole source supplier; and

BE IT FURTHER RESOLVED that the award of a three-year agreement (Blanket Agreement) with two one-year renewal options to AGC Electric, Inc. to supply, install and maintain the existing 45 rectangular rapid flashing beacon crosswalk assemblies for the Transportation & Parking Department at a total estimated amount not to exceed \$195,000 is hereby approved and the Mayor or the Mayor's designee is authorized to execute all necessary documents to effectuate this transaction; and

BE IT FURTHER RESOLVED that this agreement will be effective through December 31, 2016.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Authorizing the Mayor or his designee to execute a Supplemental Joint Participation Agreement with the Florida Department of Transportation (“FDOT”) providing an additional \$151,000 in funding for the Airport - Terminal Hangar Project (#13279); and all ot

ST. PETERSBURG CITY COUNCIL
 Consent Agenda
 Meeting of November 25, 2013

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

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

SUBJECT: A resolution authorizing the Mayor or his designee to execute a Supplemental Joint Participation Agreement with the Florida Department of Transportation ("FDOT") providing an additional \$151,000 in funding for the Airport - Terminal Hangar Project (#13279); and all other documents necessary to effectuate this resolution; and providing an effective date.

EXPLANATION: The scope of the Terminal Hangar Project ("Project") involves the design and construction of a new ±7,300 sq/ft aircraft hangar to be located to the immediate southwest of the Galbraith Terminal. The hangar will be used to house transient and based aircraft for overnight storage. The exterior of the new hangar will be enhanced to complement the Galbraith Terminal design.

The Florida Department of Transportation ("FDOT") had committed to provide \$640,000 or eighty percent (80%) of the total cost of the project which is budgeted at \$800,000. The City has to provide the twenty percent (20%) match of \$160,000. Due to state funding restrictions, the FDOT had to separate its funding into two different fiscal years. On September 20, 2012, City Council approved Ordinance 46-H which authorized the Mayor or his designee to execute a Joint Participation Agreement ("Agreement") accepting the first phase of funding from the FDOT in the amount of \$489,000 and permitting the restrictions on the Airport required by the Agreement. The current Supplemental Joint Participation Agreement increases the FDOT's participation by \$151,000 to bring the FDOT's total commitment to \$640,000 toward the Project. Both City matches and the FDOT funding for the Project were approved through the City's CIP budget process as follows:

	<u>FY13</u>	<u>FY14</u>	=	<u>TOTAL</u>
FDOT	\$489,000	\$151,000	=	\$640,000
City	\$122,250	\$ 37,750	=	<u>\$160,000</u>
				<u>\$800,000</u>

Design has commenced on the Project with the start of construction anticipated to start in the summer of 2014.

RECOMMENDATION: Administration recommends approval of a resolution authorizing the Mayor or his designee to execute a Supplemental Joint Participation Agreement with the Florida Department Of Transportation ("FDOT") providing an additional \$151,000 in funding for the Airport - Terminal Hangar Project (#13279); and all other documents necessary to effectuate this resolution; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: The City receives additional funding in the amount of \$151,000 from the FDOT to bring the State's total participation of \$640,000 for the Terminal Hangar Project (#13279): \$489,000 (Award #80938) in FY13 and \$151,000 in FY14. The City's funding match for both the FY13 and FY14 FDOT funding is already encumbered for this project .

ATTACHEMENT: Resolution

APPROVALS:

Legal: *[Signature]*
 Budget: *[Signature]*

Administration: *[Signature]*

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") PROVIDING AN ADDITIONAL \$151,000 IN FUNDING FOR THE AIRPORT - TERMINAL HANGAR PROJECT (#13279); AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE;

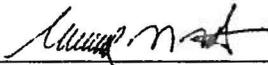
WHEREAS On September 20, 2012, City Council approved Ordinance 46-H which authorized the Mayor or his designee to execute a Joint Participation Agreement ("Agreement") accepting the first phase of funding for the Airport – Terminal Hangar Project (#13279) from the FDOT in the amount of \$489,000 and permitting the restrictions on the Airport required by the Agreement.; and

WHEREAS the overall budget for the Terminal Hangar Project is \$800,000 and the FDOT agreed to fund up to eighty percent (80%) or \$640,000 of the overall project costs; and

WHEREAS the FDOT has offered the City a Supplemental Participation Agreement which amends the Agreement to increase the FDOT's participation by \$151,000 to the maximum eighty percent (80%).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is authorized to execute a Supplemental Joint Participation Agreement with the Florida Department of Transportation ("FDOT") providing an additional \$151,000 in funding for the Airport - Terminal Hangar Project (#13279), and all other documents necessary to effectuate this resolution.

This resolution shall become effective immediately upon its adoption.

Legal:  Administration: 

Budget: 

Attached documents for item Authorizing the Mayor or his designee to accept a ROOM TO RUN™ Dog Park Appreciation Project Appreciation Grant (“Grant”) from the Nutro Company for the Coquina Key Dog Park Improvements Project in the amount of \$2,000; and to execute all documents necess

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: A resolution authorizing the Mayor or his designee to accept a ROOM TO RUN™ Dog Park Appreciation Project Appreciation Grant ("Grant") from the Nutro Company for the Coquina Key Dog Park Improvements Project in the amount of \$2,000; and to execute all documents necessary to effectuate the Grant; approving a supplemental appropriation in the amount of \$2,000 from the increase in the unappropriated balance of the General Fund (0001), resulting from these additional revenues, to the Parks & Recreation South District #4 (1902369) Coquina Key Dog Park Improvements Project ("Project") (TBD); and providing an effective date.

Explanation: The Nutro Company has awarded a ROOM TO RUN™ Dog Park Appreciation Project Appreciation Grant in the amount of \$2,000 to the City of St. Petersburg for the Coquina Key Dog Park Improvements Project ("Project"). The Project elements include replacing the existing drinking bowls, cooling station, and trash receptacle/Mutt Mitt™ stations. There is no requirement to execute a grant agreement nor to provide matching funds for this Grant.

Recommendation: Administration recommends adoption of the attached resolution authorizing the Mayor or his designee to accept a ROOM TO RUN™ Dog Park Appreciation Project Appreciation Grant ("Grant") from the Nutro Company for the Coquina Key Dog Park Improvements Project in the amount of \$2,000; and to execute all documents necessary to effectuate the Grant; approving a supplemental appropriation in the amount of \$2,000 from the increase in the unappropriated balance of the General Fund (0001), resulting from these additional revenues, to the Parks & Recreation South District #4 (1902369) Coquina Key Dog Park Improvements Project ("Project") (TBD); and providing an effective date.

Cost/Funding/Assessment Information: Revenues of up to \$2,000 are to be received from this Grant. A supplemental appropriation in the amount of \$2,000 from the increase in the unappropriated balance of the General Fund (0001) resulting from these additional revenues, to the Parks & Recreation South District #4 (1902369) Coquina Key Dog Park Improvements Project (TBD) will be necessary.

Attachment: Resolution

Approvals:

Administration: Shirley K. McBeal Budget: A. Ramirez

Resolution No. 2013-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A ROOM TO RUN™ DOG PARK APPRECIATION PROJECT GRANT ("GRANT") FROM THE NUTRO COMPANY FOR THE COQUINA KEY DOG PARK IMPROVEMENTS PROJECT IN THE AMOUNT OF \$2,000; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE GRANT; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$2,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND (0001), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE PARKS & RECREATION SOUTH DISTRICT #4 (1902369) COQUINA KEY DOG PARK IMPROVEMENTS PROJECT ("PROJECT") (TBD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Nutro Company has awarded the City a ROOM TO RUN™ Dog Park Appreciation Project Appreciation Grant ("Grant") in the amount of \$2,000 for the Coquina Key Dog Park Improvements Project; and

WHEREAS, the Project elements include replacing the existing drinking bowls, cooling station, and trash receptacle/Mutt Mitt™ stations; and

WHEREAS, there is no requirement to execute a grant agreement nor to provide matching funds for this Grant.

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 ROOM TO RUN™ Dog Park Appreciation Project Appreciation Grant ("Grant") from the Nutro Company for the Coquina Key Dog Park Improvements Project in the amount of \$2,000; and to execute all documents necessary to effectuate the Grant; and

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the General Fund (0001) resulting from these additional revenues, the following supplemental appropriation for FY14:

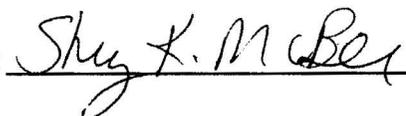
General Fund (0001)

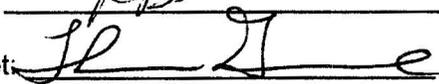
Parks & Recreation South District #4 (1902369)	
Coquina Key Dog Park Improvements Project (TBD)	\$2,000

This resolution shall become effective immediately upon its adoption.

Approvals:

Legal: 

Administration: 

Budget: 

Attached documents for item Authorizing the Mayor or his designee to execute Task Order No. 12-03-CH2/W to the agreement between the City of St. Petersburg and CH2M Hill in the amount of \$195,217, for design and bidding phase engineering services for the Northwest Water Reclamation

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

SUBJECT: Authorizing the Mayor or his designee to execute Task Order No. 12-03-CH2/W to the agreement between the City of St. Petersburg and CH2M Hill in the amount of \$195,217, for design and bidding phase engineering services for the Northwest Water Reclamation Facility (NWWRF) Coarse Screening Structure & Odor Control Facilities project. (Engineering Project No. 14014-111; Oracle No. 13823)

EXPLANATION: On November 19, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of CH2M Hill, for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects.

This Task Order No. 12-03-CH2/W, in the amount of \$195,217 pertains to professional engineering services for design and bidding phase services associated with the proposed gravity influent coarse screening structure and odor control facilities at NWWRF. The project includes replacing the 1950s communitor structure now serving as an influent flow splitter chamber with a new coarse screening structure with two continuous belt screen mechanical bar screens, screw conveyor, compactor, and chemical scrubber odor control system. The scope of work includes, but is not limited to, providing survey, civil, electrical, instrumentation, and mechanical engineering design services, preparation of construction plans, technical specifications and bidding documents, preparation of regulatory permits, and bidding phase services.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Task Order No. 12-03-CH2/W with CH2M Hill in the amount of \$195,217 for design and bidding phase engineering services for the NWWRF Coarse Screening Structure and odor control facilities.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF NW Headworks Screen Structure and Odor Control FY13 Project (13823).

ATTACHMENTS: Resolution

APPROVALS:
da

TB6


Administrative


Budget

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE TASK ORDER NO. 12-03-CH2/W TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND CH2M HILL IN THE AMOUNT OF \$195,217, FOR DESIGN AND BIDDING PHASE ENGINEERING SERVICES FOR THE NORTHWEST WATER RECLAMATION FACILITY (NWWRF) COARSE SCREENING STRUCTURE & ODOR CONTROL FACILITIES PROJECT. (ENGINEERING PROJECT NO. 14014-111; ORACLE NO. 13823)

WHEREAS, on November 19, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of CH2M Hill, for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, this Task Order No. 12-03-CH2/W, in the amount of \$195,217 pertains to professional engineering services for design and bidding phase services associated with the proposed gravity influent coarse screening structure and odor control facilities at NWWRF.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Task Order No. 12-03-CH2/W to the agreement between the City of St. Petersburg and CH2M Hill in the amount of \$195,217, for design and bidding phase engineering services for the Northwest Water Reclamation Facility (NWWRF) Coarse Screening Structure & Odor Control Facilities project. (Engineering Project No. 14014-111; Oracle No. 13823)

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

Attached documents for item Authorizing the Mayor or his designee to execute Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg and Black & Veatch Corporation in the amount of \$472,031 for engineering design services related to the Southwest Wastewater Tr

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

SUBJECT: Authorizing the Mayor or his designee to execute Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg and Black & Veatch Corporation in the amount of \$472,031 for engineering design services related to the Southwest Wastewater Treatment Plant Gas Generator and Electrical Improvements Project. (Engineering Project No. 13082-111; Oracle No. 14018)

EXPLANATION: On November 19, 2012, the City Council approved a Master Agreement with the professional consulting engineering firm of Black & Veatch Corporation for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects.

Task Order No. 12-04-BV/W pertains to engineering services related to design, bidding, and permitting of two new natural gas engine generators at the Southwest Water Reclamation Facility (SWWRF). The scope of work includes, but is not limited to, providing survey, mechanical and electrical engineering services, preparation of construction plans, technical specifications, preparation of regulatory permits, coordination with the Biosolids Project design firm, bidding documents, and bidding phase services.

The project includes two 1100 kw combined heat and power natural gas engine generators, modification of the existing diesel generator backup power system and electrical distribution switchgear, a new electrical Motor Control Center (MCC) building, heat recovery backup hot water boiler, heat recovery primary hot water piping loop, pumps, and controls. Work also includes demolition of the existing old plant facilities at the SWWRF.

The natural gas engine generators will function as combined heat and power (CHP) units operating in parallel with the electric utility, and also as an emergency backup unit operating in parallel with the diesel-powered backup generator system. When the natural gas engine generators become operational, they will be capable of providing an alternate electric energy source to operate the plant continuously, or during peak electrical demand periods, resulting in utility cost savings. The waste heat from the engines will be recovered and utilized in the biosolids digestion process. The units will be fueled by natural gas, or renewable biogas produced on site when the Biosolids to Energy Project is completed in 2016.

The design of the gas engine generators is being closely coordinated with the design of the methane gas production facilities under the Sustainable Biosolids Renewable Energy Project, with Brown and Caldwell engineers. The use of Black & Veatch

Corporation for design and engineering of the natural gas engine generators component of the project is based on their greater experience with this type of design, and their ability to work cooperatively with Brown and Caldwell engineers, within the project schedule requirements.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Task Order No. 12-04-BV with Black & Veatch Corporation in the amount of \$472,031.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF SW Compressed Natural Gas Generator Evaluation FY13 Project (14018).

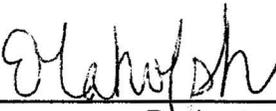
ATTACHMENTS: Resolution

APPROVALS:

sm



TBC Administrative



Budget

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE TASK ORDER NO. 12-04-BV/W, TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND BLACK & VEATCH CORPORATION IN THE AMOUNT OF \$472,031 FOR ENGINEERING DESIGN SERVICES RELATED TO THE SOUTHWEST WASTEWATER TREATMENT PLANT GAS GENERATOR AND ELECTRICAL IMPROVEMENTS. (ENGINEERING PROJECT NO. 13082-111; ORACLE NO. 14018)

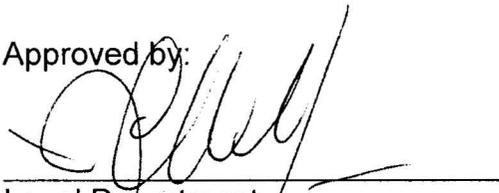
WHEREAS, on November 19, 2012, the City Council approved a Master Agreement with the professional consulting engineering firm of Black & Veatch Corporation for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, this Task Order No. 12-04-BV/W pertains to engineering services related to design, bidding, and permitting of two new natural gas engine generators at the SWWRF.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg and Black & Veatch Corporation in the amount of \$472,031 for engineering design services related to the Southwest Wastewater Treatment Plant gas generator and electrical improvements. (Engineering Project No. 13082-111; Oracle No. 14018)

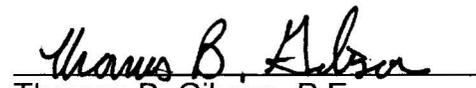
This Resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

Attached documents for item Confirming the reappointment of David E. Ramsey and J. Martin Knaust as regular members to the Public Arts Commission to serve four-year terms ending April 30, 2017.



MEMORANDUM

Council Meeting of November 25, 2013

TO: Members of City Council

FROM: Mayor Bill Foster 

RE: Confirmation of Reappointments to the Public Arts Commission

I respectfully request that Council confirm the reappointment of David E. Ramsey and J. Martin Knaust as regular members to the Public Arts Commission to serve four-year terms ending April 30, 2017.

Copies of their resumes have been provided to the Council office for your information.

DWF/ea

Attachment

cc: E. Brincklow, Arts & International Relations Manager

A RESOLUTION CONFIRMING THE
REAPPOINTMENT OF REGULAR MEMBERS
TO THE PUBLIC ARTS COMMISSION; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the reappointment of David E. Ramsey and J. Martin Knaust as regular members to the Public Arts Commission to serve four-year terms ending April 30, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney or (Designee)

Attached documents for item Confirming the reappointments of Carol Mickett and Erin M. Hinton-Aber as regular members to the Arts Advisory Committee to serve three-year terms ending September 30, 2016.



MEMORANDUM

Council Meeting of November 25, 2013

TO: Members of City Council

FROM: Mayor Bill Foster 

RE: Confirmation of Reappointments to the Arts Advisory Committee

I respectfully request that Council confirm the reappointments of Carol Mickett and Erin M. Hinton-Aber as regular members to the Arts Advisory Committee to serve three-year terms ending September 30, 2016.

Copies of their resumes have been provided to the Council office for your information.

DWF/ea

Attachments

cc: B. Brincklow, Arts & International Relations Manager

A RESOLUTION CONFIRMING THE
REAPPOINTMENT OF REGULAR MEMBERS
TO THE ARTS ADVISORY COMMITTEE; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the reappointment of Carol Mickett and Erin M. Hinton-Aber as regular members to the Arts Advisory Committee to serve three-year terms ending September 30, 2016.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:

City Attorney or (Designee)

Attached documents for item Authorizing the Mayor or his designee to accept a one year contract between the School Board of Pinellas County, Florida and the City of St. Petersburg for the continuation of the School Resource Officer Program in the public school system of Pinellas Cou

St. Petersburg City Council
Consent Agenda
Meeting of November 25, 2013

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

SUBJECT: A resolution authorizing the Mayor or his designee to accept a one year contract between the School Board of Pinellas County, Florida and the City of St Petersburg for the continuation of the School Resource Officer Program in the public school system of Pinellas County; to execute all documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION: The City of St. Petersburg and the School Board of Pinellas County, Florida entered into a one year contract whereas the St. Petersburg Police Department will provide nine school resource officers at four high schools and five middle schools during the 2013-2014 school year. A school resource officer will be located at Gibbs High, Lakewood High, Northeast High, St. Petersburg High, Azalea Middle, Bay Point Middle, John Hopkins Middle, Meadowlawn Middle, and Tyrone Middle Schools. The School Board of Pinellas County, Florida shall pay the City of St Petersburg, the sum of \$51,462.07 for each school resource officer during the period of July 1, 2013 through June 30, 2014. The total annual contract amount is \$463,158.63.

Security services provided by the St. Petersburg Police Department at school functions occurring after regular school hours shall be paid in accordance with the St. Petersburg Police Department's salary policy and procedures. The contract is in effect from July 1, 2013 through June 30, 2014.

RECOMMENDATION: The administration recommends that City Council adopt the attached resolution authorizing the Mayor or his designee to accept a one year contract between the School Board of Pinellas County, Florida ("Board") and the City of St Petersburg for the continuation of the School Resource Officer ("SRO") program in the public school system of Pinellas County; to execute all documents necessary to effectuate this transaction; and providing an effective date

COST/FUNDING INFORMATION: Funding for the school resource officers has been previously appropriated in the General Fund (0001), Police Department, Youth Resources (140-1457).

Approvals:

Administration:



Budget:



Resolution No. 2013-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A ONE YEAR CONTRACT IN THE AMOUNT OF \$463,158.63 BETWEEN THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA AND THE CITY OF ST. PETERSBURG FOR THE CONTINUATION OF THE SCHOOL RESOURCE OFFICER PROGRAM IN THE PUBLIC SCHOOL SYSTEM OF PINELLAS COUNTY; TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St Petersburg and the School Board of Pinellas County, Florida entered into a one year contract agreement that will allow the St. Petersburg Police Department ("Department") to place nine school resource officers into four high schools and five middle schools; and

WHEREAS, the School Board of Pinellas County, Florida shall pay the City of St Petersburg, the sum of \$51,462.07 per school resource officer during the period of July 1, 2013 through June 30, 2014. The total contract amount is \$463,158.63; and

WHEREAS, a school resource officer will be located at Gibbs High, Lakewood High, Northeast High, St. Petersburg High, Azalea Middle, Bay Point Middle, John Hopkins Middle, Meadowlawn Middle, and Tyrone Middle Schools; and

WHEREAS, security services provided by the Department at school functions occurring after regular school hours shall be paid in accordance with the Department's salary policy and procedures; and

WHEREAS, funding for the school resource officers has been previously appropriated in the General Fund (0001), Police Department, Youth Resources (140-1457); and

WHEREAS, the contract is in effect from July 1, 2013 through June 30, 2014.

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 one year contract between the School Board of Pinellas County, Florida and the City of St Petersburg for the continuation of the School Resource Officer Program in the public school system of Pinellas County and to execute all documents necessary to effectuate this transaction.

This Resolution shall take effect immediately upon its adoption.

Approvals:

Legal:



Administration:



SCHOOL RESOURCE OFFICER AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2013, between the **SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA** (referred to herein as the "**Board**"), and **THE CITY OF ST. PETERSBURG**, (referred to herein as "**City**"), is for the services to be provided by the St. Petersburg P.D. for the School Resource Officer Program (referred as "SRO Program").

WITNESSETH:

WHEREAS, the parties hereto value the collaboration and cooperation fostered by the SRO Program and believe that all of society benefits when the safety of children is improved, where the threat of crime and disorder is reduced, the learning environment is improved, and the true mission of teachers becomes more achievable; and

WHEREAS, the SRO Program provides an opportunity for students and law enforcement officers to have positive interaction with one another which enhances law enforcement officers' service to the community, and

WHEREAS, the Board and the City intend to provide law enforcement and related services to the public schools of Pinellas County as hereafter described, and

WHEREAS, the Board and the City will mutually benefit from the SRO Program.;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I. The Obligations of the City are as follows:

A. Provision of School Resource Officers (SROs). The St. Petersburg P.D. shall assign one regularly employed officer to the following nine (9) schools:

- | <u>High Schools</u> | <u>Middle Schools</u> |
|------------------------|-------------------------------|
| 1. St. Petersburg High | 5. Azalea Middle School |
| 2. Gibbs High | 6. Bay Point Middle School |
| 3. Northeast High | 7. Tyrone Middle School |
| 4. Lakewood High | 8. Meadowlawn Middle School |
| | 9. John Hopkins Middle School |

B. Designation and Selection of School Resource Officers. SROs have a dual role at the schools which they serve. They shall serve as "law enforcement units" within the meaning of 34 CFR § 99.8 (a)(1)(i)-(iii), and as "school officials" having a legitimate educational interest in information contained in student records, within the meaning of 20 U.S.C. §1232g and F.S. §1002.22 (3)(d)(2).

The Chief of St. Petersburg P.D. ("Chief"), or his designee, in consultation with the Principal of the school to which the SRO will be assigned shall select the SRO on the basis of the following criteria.

1. The SRO must have the ability to deal effectively with students. The ages, socioeconomic, and cultural composition of the students of the particular school should be considered in making this evaluation.

2. The SRO must have the ability to present a positive image and symbol of the entire police agency. A goal of the SRO Program is to foster a positive image of police officers among young people. Therefore, the personality, grooming, and communication skills of the SRO should be of such nature so that a positive image of the police agency is reflected. The SRO should sincerely want to work with the staff and students at the particular school to which he or she is assigned.

3. The SRO must have the ability to provide good quality educational services in the area of law enforcement. The education, background, experience, interest level and communication skills of the SRO must be of high caliber so that the SRO can effectively and accurately provide resource teaching services. The SRO will spend as much time as practical in classroom instruction, dependent upon time constraints and workload. The SRO and the principal will formulate an acceptable plan consistent with the circumstances and the needs of the school.

4. The SRO must have the desire and ability to work cooperatively with the Principal and his administrative staff.

5. The SRO must be a state certified Law Enforcement Officer.

C. Regular Duty Hours/Absences of the School Resource Officers.

1. The SRO will be assigned to his/her school on a full-time basis of eight (8) hours on those days and during those hours that school is in session. The SRO's specific duty hours shall be determined by the SRO supervisor in consultation with the principal, to reflect the needs of the individual school. In each case the agency shall ensure that SROs are present during regular school hours, and those routine duties that require an absence from campus should be accomplished either prior to or after regular school hours. The SRO may be temporarily reassigned only during the period of a law enforcement emergency as such may be determined to exist, by the Chief of St. Petersburg P.D.

2. If it is necessary for the assigned SRO to be absent from school for less than a full day, the SRO will notify the Principal and provide instructions on how emergency police service may be obtained in his/her absence. If it is necessary for the assigned SRO to be absent from school for a full day or more, then the St. Petersburg P.D. shall supply a substitute SRO. For any day there is not an officer at school for a full day, a credit shall be given to the school system absent exigent circumstances. The credit shall amount to the daily rate of the Board's contribution.

D. Duties of School Resource Officers. While on duty, the SRO shall perform the following duties:

1. Speak to classes on the law, including search and seizure, criminal law, motor vehicle law, and other topics when assigned to speak by the principal.

2. Act as a resource person in the area of law enforcement education at the request of the Principal.

3. Conduct criminal investigations of violations of law on School Board property. The St. Petersburg P.D. and the Board agree that petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances, should ordinarily not be referred to law enforcement for prosecution and should not ordinarily result in a student arrest. The Board encourages schools to use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety. Individual SRO's are encouraged to exercise discretion and to divert student offenders to school based discipline or community based diversion where appropriate and authorized by department policy and applicable law.

4. Provide school-based security and maintain the peace on School Board property, to include in assisting with the development, implementation and evaluation of security programs/crisis plans in their assigned school when requested.

5. Make arrests and referrals of criminal law violators.

6. Appear at State Attorney investigations, depositions, trials and sentencing.

7. Provide transportation to the Pinellas County Juvenile Assessment Center (PJAC), Juvenile Addiction Receiving Facility (JARF), and County Jail.

8. Coordinate Emergency Medical Service (EMS) at the request of the Principal, or his/her designee.

9. Receive and dispatch complaints via telephone, walk-in and radios.

10. Develop, implement, and evaluate security programs in the school assigned.

11. Coordinate with school administrators, faculty and staff, law enforcement agencies, and courts to provide school-based security to maintain the peace and promote order on the school campuses.

12. Cooperate with Pinellas County Schools Police in connection with the maintenance of security and surveillance camera recordings whether recorded by video tape, digital or other medium, and whether recorded at a school site or school bus, cooperate with the creation and maintenance of all records, including witness or suspect statements, interviews or other documents made in connection with the law enforcement duties set forth in this Agreement. Such records shall constitute "law enforcement records" within the meaning of 34 CFR § 99.8(b) (l)(i)-(iii), while in the hands of the SRO or other law enforcement officer. When such records are made available to school administration for disciplinary or other legitimate educational purposes they shall also constitute confidential student records subject to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR Part 99, and §§1002.22, 1002.221 F.S. The SRO shall comply with all laws and policies applicable to such records in both their law enforcement and student record capacities.

13. Maintain a file on property reported lost and/or stolen at the SRO's school.

14. Provide counseling or referrals to students as needed.

15. Secure, handle and preserve evidence.

16. Recover School Board property through working with other police agencies.
17. Make referrals to social agencies.
18. Relay messages in emergency situations (such as, tornadoes, hurricanes, etc.)
19. Provide special truancy investigations and prepare for prosecution.
20. Coordinate investigation of bus stop incidents.
21. Wear the official police uniform which shall be provided at the expense of the law enforcement agency; however, civilian attire may be worn on such occasions as may be mutually agreed upon by the principal and the SRO supervisor.
22. Perform such other duties as mutually agreed upon by the principal and the SRO, so long as the performance of such duties are legitimately and reasonably related to the SRO Program as described in this Agreement, and so long as the duties are consistent with State and Federal law and the policies and procedures of the City.
23. Follow and conform to the School Board Policy Manual, which is available at each school site and F.S. §1006.12, that does not conflict with the policies and procedures of the St. Petersburg P.D. The Parties to this Agreement shall abide by all Federal and State Civil Rights legislation including the Civil Rights Act of 1964 and its' subsequent amendments.
24. Provide a Monthly Activities Report or such other report regarding his/her activities, as may be required by the Superintendent or designee. A copy of the report shall be provided to the Principal on a monthly basis.
25. SROs are recognized as an active part of the school's administrative team. Their duties as a team member reflect their agency's directions and lend their expertise to the review of activities, duty assignments, scheduling and identification of potential problems.
26. The St. Petersburg P.D. will provide an opportunity for Principals to provide input on the SRO's performance.

E. Support Services to be Provided by St. Petersburg P.D. The St. Petersburg P.D. shall supply the following support services for SROs:

1. Maintain and file Uniform Crime Reporting (UCR) records according to law.
2. Maintain a dispatch log, consistent with accepted law enforcement management practices.
3. Provide copies of all reports taken by the SRO to the Pinellas County Schools Police, upon request, as the law allows.
4. Provide each SRO with a patrol automobile and all other necessary or appropriate police equipment. The cost of purchasing, maintaining, and repairing police equipment provided under this Agreement shall be borne by the St. Petersburg P.D.

5. Maintain copies of reports generated by officers in compliance with State and Federal laws.

6. Maintain fingerprints and photographs of arrestees in compliance with State and Federal laws.

ARTICLE II. Relationship of SROs to Board and City

The SRO shall be an employee of the City and not an employee of the Board. The City shall be responsible for the hiring, training, discipline, and dismissal of its personnel. Board employees shall report allegations of improper conduct to the SRO's immediate supervisor or to the department's internal affairs section. Board employees shall not conduct an internal investigation of alleged improper conduct on the part of the SRO.

ARTICLE III. Charges for SRO Services.

In consideration of the services provided herein, the Board shall pay to the City, the sum of \$51,462.07 (Fifty One Thousand Four Hundred Sixty Two Dollars and Seven Cents) for each of the nine SRO's identified in Article I A. herein (4 high schools, 5 middle schools). The total amount payable hereunder is the sum of \$463, 158.63 (Four Hundred Sixty Three Thousand One Hundred Fifty Eight Dollars and Sixty Three Cents) for the 2013-2014 contractual term.

To the extent that security services are provided by St. Petersburg P.D. at school functions occurring after regular school hours, the City shall be paid in accordance with the City salary policy and procedures. The City shall invoice the Board within the first 10 days of each month after services are provided in the previous month and any invoices for services provided during May shall be submitted no later than the 15th of June. The Board shall pay the City promptly provided such payment shall not exceed thirty (30) days from receipt of the City's invoice.

ARTICLE IV. Problem Resolution.

The parties, their agents and employees will cooperate in good faith in fulfilling the terms of this Agreement. Unforeseen difficulties or questions will be resolved by negotiation between the Superintendent of the Board and the City., or their designees.

ARTICLE V. Amendments.

Changes in the terms of this Agreement may be accomplished only by formal amendment in writing approved by the City and the Board.

ARTICLE VI. Transfer of SROs.

Both the Board and City desire to avoid the transfer of an SRO at the request of a Principal. Therefore, except in egregious circumstances when the SRO's behavior warrants immediate removal, the following procedures must be followed:

A. Principals should engage in good personnel management practices to include discussing any issues or concerns with the SRO first, followed by consultation with the SRO's supervisor if necessary.

B. If, after sufficient time has been given for the SRO to modify his/her performance, and concerns still exist, then the Principal will recommend to the Area Superintendent that the SRO be transferred from the school, stating the reasons for the recommendation in writing.

C. Within a reasonable period of time after receiving the recommendation to remove an SRO, the Area Superintendent, or designee, will confer with the Chief, or designee, to attempt to resolve any problem that may exist between the SRO and the staff at his/her assigned school.

1. With the agreement of the Superintendent and the Chief, or their designees, the SRO, or specified members of the staff from the school, may be required to be present at that meeting.

2. If, within a reasonable amount of time, the problem cannot be resolved in the opinion of both the Superintendent and Chief, or their designees, then the SRO will be transferred from the school and a replacement will be selected, as provided elsewhere in this Agreement.

This Article does not provide the SRO any rights separate and apart from those found in the City's collective bargaining agreement with its union. Only the City itself, and not individual SROs, can seek enforcement of the provisions of this Agreement. Nothing herein shall preclude the City from unilaterally transferring the SRO at its sole discretion.

ARTICLE VII. Term of Agreement.

The term of this Agreement shall be for one year beginning on July 1, 2013 through June 30, 2014.

ARTICLE VIII. Materials and Facilities Supplied by Board.

The Board shall provide the SRO, in each school to which an SRO is assigned, the following materials and facilities necessary to the performance of duties by the SRO:

A. Access to a private office which is air conditioned and properly lighted, with a telephone, to be used for general business purposes. Whenever practicable, the SRO will be provided with a private office. Upon request, SROs will be provided free access to the Board's computer network to the extent that it is economically practicable. St. Petersburg P.D. will provide the computer hardware to be utilized by the SRO, although each individual school may provide such hardware in its sole discretion. If access is provided, existing school security procedures must be followed, to include secure network access for both the computer and user. Network use must conform to school board policy 7540.04, Use of Electronic Resources.

- B. A location for files and records which can be properly locked and secured.
- C. A desk with drawers, a chair, work table, filing cabinet, and office supplies (e.g. paper, pencil, pens, etc.).
- D. Access to a typewriter and/or secretarial assistance.
- E. The SRO will be issued keys for complete access on the campus to which he/she is assigned in accordance with the school safety plan. In the event these keys are lost misplaced, or stolen through negligence, the cost of any re-keying of the facility shall be borne equally by the law enforcement agency and the Board.

ARTICLE IX. Termination.

This Agreement may be terminated by either party for cause upon seven (7) days written notice that the other party failed substantially to perform in accordance with the terms and conditions of this Agreement through no fault of the party initiating termination. This Agreement may be terminated without cause by either party upon thirty (30) days written notice.

ARTICLE X. Defense of Legal Actions.

A. Subject to the limitations contained in F.S. §111.07, the City shall defend any lawsuit filed against the City which arises out of services performed by the St. Petersburg P.D or SRO. The City procedures shall be followed in handling such suits. The City shall pay any judgment rendered against it, according to law. Nothing contained herein shall be construed to waive the provisions of F.S. §768.28 as the same applies to both the City and the Board.

B. The Board shall defend any lawsuit filed against the Board which arises out of services performed by the Board. Board procedures shall be followed in handling such suits. The Board shall pay any judgment rendered against it according to law. Nothing contained herein shall be construed to waive the provisions of F.S. §768.28 as the same applies to both the Board and the City.

ARTICLE XI. Miscellaneous.

A. Assignment. This Agreement may not be assigned without the written consent of the St. Petersburg P.D. and the Board.

B. Severability. Should any section or part of any section of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such a determination shall not render void, invalid, or unenforceable any other section or any part of any section of this contract.

C. Notification. All notices, requests, demands, or other communications hereunder shall be in writing and shall be deemed to have been served as of the delivery date appearing upon the return receipt if sent by certified mail, postage prepaid with return receipt requested, at the address listed below, or upon the actual date of delivery, if hand delivered to the address below. Either party may change the below-listed address at which it receives written notices by so notifying the other party hereto in writing.

City to:

Chief of Police, St. Petersburg P.D.
1300 First Avenue North
St. Petersburg, FL 34689

Copy to:

City Attorney, City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731

Board to:

Chief of Police
Pinellas County Schools Police
11111 S. Belcher Rd.
Largo, FL 33773

Copy to:

Office of General Counsel
Pinellas County School Board
301 4th St. SW
Largo, FL 33770

D. Waiver. No act or omission or commission of either party, including without limitation, any failure to exercise any right, remedy, or recourse, shall be deemed to be a waiver, release, or modification of the same. Such a waiver, release, or modification is to be effected only through a written modification to this Agreement.

E. Governing Law and Venue. This Agreement is to be construed in accordance with the laws of the State of Florida. Venue for any cause of action or claim asserted by either party hereto brought in state courts shall be in Pinellas County, Florida. Venue for any action brought in Federal court shall be in the Middle District of Florida, Tampa Division.

F. Headings. The paragraph headings are inserted herein for convenience and reference only, and in no way define, limit, or otherwise describe the scope or intent of any provisions hereof.

G. Due Authority. Each party to this Amendment represents and warrants to the other party that (i) they are duly organized, qualified and existing entities under the laws of the State of Florida, and (ii) all appropriate authority exists so as to duly authorize the persons executing this Amendment to so execute the same and fully bind the parties on whose behalf they are executing.

H. Non- appropriation. The obligations, if any, 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.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by their duly authorized representatives on this ____ day of _____, 2013.

THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

By: _____ Attest: _____

Print: _____ Print: _____

Chairman

Ex-Officio Secretary

CITY OF ST. PETERSBURG, FLORIDA

By: _____ Attest: _____

Print: _____ Print _____

City Clerk

As its _____

Approved as to form and content:

Approved as to form and content:

Sign: _____

Sign: _____

Print: _____

Print: _____

School Board Attorney,
Pinellas County Schools

City Attorney (designee)

Attached documents for item Proposed labor agreements between the City of St. Petersburg and the St. Petersburg Association of Firefighters (SPAFF): [MOVED to Reports as F-7]

Attached documents for item Resolution urging the Members of the Florida Legislature to oppose legislation that would mandate the use of a uniform chart of accounts for all government entities.

ST. PETERSBURG CITY COUNCIL

Meeting of November 25, 2013

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

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE LEGISLATION THAT WOULD MANDATE THE USE OF A UNIFORM CHART OF ACCOUNTS FOR ALL GOVERNMENTAL ENTITIES

At the Legislative Affairs Committee meeting held in September 2013, the Mandated Uniform Chart of Account project was reviewed and action was requested to oppose the new requirements that are being considered by the state legislature.

The City has reviewed the cost for such implementation and estimates over \$1.3 million dollars in costs to convert the City's financial system to conform to the new requirements, as well as further additional ongoing costs for staff preparation and maintenance of the reporting requirements.

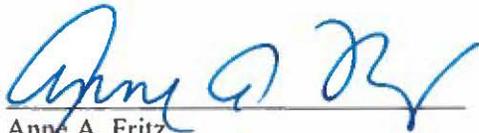
The Florida League of Cities prepared a sample resolution opposing such project on behalf of the membership. The resolution attached for your consideration is substantially similar to that sample resolution.

Recommendation: The City staff recommends approval of the resolution opposing the mandated uniform chart of accounts and monthly and annual state reporting requirements therein.

Attachments:

Resolution

Approvals:



Anne A. Fritz
Finance Director

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE LEGISLATION THAT WOULD MANDATE THE USE OF A UNIFORM CHART OF ACCOUNTS FOR ALL GOVERNMENTAL ENTITIES TO REPORT FINANCIAL INFORMATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2011 the Florida Legislature passed and the Governor signed Senate Bill 1292 requiring the chief financial officer to recommend uniform chart of accounts for reporting financial information for all state agencies, local governments, educational entities, and entities of higher education; and

WHEREAS, each entity of the state and local governments is different, serves a different purpose and may use a different basis of accounting; and

WHEREAS, the purpose of the Chart of Accounts Project is to develop a uniform chart of accounts to be used by all governmental entities for reporting assets, liabilities, equities, revenues and expenditures; and

WHEREAS, the draft uniform chart of accounts will impact over 2350 governmental entities; and

WHEREAS, each of the impacted entities is currently accountable to the electorate, citizens and users of its services; and

WHEREAS, Florida governments are required to meet many reporting requirements, both at the state and federal level, including reporting to and for the Florida Department of Financial Services, Florida Equal Employment Opportunity, Florida Unemployment Compensation, Florida Retirement System, Federal Affordable Care Act, and payroll taxes and W-2 information to the Internal Revenue Service; and

WHEREAS, the monthly reporting may be prepared on a basis of accounting that may differ from the basis of accounting used to prepare the year-end audited financial statements and the monthly information will not be validated in the same manner as the year end audited financial statements; and

WHEREAS, the new level of detail required at the object level for monthly reporting is far greater than the level of detail reported either in the audited financial statements or in the Annual Financial Report required pursuant to the provisions of Section 218.32(1)(a), Florida Statutes; and

WHEREAS, there may be no requirement to validate any of the data before it is posted by the State for public viewing and this could result in posting data that may be inaccurate, invalid or incomplete; and

WHEREAS, the establishment of a uniform chart of accounts without requiring uniformity in other areas such as in the basis of accounting and in the accounting treatment of various transactions in itself will not provide users with any meaningful comparisons between organizations; and

WHEREAS, regardless of the approach taken to implement the provisions of Section 215.89, Florida Statutes, significant resources will be required to comply; and

WHEREAS, the cost of implementing the Uniform Chart of Accounts far exceeds any benefit that taxpayers may accrue; and

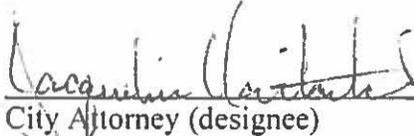
WHEREAS, transparency and accountability of the use of public funds to citizens and other stakeholders is paramount but it must be done while simultaneously limiting the burden to the entities and preserving the autonomy of each entity of government; and

WHEREAS, alternative legislation could be considered that prescribes reporting by local governments, provides for local governments to include such information on their websites, and does not impose significant financial burdens on local governments.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of St. Petersburg urges members of the Florida Legislature to oppose legislation that would mandate the use of a uniform chart of accounts for all governmental entities to report financial information.

BE IT FURTHER RESOLVED that City Clerk shall forward a copy of this resolution to the appropriate legislative representatives.

This Resolution shall be effective immediately upon its adoption.



City Attorney (designee)

Attached documents for item Authorizing the Mayor or his designee to accept a one-year Pinellas County Solid Waste Operations Municipal Reimbursement Grant in the amount of \$190,438 to fund recycling and recycling education programs, and to execute all documents necessary to effectu

St. Petersburg City Council
Consent Agenda
Meeting of November 25, 2013

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

SUBJECT: A resolution authorizing the Mayor or his designee to accept a one year Pinellas County Solid Waste Operations Municipal Reimbursement Grant in the amount of \$190,438 to fund recycling and recycling education programs, and to execute all documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION: Pinellas County Municipal Recycling Reimbursement Grant Program is made available to municipalities to offset the cost of recycling programs. Reimbursable expenses under the program include construction cost for recycling facilities, recycling equipment purchases, recycling service contract payments, recycling staff salaries and benefits, public education and marketing of recycling programs and purchase of products made with post-consumer recycled content.

The program expenditure period is October 1, 2013 through September 30, 2014. Funds are awarded on a reimbursement basis of eligible program expenses.

RECOMMENDATION: The administration recommends that City Council adopt the attached resolution authorizing the Mayor or his designee to accept a one year Pinellas County Solid Waste Operations Municipal Reimbursement Grant in the amount of \$190,438 to fund recycling and recycling education programs, and to execute all documents necessary to effectuate this transaction; and providing an effective date

COST/FUNDING INFORMATION: Funds for the Sanitation Recycling Program have been previously appropriated in the Sanitation Operating Fund (4021), Sanitation Department, Recycling (450 2297), 2014 Pinellas County Municipal Recycling Grant Project (14405).

Approvals:

Administration:



Budget:



Legal: 00184562.doc v. 2

Resolution No. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A ONE YEAR PINELLAS COUNTY SOLID WASTE OPERATIONS MUNICIPAL REIMBURSEMENT GRANT IN THE AMOUNT OF \$190,438 TO FUND RECYCLING AND RECYCLING EDUCATION PROGRAMS, AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas County Solid Waste Operations has awarded a grant to the City of St. Petersburg in the amount of \$190,438 to fund recycling and recycling education programs.

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 one year Pinellas County Solid Waste Operations Municipal Reimbursement Grant in the amount of \$190,438 to fund recycling and recycling education programs; and to execute all documents necessary to effectuate this transaction.

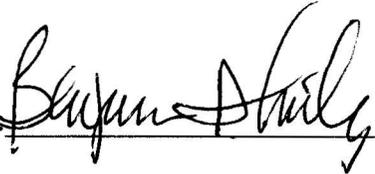
This Resolution shall take effect immediately upon its adoption.

Approvals:

Legal:



Administration:



Budget:



Legal: 00184588doc V. 2

Attached documents for item Accepting a bid from Kimszal Contracting, Inc. to paint the Mid-Core parking garage for the Transportation and Parking Management Department at a total cost of \$158,900.

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 25, 2013

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

Subject: Accepting a bid from Kimszal Contracting, Inc. to paint the Mid-Core parking garage for the Transportation and Parking Management Department at a total cost of \$158,900.00.

Explanation: The Procurement Department received two bids for painting of the Mid-Core parking garage. The contractor will provide all labor, equipment and material to pressure wash, caulk, prime, repair stucco and apply coats of paint to the exterior surfaces and substrates of the garage. In addition, the contractor will paint the ground level exterior window and door frames as well as awning frames. The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete work within seventy (70) consecutive calendar days thereafter. This is the first time that the exterior of the garage has been completely painted since it opened in November of 2000.

Bids were opened on November 14, 2013 and are tabulated as follows:

	<u>Bid Amount</u>
Kimszal Contracting, Inc. (SBE)	\$158,900.00
Reeves Building & Plumbing Contractor, Inc. (SBE)	\$304,090.00

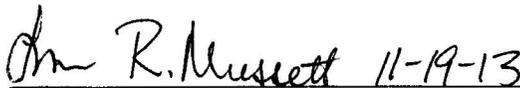
Kimszal Contracting, Inc., the lowest responsive, responsible bidder has met the requirements of Bid No. 7568 dated October 17, 2013. They have satisfactorily performed similar services for the city in the past. References have been checked and are acceptable. The Principal of the firm is Edward Kimszal, President.

Recommendation: Administration recommends awarding this contract to Kimszal Contracting, Inc. in the amount of \$158,900.00.

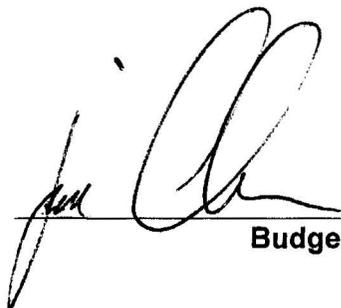
Cost/Funding/Assessment Information: Funds have been appropriated in the Downtown Parking Capital Improvements Fund (3073), Baywalk Garage Exterior Paint/Caulk Project (12929), and the Mid Core Garage Improvements Project (14170).

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO KIMSZAL CONTRACTING, INC. TO PAINT THE MID-CORE PARKING GARAGE FOR THE TRANSPORTATION AND PARKING MANAGEMENT DEPARTMENT AT A TOTAL COST NOT TO EXCEED \$158,900; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received two bids to paint the Mid-Core parking garage for the Transportation and Parking Management Department pursuant to Bid No. 7568 dated October 17, 2013; and

WHEREAS, Kimszal Contracting, Inc. has met the specifications, terms and conditions of Bid No. 7568; and

WHEREAS, the Administration recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bid is accepted and the award of an agreement to Kimszal Contracting, Inc. to paint the Mid-Core Parking garage for the Transportation and Parking Management Department at a total cost not to exceed \$158,900 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 Authorizing the Mayor or his designee to accept an extension of the Expiration Date of the Grant Period of Performance of the FY 2010 Staffing for Adequate Fire and Emergency Response (“SAFER”) federally funded grant to April 30, 2014, and to execute othe

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 25, 2013

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

SUBJECT: A resolution authorizing the Mayor or his designee to accept an extension of the Expiration Date of the Grant Period of Performance of the FY 2010 Staffing for Adequate Fire and Emergency Response ("SAFER") federally funded grant to April 30, 2014, and to execute other documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION: The Federal Emergency Management Administration ("FEMA") Staffing for Adequate Fire and Emergency Response ("SAFER") federally funded grants provide funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase the number of trained, front-line firefighters available in their communities. Grant funding provides reimbursement for regularly scheduled work, certifications required to perform the work, education incentives, and benefits including payroll taxes, pension, and insurances.

The City was awarded a SAFER grant in the amount of \$1,143,006 ("Grant") in 2010. This Grant has provided \$845,787 from November 14, 2011 through September 30, 2013, leaving an available balance of \$297,219. Six firefighters were added to the Fire Department's staffing, returning the number of firefighters to the FY 2010 level.

The expiration date of the Period of Performance of the Grant ("Expiration Date") is November 13, 2013. The Fire Department anticipates that the available balance can be expended no later than April 30, 2014, and requested that FEMA extend the Expiration Date accordingly. FEMA has agreed to extend the Expiration Date to April 30, 2014.

The City has agreed to maintain the Grant funded positions as well as the number of positions declared at the time of award throughout the extended period of performance and has committed to retain the six newly hired firefighters for one year after the Expiration Date.

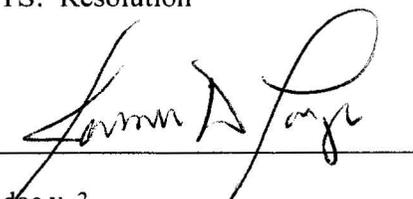
RECOMMENDATION: Administration recommends adoption of the attached resolution authorizing the Mayor or his designee to accept an extension of the Expiration Date of the Grant Period of Performance of the FY 2010 Staffing for Adequate Fire and Emergency Response ("SAFER") federally funded grant to April 30, 2014; and to all documents necessary to effectuate this transaction; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Revenues of \$297,219 will be received from the FY 2010 Staffing for Adequate Fire and Emergency Response ("SAFER") grant. Revenues are included in the 2014 Adopted Budget, General Fund (0001), Fire Department (150).

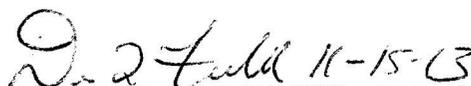
ATTACHMENTS: Resolution

Approvals:

Administration:



Budget:



Legal: 00183709.doc v. 3

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT AN EXTENSION OF THE EXPIRATION DATE OF THE GRANT PERIOD OF PERFORMANCE OF THE FY 2010 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (“SAFER”) FEDERALLY FUNDED GRANT TO APRIL 30, 2014;, AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Federal Emergency Management Administration (“FEMA”) Staffing for Adequate Fire and Emergency Response (“SAFER”) federally funded grants provide funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase the number of trained, front-line firefighters available in their communities; and

WHEREAS, SAFER grant funding provides reimbursement for regularly scheduled work, certifications required to perform the work, education incentives, and benefits including payroll taxes, pension, and insurances; and

WHEREAS, the City was awarded a SAFER grant in the amount of \$1,143,006 (“Grant”) in 2010 which has provided \$845,787 from November 14, 2011 through September 30, 2013, leaving an available balance of \$297,219; and

WHEREAS, six firefighters funded by the Grant were added to the Fire Department’s staffing, returning the number of firefighters to the FY 2010 level; and

WHEREAS, the expiration date of the Period of Performance of the Grant (“Expiration Date”) is November 13, 2013; and

WHEREAS, the Fire Department anticipates that the available balance can be expended no later than April 30, 2014, and requested that FEMA extend the Expiration Date accordingly; and

WHEREAS, FEMA has agreed to extend the Expiration Date to April 30, 2014; and

WHEREAS, the City has agreed to maintain the Grant funded positions as well as the number of positions declared at the time of award of the Grant throughout the extended period of performance and has committed to retain the six newly hired firefighters for one year after the Expiration Date.

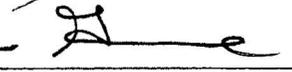
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is authorized to accept an extension of the Expiration Date of the Grant Period of Performance of the FY 2010 Staffing for Adequate Fire and Emergency

Response ("SAFER") federally funded grant to April 30, 2014; and to execute all documents necessary to effectuate this transaction.

This resolution shall become effective immediately upon its adoption.

Approvals:

Legal: 

Budget: 

Administration: 

Legal: 00183708.doc v. 3

Attached documents for item Arts Advisory Committee

Attached documents for item City Beautiful

Attached documents for item Civil Service Board

Attached documents for item Code Enforcement Board

Attached documents for item Commission on Aging

Attached documents for item Community Preservation Commission

Attached documents for item Planning & Visioning Commission