COUNCIL MEETING

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

CITY OF ST. PETERSBURG

December 5, 2013
8:30 AM

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

1. If you are speaking under the Public Hearings, Appeals or Open Forum sections of the agenda, please observe the time limits indicated on the agenda.

2. Placards and posters are not permitted in the Chamber. Applause is not permitted except in connection with Awards and Presentations.

3. Please do not address Council from your seat. If asked by Council to speak to an issue, please do so from the podium.

4. Please do not pass notes to Council during the meeting.

5. Please be courteous to other members of the audience by keeping side conversations to a minimum.

6. The Fire Code prohibits anyone from standing in the aisles or in the back of the room.

7. If other seating is available, please do not occupy the seats reserved for individuals who are deaf/hard of hearing.

GENERAL AGENDA INFORMATION

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

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

A. Meeting Called to Order and Roll Call.

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

B. Approval of Agenda with Additions and Deletions.

Open Forum

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

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

C. Consent Agenda (see attached)

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

Public Hearings

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

1. Ordinance 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; and to adopt local administrative amendments to the Florida Building Code.

E. Reports

1. Mahaffey Theater Update. [To be heard at 10:30 a.m.]

2. Update on Pinellas Suncoast Transit Authority (PSTA), Metropolitan Planning Organization (MPO), and Tampa Bay Area Regional Transportation Authority (TBARTA). (Councilmember Danner) (Oral) [To be heard at 11:30 am]

3. Tourist Development Council. (Councilmember Curran) (Oral)

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

Setting December 19, 2013 as the public hearing date for the following proposed Ordinances:

1. Amending the Comprehensive Plan to implement legislative requirements of Chapter 163, Part II, Florida Statutes, related to the annual update of the Capital Improvements Element. (City File LGCP-CIE-2013)

2. Approving the vacation of the 16-foot wide alley within Block 10, Spear and Pittser's Subdivision, as recorded in Plat Book 1, Page 5, Public Records of Pinellas County, Florida, lying south of 2nd Avenue South and between 21st Street South and 22nd Street South. (City File 13-33000013)

3. Amending the text of the City Code, Chapter 16, Land Development Regulations (LDRs) regarding assignment of the powers and duties to its regulating commissions. This request is to consolidate three (3) existing commissions into two (2) proposed commissions. Existing: Planning and Visioning Commission ("PVC"); Community Preservation Commission ("CPC"); and Development Review Commission ("DRC"). Proposed: Community Planning and Preservation Commission ("CPPC"); and Development Review Commission ("DRC") (City File LDR-2013-03)

4. Ordinance creating a short term exception to Section 7-97(d)(5) of the St. Petersburg City Code which requires idle speed for vessels in the North Yacht Basin.

G. New Business

1. Referring to the Public Services & Infrastructure Committee for discussion sea level rise and its implications for City infrastructure with Mike Connors and Holly Greening, Executive Director of the Tampa Bay Estuary Program. (Councilmember Kornell)

2. Referring to the Public Services & Infrastructure Committee for discussion St. Petersburg's score on the 2013 Municipal Equality Index and steps we can take in 2014 to rank number one in the State of Florida. (Councilmember Kornell)

H. Council Committee Reports

1. Budget, Finance & Taxation Committee. (11/25/13)

   (a) Resolution approving the First Amendment to the Agreement between the City of St. Petersburg, Florida ("City"), and Mayer Hoffman McCann PC, KRMT Tampa Bay Division ("Auditor"), dated June 17, 2011, for Auditor to perform the annual external audit of the City's books and records for Fiscal Years 2014 and 2015 and provide related services; and authorizing the Chair of the Budget, Finance and Taxation Council Committee to execute the First Amendment and to continue to approve and execute documents permitted by Resolution 2011-243.

2. Public Services & Infrastructure Committee. (11/25/13)

I. Legal

1. Authorizing the Mayor or his designee to execute an Interlocal Agreement regarding Pinellas County Preemption Ordinance No. 11-42.

J. Open Forum

K. Adjournment

CONSENT AGENDA

COUNCIL MEETING CITY OF ST. PETERSBURG

Consent Agenda A
December 5, 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. Mahaffey Theater HVAC Upgrade Project:

   (a) Awarding a contract to Tappouni Mechanical Services, Inc. in the amount of $1,231,400 for the Mahaffey Theater HVAC Upgrade Project. (Engineering Project No. 11222-019; Oracle Project No. 12889)

   (b) Authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. CID-09-01-AEI to the agreement between the City of St. Petersburg and Affiliated Engineers, Inc. (AEI) in the amount of $119,527 for Construction Phase Services for the Mahaffey Theater Mechanical Project, for a total amount of $219,518. (Engineering Project No. 11222-019; Oracle No.12889)

CONSENT AGENDA

COUNCIL MEETING CITY OF ST. PETERSBURG

Consent Agenda B
December 5, 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 a blanket purchase agreement with Neptune Technology Group, Inc., a sole source supplier, for water meters for the Water Resources Department at an estimated annual cost of $385,000.

2. Renewing a blanket purchase agreement with Corvel Healthcare Corporation for medical bill review and payment services for the Human Resources Department at an estimated annual cost of $175,000.

3. Approving a cooperative purchase agreement for natural gas from Interconn Resources, LLC at an estimated annual cost of $175,000.

4. Renewing a blanket purchase agreement with Resource Efficiency Solutions, Inc. for induction and LED lighting replacement parts at an estimated annual amount of $250,000.

5. Approving an increase to the allocation for transportation services to Escot Bus Lines, LLC, The Looper Group, Inc., and Limosouth, Inc. dba Carey Limousine of Tampa Bay in the amount of $30,000 for purchased transportation services for the baseball shuttle and other City co-sponsored events. These additional funds will increase the total contract amount to $125,000.

(City Development)

6. Authorizing the Mayor or his designee to execute a thirty-six (36) month License Agreement with John Henry Sculptor, Inc., to display the sculpture titled "Big Max" on a portion of the City-owned Park and Waterfront Property known as Straub Park, at a license fee of $36.00 for the entire term. (Requires affirmative vote of at least six (6) members of City Council.)

7. Authorizing the Mayor or his designee to execute a First Amendment to License Agreement with Leland Allenbrand d/b/a St. Petersburg Horse & Carriages dated December 6, 2012, for use of a portion of the public streets and a portion of the Dolphin Parking Lot for operation of a horse carriage business; and to execute all documents necessary to effectuate same. (Requires affirmative vote of at least six (6) members of City Council.)

(Leisure & Community Services)

8. Accepting a grant from the Coordinated Child Care of Pinellas, Inc. ("CCC") in the amount of $111,071 for the Walter Fuller Recreation Center's 21st Century Community Learning Centers (21st CCLC) program; authorizing the Mayor or his designee to execute an agreement and all other documents necessary to effectuate this transaction with CCC; and approving a supplemental appropriation of $111,071 from the increase in the unappropriated balance of the General Fund resulting from these additional revenues to the Parks and Recreation Department WF 21 CCLC FY14 Project.

(Public Works)

9. Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-01-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc. in the amount of $109,137, for design and bidding phase engineering services for the Northeast Water Reclamation Facility (NEWRF) and Northwest Water Reclamation Facility (NWWRF) Sludge Transfer Pump Stations Project. (Engineering Project No. 13069 111; Oracle No. 14039)

10. Authorizing the Mayor or his designee to execute Task Order No. 12-02-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc., in the amount of $313,166, for design and bidding phase engineering services for the Southwest Water Reclamation Facility (SWWRF) Centrifuge Dewatering Facility Project. (Engineering Project No. 14031-111; Oracle No. 14034)

11. Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of $197,690, for design and bidding phase engineering services for the Southwest Water Reclamation Facility (SWWRF) Solids Thickening Improvements. (Engineering Project No. 13063 111; Oracle No. 14035)

12. Resolution finding that $5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project ("Project") along the north side of 22nd Avenue N from the existing Pinellas Trail, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $5,920 from the unappropriated balance of the General Fund to fund future trail maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the trail improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed $480,600; authorizing a supplemental appropriation in the amount of $480,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the Walter Fuller Park Trail Project (13143). (FDOT Financial Project No. 430435 1 58/68 01) (Engineering Project No. 11058-112; Oracle No. 13143)

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(Miscellaneous)

13. Resolution of the City of St. Petersburg, urging members of the Florida Legislature to enact a Bill relating to the powers of Nuisance Abatement Boards during the 2014 Legislative Session.

14. Approving the minutes of the City Council meetings held August 1, August 8, and August 22, 2013.

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

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 Council Procedures Manual Workshop
Thursday, December 5, 2013, immediately following City Council Meeting, Room 100

Budget, Finance & Taxation Committee
Thursday, December 12, 2013, 8:00 a.m., Room 100

Public Services & Infrastructure Committee
Thursday, December 12, 2013, 9:15 a.m., Room 100

City Council Central Avenue Update Workshop
Thursday, December 12, 2013, 10:30 a.m., Room 100

CRA/Agenda Review & Administrative Update
Thursday, December 12, 2013, 1:30 p.m., Room 100

CITY OF ST. PETERSBURG
Board and Commission Vacancies

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; and to adopt lo

ST. PETERSBURG CITY COUNCIL

Meeting of December 5, 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: Second reading and (adoption) public hearing 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 reviewed and approved the proposed amendment to the City's 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.

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 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, 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"), determined through unanimous vote that the proposed amendments are consistent with the Comprehensive Plan and recommends APPROVAL.

Citizen Input:

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

Recommended City Council Action:

1. CONDUCT the second reading and (adoption) public hearing;
2. APPROVE the ordinance.

ATTACHMENTS: Ordinance to Amend the LDRs
DRC Staff Report

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; and

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, and a requirement to record a deed restriction applicable to enclosures below elevated buildings, 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:

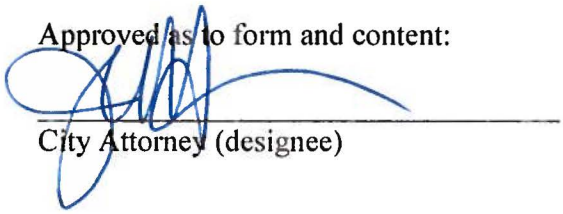
1. For construction in flood hazard areas not subject to high-velocity wave action:
   - 1.1. The elevation of the lowest floor, including basement, as required by the foundation inspection and the final inspection in Section 110.3.
   - 1.2. For fully enclosed areas below the design flood elevation 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)

st.petersburg
www.stpete.org

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 date 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 __X__ (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 __X__ (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 Mahaffey Theater Update. [To be heard at 10:30 a.m.]

Attached documents for item Update on Pinellas Suncoast Transit Authority (PSTA), Metropolitan Planning Organization (MPO), and Tampa Bay Area Regional Transportation Authority (TBARTA). (Councilmember Danner) (Oral) [To be heard at 11:30 am]

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

Attached documents for item Amending the Comprehensive Plan to implement legislative requirements of Chapter 163, Part II, Florida Statutes, related to the annual update of the Capital Improvements Element. (City File LGCP-CIE-2013)

ST. PETERSBURG CITY COUNCIL

Meeting of December 5, 2013

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

SUBJECT: ORDINANCE _____-H amending the Comprehensive Plan to implement legislative requirements of Chapter 163, Part II, Florida Statutes, related to the annual update of the Capital Improvements Element.

REQUEST: It is requested that a proposed amendment to the Local Government Comprehensive Plan related to the annual update of the Capital Improvements Element be approved.

Detailed analysis of the proposed amendment is provided in the attached Staff Report to the Planning & Visioning Commission (City File LGCP-CIE-2013).

RECOMMENDATION:

Administration: The Administration recommends APPROVAL of the proposed ordinance.

Planning & Visioning Commission: On November 12, 2013 the Planning & Visioning Commission (PVC) conducted a public hearing on this matter and unanimously voted to recommend APPROVAL, based on consistency with the Comprehensive Plan.

Public Input: The Planning & Economic Development Department did not receive any phone calls, visitors or correspondence regarding these amendments.

Recommended City Council Action: 1) CONDUCT the first reading of the proposed ordinance; AND 2) SET the second reading and public hearing for December 19, 2013.

Attachments: Proposed Ordinance including CIP schedules, Staff Report and Roadway Data and Analysis.

ORDINANCE NO. _____-H

AN ORDINANCE MODIFYING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF ST. PETERSBURG, FLORIDA BY UPDATING THE FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE AND REPLACING ALL PREVIOUSLY ADOPTED CAPITAL IMPROVEMENT SCHEDULES; ADOPTING FUND SUMMARIES FOR THE GENERAL CAPITAL IMPROVEMENT FUND (3001), BICYCLE/PEDESTRIAN SAFETY GRANTS CAPITAL PROJECTS FUND (3004), NEIGHBORHOOD AND CITYWIDE INFRASTRUCTURE CAPITAL IMPROVEMENTS FUND (3027), TRANSPORTATION IMPACT FEES CAPITAL PROJECTS FUND (3071), WATER RESOURCES CAPITAL PROJECTS FUND (4003), STORMWATER DRAINAGE CAPITAL PROJECTS FUND (4013), AIRPORT CAPITAL PROJECTS FUND (4033), MARINA CAPITAL PROJECTS FUND (4043), AND PORT CAPITAL PROJECTS FUND (4093) FOR THE FISCAL YEARS 2014 THROUGH 2018; ADOPTING THE FDOT DISTRICT 7 ROAD CAPACITY PROJECTS REPORT FOR THE FISCAL YEARS 2014 THROUGH 2018; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg has adopted a Comprehensive Plan to establish goals, policies and objectives to guide the development and redevelopment of the City; and

WHEREAS, the City has adopted level of service (LOS) standards for potable water, sanitary sewer, drainage, solid waste, recreation and open space, transportation, and mass transit; and

WHEREAS, the Comprehensive Plan includes a Capital Improvements Element containing five-year capital improvement schedules of costs and revenue sources for capital improvements necessary to achieve and/or maintain the City's adopted LOS standards; and

WHEREAS, the Capital Improvements Element of the City's Comprehensive Plan, including the five-year capital improvement schedules of costs and revenue sources, must be reviewed by the City on an annual basis pursuant to F.S. § 163.3177(3)(b); and

WHEREAS, the City has reviewed the Capital Improvements Element for Fiscal Year 2012-2013 and has revised the five-year capital improvement schedules of costs and revenue sources for Fiscal Years 2014 through 2018, as set forth in Exhibits A through I attached to this ordinance; and

WHEREAS, the five-year capital improvement schedules of costs and revenue sources for the Florida Department of Transportation (FDOT) District 7 Road Capacity Projects have been reviewed and revised for Fiscal Years 2014 through 2018, as set forth in Exhibit J attached to this ordinance; and

WHEREAS, the City desires to modify its Capital Improvements Element to update the five-year capital improvement schedules of costs and revenue sources for Fiscal Years 2014 through 2018; and

WHEREAS, modifications of the Capital Improvements Element to update the five-year capital improvements schedules may be accomplished by ordinance pursuant to F.S. § 163.3177(3)(b); and

WHEREAS, under F.S. § 163.3177(3)(b), such modifications of the Capital Improvements Element to update the five-year capital improvements schedules may not be deemed to be amendments to the City's Comprehensive Plan; and

WHEREAS, the Planning and Visioning Commission has reviewed the proposed updated five-year capital improvements schedules of costs and revenue sources at a public hearing on November 12, 2013, and has recommended approval; and

WHEREAS, the City Council, after taking into consideration the recommendations of the City Administration and the Planning and Visioning Commission, and the comments received during the public hearing conducted by the City Council on this matter, finds that the proposed modifications of the Capital Improvements Element to update the five-year capital improvements schedules are in the best interests of the City; now, therefore,

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

Section 1. Chapter 10, the Capital Improvements Element of the Comprehensive Plan, is hereby modified and updated by deleting the page entitled "Exhibit J: FDOT District Seven's Adopted Five-Year Work Program," and pages CI16-CI28 containing the existing fund summaries for Fiscal Years 2013 through 2017, and by replacing such deleted pages with the attached Exhibits A through J containing the fund summaries for Fiscal Years 2014 through 2018:

Exhibit	Fund Summary
A	General Capital Improvement Fund (3001)
B	Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004)

C	Neighborhood & Citywide Infrastructure Capital Improvement Fund (3027)
D	Transportation Impact Fees Capital Projects Fund (3071)
E	Water Resources Capital Projects Fund (4003)
F	Stormwater Drainage Capital Projects Fund (4013)
G	Airport Capital Projects Fund (4033)
H	Marina Capital Projects Fund (4043)
I	Port Capital Projects Fund (4093)
J	FDOT District 7 Road Capacity Projects (Exhibit J lists projects for which the City has no funding responsibility)

Section 2. Words in struck-through type shall be deleted. Underlined words constitute new language that shall be added. Provisions not specifically amended shall continue in full force and effect.

Section 3. Severability. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

Section 4. Effective date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth (5th) 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 of 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.

REVIEWED AND APPROVED AS TO FORM AND CORRECTNESS:

City File: LGCP-CIE-2013

City Attorney/Designee — Date 11/6/13

Planning & Economic Development Dept. — Date 11-4-13

Exhibit "A"

GENERAL CAPITAL IMPROVEMENT FUND (FUND 3001)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	7,094								7,094
Earnings on Investments	18	35	(15)	26	26	26	26	26	168
Transfers From:									
General Fund	38	0	0	0	0	0	0	0	38
General Fund (Land Sales Designation)	34	0	0	0	0	0	0	0	34
Community Redevelopment Fund	1,250	0	0	0	0	0	0	0	1,250
Downtown Redevelopment District Fund	0	200	1,894	0	0	0	0	0	2,094
Technology and Infrastructure Fund	0	1,020	0	0	0	0	0	0	1,020
Grants/External Funding:									
ARRA Energy Efficiency & Conservation Block Grant	1,055	0	5	0	0	0	0	0	1,060
Central Ave Bus Rapid Transit (BRT) Corridor	0	0	975	0	0	0	0	0	975
FBIP - Coffee Pot Park Boat Ramp	5	0	12	0	0	0	0	0	17
FBIP - Demens Landing Park Boat Ramp	15	0	3	0	0	0	0	0	18
FBIP - Grandview Park Boat Ramp	14	0	0	0	0	0	0	0	14
FBIP - Bay Vista Park Boat Ramp	14	0	0	0	0	0	0	0	14
FBIP - Lake Maggiore Park Boat Ramp	7	0	0	0	0	0	0	0	7
FBIP - Crisp Park Boat Ramp	11	0	6	0	0	0	0	0	17
FDEP/LWCF - Grandview Park	0	0	150	0	0	0	0	0	150
FDOT - Intermodal Facility Study	19	0	226	0	0	0	0	0	245
FDOT - District 7 ROW Landscape Improvements	1,033	0	2,241	0	0	0	0	0	3,274
USDOI - Grandview Park Boat Ramp Construction	0	0	250	0	0	0	0	0	250
HUD/EDI Grant(2) - TACRA	262	0	25	0	0	0	0	0	287
HUD/EDI Grants(1) - Jordan School	20	0	160	0	0	0	0	0	180
LWCF Maximo Park Boat Ramp Improvements	0	0	200	0	0	0	0	0	200
LWCF Lake Maggiore Park Improvements	0	0	193	0	0	0	0	0	193
SWFWMD Boyd Hill Restoration Grant	6	0	4	0	0	0	0	0	10
NOAA (NFWF) Boyd Hill Restoration Grant	6	0	4	0	0	0	0	0	10
USDOE Solar Parks Pilot Grant	1,786	0	381	0	0	0	0	0	2,167
US Dept of the Interior (Sunken Gardens Master Plan)	4	0	6	0	0	0	0	0	10
City of Gulfport Contribution to 58th St Imp	47	0	20	0	0	0	0	0	67
Land Sale Proceeds	0	0	270	0	0	0	0	0	270
Bond Proceeds/TIF	0	0	46,341	200	200	200	200	200	47,341
Other	11	0	0	0	0	0	0	0	11
TOTAL RESOURCES	12,747	1,255	53,351	226	226	226	226	226	68,483
REQUIREMENTS	Appropriation as of 9/30/12								
Transportation System Management:									
Plaza Parkway	400	200	36	200	200	200	200	200	1,636
Projects not in the CIP Element	14,855	1,638	49,865	385	0	0	0	0	66,743
TOTAL REQUIREMENTS	15,255	1,838	49,901	585	200	200	200	200	68,379
Increase/(Decrease) in Fund Balance		(583)	3,450	(359)	26	26	26	26	
Beginning Balance		(2,508)	(3,091)	359	0	26	52	78	
UNAPPROPRIATED BALANCE 9/30	(2,508)	(3,091)	359	0	26	52	78	104	

Note: The transfer to the General Fund is from the fund balance previously assigned for Special Assessment District (SAD) projects. This assignment is no longer needed due to the recovery of the fund balance of the Assessment Revenue Fund.

Exhibit "B"

BICYCLE/PEDESTRIAN SAFETY GRANTS CAPITAL PROJECTS FUND (Fund 3004)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	264								264
Grants:									
ARRA - North Bay Trail Economic Stimulus	21	0	15	0	0	0	0	0	36
Bayway Trail North - Phase II	0	0	290	0	0	1,089	0	0	1,379
Bicycle Facility - 30th Ave N: 34th to 58th St	0	0	290	0	0	1,534	0	0	1,824
Bicycle Lanes - Priority Projects Phase II	0	40	0	0	474	0	0	0	514
Clam Bayou Phase II	2,376	0	34	0	0	0	0	0	2,410
CMAQ-Bike Ped/Path	126	0	484	0	0	0	0	0	610
FDOT LAP - 54th Avenue South Side Path	271	0	0	0	0	0	0	0	271
FDOT LAP - Booker Creek Bicycle/Ped Trail	20	0	138	0	0	0	0	0	158
FDOT LAP - Pedestrian Crosswalk Enhancements	6	0	26	828	0	0	0	0	860
FDOT LAP - Pinellas Trail - Traffic Control	(37)	0	94	0	0	0	0	0	57
FDOT LAP - Mid-Town Bicycle Lanes	0	0	83	0	0	0	0	0	83
FDOT LAP - North Bay Trail Phase II B	10	0	0	0	0	0	0	0	10
FDOT LAP - Sky Way Bike Trail	18	0	50	0	0	0	0	0	68
FDOT LAP - Walter Fuller Park Trail	66	0	34	0	1,086	0	0	0	1,186
Pinellas Trail Extension Landscaping	0	0	374	0	0	0	0	0	374
PC - Pinellas Trail - Overpass	0	0	1,225	0	0	0	0	0	1,225
Treasure Island Trail	0	0	153	0	0	0	0	0	153
Other	7	0	11	0	0	0	0	0	18
TOTAL RESOURCES	3,148	40	3,301	828	1,560	2,623	0	0	11,500
REQUIREMENTS	Appropriation as of 9/30/12								
Bicycle/Pedestrian Improvements:									
Bayway Trail North - Phase II	290	0	0	0	0	1,089	0	0	1,379
Bicycle Facility - 30th Ave N: 34th to 58th St	290	0	0	0	0	1,534	0	0	1,824
Bicycle Facilities - Priority Projects Phase II	0	40	0	0	474	0	0	0	514
FDOT LAP Pedestrian Crosswalk Enhancements	32	0	0	828	0	0	0	0	860
Walter Fuller Park Trail	120	0	0	0	1,086	0	0	0	1,206
Projects not in the CIP Element	4,946	0	527	0	0	0	0	0	5,473
TOTAL REQUIREMENTS	5,678	40	527	828	1,560	2,623	0	0	11,256
Increase/(Decrease) in Fund Balance		0	2,774	0	0	0	0	0	
Beginning Balance		(2,530)	(2,530)	244	244	244	244	244	
UNAPPROPRIATED BALANCE 9/30	(2,530)	(2,530)	244	244	244	244	244	244	

NEIGHBORHOOD AND CITYWIDE INFRASTRUCTURE CAPITAL IMPROVEMENT FUND (FUND 3027)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	25,177								25,177
Local Option Sales Surtax	9,146	9,380	423	9,554	9,958	9,937	10,652	11,164	70,214
Transfer from Recreation & Culture Imp Fund (3029)	100	0	0	0	0	0	0	0	100
Earnings on Investments	399	760	(510)	250	250	250	250	250	1,899
Other	(31)	0	0	0	0	0	0	0	(31)
TOTAL RESOURCES	34,791	10,140	(87)	9,804	10,208	10,187	10,902	11,414	97,359
REQUIREMENTS	Appropriation as of 9/30/12								
Street & Road Improvements:									
Street and Road Improvements	20,095	4,500	0	4,000	4,500	4,000	4,500	4,500	46,095
Curb Replacement/Ramps	500	500	0	500	500	500	500	500	3,500
Sidewalk Reconstruction	600	600	0	600	600	600	600	600	4,200
Alley Reconstruction - Unpaved	0	300	0	300	300	300	300	300	1,800
Alley Reconstruction - Brick	0	0	0	200	200	0	0	0	400
Transportation & Parking Management:									
I-175 On Ramp/4th S. Two-Way (also in 3001/3071)	0	0	0	175	0	0	0	0	175
Intersection Modification	948	100	0	50	50	50	50	50	1,298
Neighborhood Trans Mgmt Program	300	100	(17)	75	50	50	50	50	658
Bicycle Pedestrian Facilities	1,200	50	0	100	50	100	50	100	1,650
Comp Streetscaping/Greenscaping	500	500	0	0	500	0	500	0	2,000
Bridge Reconstruction/Replacement:									
Bridge Reconstruction/Load Testing	500	250	0	250	250	250	250	250	2,000
Central Ave Bridge Across Booker Creek	0	410	0	2,000	0	0	0	0	2,410
16th Street Cross Over at 77th Ave North	0	0	0	0	900	0	0	0	900
157117 MLK South over Booker Creek	0	0	0	0	0	0	500	2,450	2,950
157179 2nd S/N over Tinney Creek	0	0	0	0	0	150	950	0	1,100
Stormwater Management Projects:									
4th St & 14th A/N to Crescent Lake SDI	0	0	0	0	0	700	0	0	700
8th A/S at 44th S/S (also in 4013)	0	0	0	0	0	750	1,180	220	2,150
94th A/N at Tinney Creek (also in 4013)	0	0	0	665	0	0	0	0	665
Snell Isle Blvd and Rafael (also in 4013)	0	650	500	800	0	0	0	0	1,950
Stormwater Vaults		0	0	0	0	500	0	500	1,000
Airport Hanger #1 FY14 (also in 4033)	0	0	0	300	0	0	0	0	300
Seawall Renovation & Replacement	0	800	0	400	400	400	400	400	2,800
Projects not in the CIP Element	5,226	4,875	(2,744)	200	1,350	1,350	580	325	11,162
Inflation Contingency	0	0	0	0	241	485	781	1,025	2,532
TOTAL REQUIREMENTS	29,869	13,635	(2,261)	10,615	9,891	10,185	11,191	11,270	94,395
Increase/(Decrease) in Fund Balance		(3,495)	2,174	(811)	317	2	(289)	145	
Beginning Balance		4,922	1,427	3,601	2,790	3,107	3,109	2,820	
UNAPPROPRIATED BALANCE 9/30	4,922	1,427	3,601	2,790	3,107	3,109	2,820	2,965	

NEIGHBORHOOD AND CITYWIDE INFRASTRUCTURE CAPITAL IMPROVEMENT FUND (FUND 3027)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
			(000s omitted)					

Notes:

1) Projects shown in the plan for years 2014-2018 may be moved on a year-to-year basis to balance this fund. Decisions to move projects will be based on the status of previously scheduled projects and project priorities.

2) According to the Penny 3 Interlocal Agreement with the County, there are County funds available for projects within the city in the amount of $44.5 million. In addition to the city penny funds, the county is obligated to fund from their portion of the Penny for Pinellas the following projects which would normally be accounted for in this fund:

Pinellas Trail Extension	$5.5 million
General & School Sidewalk Program	$1.6 million
Intersection Capacity Program	$2.0 million
Countywide Road Improvement Programs	$5.0 million
Stormwater Conveyance System Imprv Program	$19.4 million
Roadway Beautification Program	$2.0 million
Total	$35.5 million

Exhibit "D"

TRANSPORTATION IMPACT FEES CAPITAL PROJECTS FUND (FUND 3071)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	18,847								**18,847**
Earnings on Investments	232	300	(110)	**172**	172	172	172	172	**1,282**
Transportation Impact Fee:									
GATISAF	0	100	(100)	**277**	100	100	100	100	**677**
Transfer:									
District 8 (Not within Subdistrict)	0	8	(8)	**77**	0	0	0	0	**77**
District 10 (Not within Subdistrict)	0	80	(80)	**0**	0	0	0	0	**0**
District 11 (Not within Subdistrict)	142	350	122	**715**	532	350	350	350	**2,911**
Intown (District 11)	221	60	46	**54**	346	421	379	300	**1,827**
Carillon (District 8)	0	0	0	**0**	0	594	0	0	**594**
Uncollectible Charges	(27)	0	0	0	0	0	0	0	**(27)**
TOTAL RESOURCES	19,414	898	(130)	**1,295**	1,150	1,637	1,001	922	**26,187**
REQUIREMENTS	Appropriation as of 9/30/12								
GATISAF Projects:									
Gateway Areawide DRI Mitigation Pro.	286	100	0	**100**	100	100	100	100	**886**
I-175 On Ramp/4th S. Two-Way (also in 3001)	0	0	0	**230**	500	800	600	300	**2,430**
City Trails - Bicycle Trails	2,850	950	(280)	**950**	950	0	0	0	**5,420**
Dwtwn Inter. & Pedestrian Facilities	125	125	141	**125**	125	125	125	125	**1,016**
Traffic Signal Mast Arm Program	2,640	1,200	0	**1,200**	0	0	0	0	**5,040**
Sidewalks	700	200	0	**200**	200	200	200	200	**1,900**
Traffic Safety Program	1,415	250	0	**250**	250	250	250	250	**2,915**
Projects not in CIP Element	1,949	100	280	**0**	0	0	0	0	**2,329**
Inflation Contingency	0	0	0	**0**	53	74	96	98	**320**
TOTAL REQUIREMENTS	9,965	2,925	141	**3,055**	2,178	1,549	1,371	1,073	**22,256**
Increase/(Decrease) in Fund Balance		(2,027)	(271)	(1,760)	(1,028)	88	(370)	(151)	
Beginning Balance		9,449	7,422	7,151	5,391	4,363	4,451	4,081	
UNAPPROPRIATED BALANCE 9/30	9,449	7,422	7,151	5,391	4,363	4,451	4,081	3,931	

WATER RESOURCES CAPITAL PROJECTS FUND (FUND 4003)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	54,138								**54,138**
Bond Proceeds	0	71,155	(32,850)	0	0	0	0	0	**38,305**
Future Borrowings	0	0	0	**20,850**	77,347	44,850	15,458	23,604	**182,109**
Earnings on Investments	260	500	(250)	**50**	250	250	250	250	**1,560**
Transfers From:									
Public Utilities Operating Fund	3,000	3,000	0	**3,000**	3,000	3,000	3,000	3,000	**21,000**
Connection Fees/Meter Sales:									
Fire	(2)	10	(10)	0	0	0	0	0	**(2)**
Water	684	234	200	**410**	426	443	461	480	**3,339**
Sewer	209	444	(200)	**230**	230	230	230	230	**1,603**
Reclaimed Water	79	65	0	**20**	20	20	20	20	**244**
Reclaimed Water Assessments	23	45	(25)	**15**	15	15	15	15	**118**
SRF Funding	4,812	0	1,527	0	0	0	0	0	**6,339**
SWFWMD Grants	20	0	234	0	0	0	0	0	**254**
DOE - Biosolids and Yard Waste Grant	265	1,220	673	0	342	0	0	0	**2,500**
Other	1	0	0	0	0	0	0	0	**1**
TOTAL RESOURCES	63,489	76,673	(30,701)	**24,575**	81,630	48,808	19,434	27,599	**311,508**
REQUIREMENTS	Appropriation as of 9/30/12								
WATER TREATMENT/SUPPLY									
Cosme WTP Improvements									
Filter Media Evaluation	0	0	0	0	0	0	21	525	**546**
Bypass	0	0	0	**100**	700	8,000	0	0	**8,800**
Gulf-to-Bay PS Electrical MCC/Switchgear Rehab	0	0	0	0	0	63	389	0	**452**
Roof Evaluation/Rehab	0	0	0	0	0	0	53	840	**893**
Vulnerability Assessments: Basin Security Covers	0	0	0	**0**	0	300	770	0	**1,070**
Oberly PS Improvements									
OBE/WAS Storage Tanks Evaluation	0	0	0	**88**	400	0	0	0	**488**
Valve Replacement	0	0	0	**224**	0	118	180	225	**747**
WATER DISTRIBUTION SYSTEM IMP.									
P.C. Park/Starkey Road	0	0	0	0	0	15	1,400	0	**1,415**
Potable New Water Main Extensions	67	50	(30)	**50**	50	50	50	50	**337**
Potable Water Main Relocation	133	150	(65)	**150**	150	150	150	150	**968**
Potable Main/Valve Replacement/Aqueous Crossings	0	2,250	0	**3,050**	3,050	3,300	3,300	3,450	**18,400**
Potable Water Serv. Taps, Meters & Backflows	564	325	30	**400**	400	400	400	400	**2,919**
Potable Water Backflow Prevention/Meter Replacement	0	1,100	0	**1,145**	1,190	1,235	1,280	1,325	**7,275**
Relocations due to FDOT, PC and Bridge Projects	0	0	0	**188**	175	325	110	0	**798**
48" WTM at Lake Tarpon Outfall Canal	0	0	0	0	0	400	2,050	0	**2,450**
WASTEWATER COLLECTION									
Sanitary Sewer Collection Sys.									
34th S/S & Roser Park Pipe Lining	0	1,950	(1,850)	**1,950**	0	0	0	0	**2,050**
Aqueous Crossings Repair & Replacement	400	200	(20)	**200**	200	200	200	200	**1,580**
Annual Manhole Rehabilitation Contract	1,000	500	0	**500**	500	500	500	500	**4,000**
Annual Pipe Repair Lining Contract	3,000	1,500	500	**2,000**	2,000	2,000	2,000	2,000	**15,000**
Annual Pipe Rehab & Replacement Contract	6,700	2,750	(460)	**2,750**	2,750	2,750	2,750	2,750	**22,740**
Pasadena Forcemain Phase II	1,000	1,000	0	0	0	0	75	4,000	**6,075**
Relocations due to FDOT, PC and Bridge Projects	0	0	0	**150**	0	75	140	50	**415**
Tierra Verde FM Replacement	0	0	0	**1,230**	0	0	0	0	**1,230**
Lift Station Improvements									
Lift St. Improvements	0	0	0	**1,110**	900	0	0	250	**2,260**
Lift St. # 2, 12, 29, 55 Rehabilitation Plan	0	0	0	0	0	0	1,500	0	**1,500**
Lift St. # 3, 9, 57, 60 Rehabilitation Plan	0	0	0	0	0	1,200	0	0	**1,200**
Lift St. # 2, 12, 29, 55 Rehabilitation Plan	0	0	0	0	0	0	0	1,500	**1,500**

WATER RESOURCES CAPITAL PROJECTS FUND (FUND 4003)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
Lift St. # 42 and #63 Rehab	0	0	0	0	200	2,500	0	0	**2,700**
Lift St. # 87 New Gulfport Flow Diversion	0	0	0	0	200	2,000	0	0	**2,200**
Lift St. SCADA System Replacement	0	0	0	0	150	1,200	0	0	**1,350**
Albert Whitted WRF-Improvements									
Demo Design	0	240	0	0	3,304	0	0	0	**3,544**
Northeast WRF-Improvements									
Distribution Replacement	0	0	0	0	150	3,000	0	0	**3,150**
Electrical Distribution Improvements	0	0	0	0	500	4,000	0	0	**4,500**
Odor Control Phase 1	0	0	0	0	0	200	1,000	0	**1,200**
Old Plant Rehab	0	0	0	0	0	1,500	0	0	**1,500**
Plant Improvements	0	0	0	2,700	2,400	700	700	200	**6,700**
Sludge Transfer to SWWRF	0	0	0	400	2,910	0	0	0	**3,310**
Northwest WRF-Improvements									
Aeration Phase 2 (North Tank)	0	0	0	0	0	3,500	0	0	**3,500**
Plant Improvements	0	0	0	280	600	2,550	700	150	**4,280**
New Headworks Screening	0	2,750	(2,650)	500	2,250	0	0	0	**2,850**
Sludge Transfer to SWWRF	0	0	0	550	4,850	0	0	0	**5,400**
Southwest WRF-Improvements									
Biosolids Dewatering	0	0	126	420	5,500	0	0	0	**6,046**
CNG Gen Evaluation		0	99	4,800	0	0	0	0	**4,899**
Digester Construction	0	0	0	0	21,915	0	0	0	**21,915**
Digesters (DOE)	0	2,600	1,038	0	685	0	0	0	**4,323**
Effluent Filter Addition	0	0	0	0	0	0	300	3,000	**3,300**
Electric Improvements	0	0	0	0	0	0	300	3,000	**3,300**
GBT Rehabilitation	0	0	0	300	1,000	0	0	0	**1,300**
Plant Reclaimed Water Storage	0	100	0	500	5,500	0	0	0	**6,100**
Plant Improvements	0	0	0	520	1,550	350	200	200	**2,820**
Primary Clarifier	0	0	0	0	13,000	0	0	0	**13,000**
RECLAIMED SYS. IMPROVEMENTS									
New Reclaimed Serv. Taps & Backflows	72	75	0	75	75	75	75	75	**522**
Main Valve Replacement/Flushing Appurtances	0	100	0	100	100	100	100	100	**600**
ENVIRONMENTAL COMPLIANCE									
Laboratory Improvements	675	160	(19)	170	110	25	25	25	**1,171**
COMPUTERIZED SYSTEMS									
Computer Hardware/Software Replacement	150	125	0	125	125	125	125	125	**900**
Projects not in CIP Element	49,613	40,345	(11,406)	375	99	318	420	1	
Inflation Contingency	0	0	0	0	1,991	2,161	1,595	2,509	**8,256**
TOTAL REQUIREMENTS	63,373	58,270	(14,707)	27,100	81,629	45,385	22,858	27,600	**231,743**
Increase/(Decrease) in Fund Balance		18,403	(15,994)	(2,525)	1	3,423	(3,424)	(1)	
Beginning Balance		116	18,519	2,525	0	1	3,424	1	
UNAPPROPRIATED BALANCE	116	18,519	2,525	0	1	3,424	1	0	

Notes:
1) This five-year plan includes bond issues to respond to the recommendations indentified in the Water, Wastewater, and Reclaimed Water Rate Study conducted in 2012.
2) In FY11, the city entered into an agreement with the Florida Department of Environmental Protection (FDEP) for State Revolving Fund (SRF) funding for projects in the amount of $7,119,688.
3) Florida Department of Transportation (FDOT) projects shown are based on the FDOT project plan. However, FDOT projects schedules are very uncertain. FDOT projects have historically impacted the water transmission mains.

Exhibit "F"

STORMWATER DRAINAGE CAPITAL PROJECTS FUND (FUND 4013)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	6,788								**6,788**
Earnings on Investments	88	100	(20)	**62**	62	62	62	62	**478**
Transfer from Stormwater Operating Budget	800	2,800	0	800	800	800	800	800	7,600
Grants/External Funding:									
SWFWMD/Booker Lake Regional SW Treatment	0	0	109	0	0	0	0	0	109
SWFWMD/Imp.of BMPs in the Jungle Lake watershed	385	0	0	0	0	0	0	0	**385**
SWFWMD/Northeast Basin Jungle Lake (R-1-1)	774	0	1,323	**0**	0	0	0	0	**2,097**
SWFWMD/Golf Creek	640	0	610	0	0	0	0	0	**1,250**
SWFWMD/MLK & Gateway Mall	32	3,100	318	0	0	0	0	0	**3,450**
SWFWMD/Shore Acres Stormwater Vaults	40	0	0	0	0	0	0	0	40
SWFWMD/8th A/S at 44th S/S	0	0	0	0	0	0	1,960	0	**1,960**
SWFWMD/94th A/N at Tinney Creek	0	0	0	0	679	0	0	0	**679**
SWFWMD/Riviera and Snell Isle Vaults	0	500	0	0	0	0	0	0	**500**
SWFWMD/Snell Isle Blvd and Rafael	0	0	0	1,650	0	0	0	0	**1,650**
FDEP/Shore Acres Stormwater Vaults	0	0	0	0	0	0	0	0	**0**
FDEP/Booker Lake Regional SW Treatment	0	0	85	0	0	0	0	0	**85**
FDEP/Booker Lake Alum Treatment	0	0	50	0	0	0	0	0	**50**
Contributions from Developers	10	50	(40)	**10**	10	10	10	10	70
TOTAL RESOURCES	9,556	6,550	2,435	**2,522**	1,551	872	2,832	872	**27,190**
REQUIREMENTS	Appropriation as of 9/30/12								
Master Plan Storm Drainage Improvements									
8th A/S at 44th S/S (also in 3027)	0	0	0	0	0	500	2,840	0	**3,340**
94th A/N at Tinney Creek (also in 3027)	0	0	0	0	1,479	0	0	0	**1,479**
Snell Isle Blvd and Rafael (also in 3027)	0	705	0	**1,950**	0	0	0	0	**2,655**
Minor Storm Drainage									
Minor Storm Drainage	375	125	0	**125**	250	250	250	250	**1,625**
Drainage Line Rehab	750	250	0	**250**	250	250	250	250	**2,250**
Projects not in the CIP Element	10,263	7,880	(3,509)	0	0	0	0	0	**14,634**
Inflation Contingency	0	0	0	0	49	50	251	50	400
TOTAL REQUIREMENTS	11,388	8,960	(3,509)	**2,325**	2,028	1,050	3,591	550	**26,383**
Increase/(Decrease) in Fund Balance		(2,410)	5,944	**197**	(477)	(178)	(759)	322	
Beginning Balance		(1,832)	(4,242)	**1,702**	1,899	1,422	1,244	485	
UNAPPROPRIATED BALANCE	(1,832)	(4,242)	1,702	**1,899**	1,422	1,244	485	807	

* Booker Lake Reg. Alum Treatment Facility was funded through a DEP grant (60%) and a SWFWMD grant (40%).

Exhibit "G"

AIRPORT CAPITAL PROJECTS FUND (FUND 4033)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	74								**74**
Transfer from Airport Operating Fund	0	55	25	**34**	416	316	16	400	**1,262**
Grants:									
Federal (FAA) Entitlement Funds	0	0	0	**0**	150	150	150	0	**450**
Federal (FAA) Discretionary Funds			0	0	0	0	0	0	
FAA/AW Control Tower Design & Construction	19	0	0	0	0	0	0	0	**19**
FAA/Apron, REILs, Taxiway D, Remark Runway	96	0	0	0	0	0	0	0	**96**
FAA/Construct Apron	10	0	868	**0**	0	0	0	0	**878**
FAA/Wildlife Assessment/Mgmt Plan	0	121	0	0	0	0	0	0	**121**
FAA/Runway 7/25 Rehab	0	0	0	**1,530**	0	0	0	0	**1,530**
FDOT/state funds									
Construct Parallel Taxiway D	(1)	0	9	0	0	0	0	0	**8**
Apron Construction	0	0	82	0	0	0	0	0	**82**
Airport Hanger #1 FY14	0	0	0	**1,200**	0	0	0	0	**1,200**
Airport Hanger #2 FY15	0	0	0	0	1,600	0	0	0	**1,600**
Airport Hanger #3 FY16	0	0	0	**0**	0	1,200	0	0	**1,200**
Airport Infrastructure Improvements	9	0	0	**0**	0	0	0	0	**9**
Airport Terminal Hanger	0	150	0	**0**	0	0	0	0	**150**
Airport Hangar #1 Rehab	0	0	100	**0**	0	0	0	0	**100**
Airport Security Camera System	22	0	0	**0**	0	0	0	0	**22**
Airport Runway 7/25 Rehab	0	0	0	**136**	0	0	0	0	**136**
Replacement of T-hangars 5-8	0	0	0	0	0	0	0	1,600	**1,600**
TOTAL RESOURCES	229	326	1,084	**2,900**	2,166	1,666	166	2,000	**10,537**
REQUIREMENTS	Appropriation as of 9/30/12								
Airport Runway 7/25 Rehab	0	0	0	**1,700**	0	0	0	0	**1,700**
Airport Hanger #1 FY14 (also in 3027)	0	0	0	**1,200**	0	0	0	0	**1,200**
Airport Hanger #2 FY15	0	0	0	**0**	2,000	0	0	0	**2,000**
Airport Hanger #3 FY16	0	0	0	**0**	0	1,500	0	0	**1,500**
Airport Airfield Improvements	0	0	0	**0**	166	166	166	0	**498**
Replacement of T-hangars 5-8	0	0	0	**0**	0	0	0	2,000	**2,000**
Projects not in the CIP Element	1,096	323	207	**0**	0	0	0	0	**1,626**
TOTAL REQUIREMENTS	1,096	323	207	**2,900**	2,166	1,666	166	2,000	**10,524**
Increase/(Decrease) in Fund Balance		3	877	**0**	0	0	0	0	
Beginning Balance		(867)	(864)	**13**	13	13	13	13	
UNAPPROPRIATED BALANCE	(867)	(864)	13	**13**	13	13	13	13	

Note: $110,000 was included in the Neighborhood and Citywide Infrastructure CIP Fund (3027) as a loan for the Airport Intermodal General Aviation Center FY05 (10550) Project. This project is now closed and no longer shows on the fund summaries, but repayment of the loan has not yet begun.

Exhibit "H"

MARINA CAPITAL PROJECTS FUND (FUND 4043)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s omitted)					
RESOURCES									
Beginning Balance	2,898								**2,898**
Earnings on Investments	17	25	0	**28**	28	28	28	28	**182**
Marina Operating Fund Transfer	75	105	(105)	**75**	350	350	350	350	**1,550**
Other	2	0	0	**0**	0	0	0	0	**2**
TOTAL RESOURCES	2,991	130	(105)	**103**	378	378	378	378	**4,631**
REQUIREMENTS	Appropriation as of 9/30/12								
Marina Piling Replacements	165	0	0	**165**	0	165	0	165	**660**
* Marina Facility Improvements	1,975	500	0	**235**	500	235	500	235	**4,180**
Marina Slip Renovations	0	0	0	**0**	0	0	0	250	**250**
Projects not in CIP Element	(672)	0	0	**0**	0	0	0	0	**(672)**
Inflation Contingency	0	0	0	0	13	20	38	65	**135**
TOTAL REQUIREMENTS	1,468	500	0	400	513	420	538	715	**4,553**
Increase/(Decrease) in Fund Balance		(370)	(105)	**(297)**	(135)	(42)	(160)	(337)	
Beginning Balance		1,523	1,153	**1,048**	751	617	575	415	
UNAPPROPRIATED BALANCE	1,523	1,153	1,048	**751**	617	575	415	78	

* Facility Improvements are generally planned for design and construction cycles every other year.

Exhibit "I"

PORT CAPITAL PROJECTS FUND (FUND 4093)
2014-2018 CAPITAL IMPROVEMENT PROGRAM PLAN

	Prior Year Carryforward Actual	Budget 13	Change 13	BUDGET 14	15	Estimate 16	17	18	Total 12-18
				(000s Omitted)					
RESOURCES									
Beginning Balance	110								**110**
Earnings on Investments	25	0	5	**8**	8	8	8	8	**70**
FSTED Grants:									
Port Wharf Renovations	168	300	1,361	**50**	50	50	50	0	**2,029**
Port Camera Security Grant	0	0	63	**0**	0	0	0	0	**63**
Other	141	0	0	**0**	0	0	0	0	**141**
TOTAL RESOURCES	**444**	300	1,429	**58**	58	58	58	8	**2,413**
REQUIREMENTS	Appropriation as of 9/30/12								
Port Wharf Renovations (also in 3027/3001)	2,594	309	0	**101**	101	101	101	0	**3,307**
Projects not in the CIP Element	(937)	0	0	**0**	0	0	0	0	**(937)**
TOTAL REQUIREMENTS	1,658	309	0	**101**	101	101	101	0	**2,371**
Increase/(Decrease) in Fund Balance		(9)	1,429	(43)	(43)	(43)	(43)	8	
Beginning Balance		(1,214)	(1,223)	206	163	120	77	34	
UNAPPROPRIATED BALANCE	(1,214)	(1,223)	206	163	120	77	34	42	

Exhibit "J"

FDOT District Seven's Adopted Five-Year Work Program
Road Capacity Projects in the City of St. Petersburg

Project No.	Roadway	From	To	Project Description	Project Phase(s)	2013 LOS
1	I-275	22nd St. N	19th St. N	Interchange Improvement	See Note 1	Note 6
2	SR 694 (Gandy Blvd.)	E. of US 19	E. of I-275	Add lanes and reconstruct	See Note 2	F

Project No.	2014	2015	2016	2017	2018	Total 2012-2016	Revenue Source(s)	Construction Letting Date	2018 LOS
1	$71,084	$1,860,280				$1,931,364	Federal, State	3/13/2015	Note 6
2	$6,304,700		$3,889,589	$9,000,000		$19,194,289	Federal, State	10/09/2020	F

Notes:
1. The project phase is preliminary engineering, construction and construction support.
2. Project phases include preliminary engineering and right of way acquisition.
3. "LOS" = Level of Service
4. Pinellas County MPO's Draft 2013 LOS Report was the source for 2013 LOS data.
5. City staff calculated 2018 LOS based on FDOT's generalized tables. Because 2018 traffic volumes are unavailable, staff used existing traffic count data.
6. LOS data is not available for Project No. 1 because the MPO staff does not calculate levels of service for interchange and intersection improvements.
7. For Project No. 2, which extends beyond the City's western border, MPO staff calculated that the LOS on Gandy Boulevard from the I-275 east ramps to Grand Avenue is LOS "F." The LOS for the segment between Grand Avenue and US 19 is "D."

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Staff Report to the St. Petersburg Planning & Visioning Commission
Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on November 12, 2013
at **4:00 p.m.,** in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File #LGCP-CIE-2013
Agenda Item #1

Request

City Administration requests that the Comprehensive Plan be amended to implement legislative requirements of Chapter 163, Part II, Florida Statutes, related to the annual update of the Capital Improvements Element (CIE). Florida law continues to require that the CIE and the schedule of capital improvements, also referred to as the Capital Improvement Program (CIP), be reviewed on an annual basis and modified as necessary.

Changes to the growth management laws in 2011 resulted in the following changes to the CIE amendment process from prior years:

1. The CIP is no longer required to be financially feasible. (Regardless of this change, the City's budget remains in balance and the CIP continues to be financially feasible as explained further in this report and as reflected in the CIP schedules.)

2. While still considered an amendment to the Comprehensive Plan, the annual CIE update can now be adopted by ordinance. (Pursuant to the 2011 Community Planning Act, the City can amend its CIE faster as there is no longer state and regional agency review of the amendment. The ordinance will continue to require public hearings at the Planning & Visioning Commission and City Council adoption stages.)

3. Capital projects must be identified as either funded or unfunded and given a level of priority for funding. (All projects listed in the City's CIP are considered priority and are fully funded. There are no unfunded or partially funded projects in the City's budget.)

4. The statutory provisions for school concurrency were rescinded. At its September 7, 2011

meeting the Pinellas Schools Collaborative recommended that the County and municipalities work toward an updated Public Schools Interlocal Agreement to reflect the change. On July 26, 2012 the St. Petersburg City Council approved a new Public Schools Interlocal Agreement which rescinded school concurrency requirements while continuing the City's development reporting and school planning coordination responsibilities. On February 21, 2013 the St. Petersburg City Council approved amendments to the city's Comprehensive Plan which deleted provisions related to the implementation of school concurrency, including the requirement to adopt the Pinellas County School Board's Five Year Work Program by reference in the CIE Annual Update.

The attached proposed ordinance amends the CIE and replaces the existing schedules with new five-year capital improvement schedules (Exhibits A through J) for FY 2014 through FY 2018. These ten schedules itemize projects over $250,000 which maintain or improve the City's adopted LOS (level of service) standards for the following public facilities: potable water, sanitary sewer, solid waste, drainage, roadways/mass transit, and recreation and open space. It should be noted that several projects which fall below the $250,000 threshold have also been included because they either support mobility or fund mobility within the City. Additional public facility capital projects related to the City's municipal airport, port and marina have also been included.

Concurrency

Concurrency means that the necessary public facilities and services to maintain the adopted LOS standards are available when the impacts of development occur. The schedules of capital improvements that are part of the CIE contain prioritized projects meant to ensure that adequate levels of service are maintained.

The City has adopted LOS standards for the following public facilities and services: potable water, sanitary sewer, solid waste, drainage, recreation and open space, and roadways/mass transit. The City is in the unique position of having excess public facility capacity, with the exception of portions of the drainage system and approximately two percent of the major street segments. The City's CIP projects generally fall under the category of "replacement" and "maintenance" rather than "new" facilities or even "expansion" of existing facilities, largely due to the built-out nature of St. Petersburg. The adopted LOS standards for all of the City's public facilities and services are being maintained.

Potable Water

Under the existing interlocal agreement with Tampa Bay Water (TBW), the City's 2012 potable water demand is approximately 28.70 million gallons per day (mgd). While the City's adopted LOS standard for potable water use is 125 gallons per capita per day, it is estimated that the actual per capita demand is 86 gallons per capita per day. With an overall potable water system capacity of 68.4 million gallons per day, there is more than adequate capacity to meet demand. Due to the excess capacity in the water system, no additional capital expenditures are anticipated beyond those concerning replacement and maintenance (see Exhibit E, Fund 4003).

Sanitary Sewer

The City's aggregated sanitary sewer system capacity for its four wastewater treatment facilities is estimated to be 68.4 mgd. In 2012, the average flow rate was estimated to be 34.88 mgd, resulting in an estimated excess capacity of 33.52 mgd. Due to the excess capacity at the four facilities, no additional capital expenditures are anticipated beyond those concerning replacement and maintenance (see Exhibit E, Fund 4003). Future plans include the closing of the Albert Whitted WRF with the wastewater flow transferred to the Southwest WRF.

Sanitation/Solid Waste

Solid waste *collection* is the responsibility of the City, while all solid waste *disposal* is the responsibility of Pinellas County. The City and the County have the same designated level of service (LOS) of 1.3 tons per year per person, while there is no generation rate for nonresidential uses. The City's actual demand for solid waste service is approximately 1.07 tons per person per year, less than the adopted LOS standard. For 2012, the overall county demand for solid waste service was approximately 0.84 tons per person per year. The County currently receives and disposes of municipal solid waste, and construction and demolition debris generated throughout Pinellas County. The Pinellas County Waste-to-Energy (WTE) facility and the Bridgeway Acres Sanitary Landfill are the responsibility of Pinellas County Utilities, Department of Solid Waste Operations. While the WTE facility incinerated 786,106 tons of garbage in 2012, it has the capacity to burn 985,500 tons per year. The Bridgeway Acres landfill has approximately 30 years remaining, based on current grading and disposal plans. There are no solid waste related projects listed in the capital improvement schedules.

Drainage/Stormwater

Prior to the development or redevelopment of any property in the City, site plan approval is required. At that time, the stormwater management system for the site will be required to meet all City and SWFWMD (Southwest Florida Water Management District) stormwater management criteria. The City's Stormwater Management Master Plan (SMMP) contains detailed information on the 26 basins that comprise the stormwater management area. The SMMP includes 85 projects. It is estimated that the City will spend an average of $6 million per year over a 20 year horizon to complete the projects. SWFWMD grants are listed under funding resources in Exhibit F, Fund 4013, with the City match coming from "Penny for Pinellas" funds which are listed in Exhibit C, Fund 3027.

Recreation & Open Space

While the City has adopted a LOS standard of nine (9) acres of recreation and open space per 1,000 resident population, it enjoys an estimated 26.3 acres per 1,000. There are no Recreation & Open Space or cultural projects listed in the capital improvement schedules to address LOS deficiencies.

Roadways

Data and analysis related to roadway levels of service is attached to this staff report. Since

the 2012 update to the CIP schedule in the Capital Improvements Element, the City has not issued a development order or permit for a proposed development deemed to have a de minimis impact. Consequently, a summary of de minimis records is not applicable to this year's annual update of the Capital Improvement Element. A de minimis impact is one which will generate less than 1% of the maximum average daily volume of traffic that a particular roadway can carry without decreasing the level of service below the City's standard of "D." In addition, it should be noted that pursuant to 2009-96 Laws of Florida (Senate Bill 360) the City is a Transportation Concurrency Exception Area (TCEA) in its entirety and thus is exempt from transportation concurrency requirements as well as de minimis recordkeeping requirements.

Financial Feasibility

While 2011 legislative changes no longer require the CIP to be financially feasible, the City continues to demonstrate a balanced program. Financial feasibility means that sufficient funding sources (revenues) are available for financing capital improvement projects (expenses) intended to achieve and maintain the adopted LOS standards. St. Petersburg accomplishes this by following fiscal policies that are codified in the City's Administrative Policies and Procedures:

1. General Fiscal Policy I.A.4. – "The city shall prepare and implement a Capital Improvement Program (CIP) consistent with State requirements, which shall schedule the funding and construction of projects for a five-year period, including a one-year CIP Budget. The CIP shall balance the needs for improved public facilities and infrastructure, consistent with the city's Comprehensive Plan, within the fiscal capabilities and limitations of the city."

2. General Fiscal Policy I.A.5. – "The city shall maintain its accounting records in accordance with Generally Accepted Accounting Principles (GAAP), applied to governmental units as promulgated by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB). In addition, federal and state grant accounting standards will be met."

3. Fiscal Policy for Capital Expenditures and Debt Financing, Policy IV.A.1.a. – "Revenue projections for the one-year Capital Improvement Program Budget and five-year Capital Improvement Program Plan shall be based on conservative assumptions of dedicated fees and taxes, future earnings and bond market conditions."

4. Fiscal Policy for Capital Expenditures and Debt Financing, Policy IV.A.2.a. – "Capital projects shall be justified in relation to the applicable elements of the City's Comprehensive Plan."

Capital Improvement Budget

Each year the City Council approves an operating budget and a capital improvement budget. The capital improvement budget is the first year of the five-year Capital Improvement Program (CIP). The Capital Improvements Element of the Comprehensive Plan includes the five-year CIP along with ten exhibits which are fund summaries for various capital improvement funds. The

fund summaries provide detailed revenue sources and project expenditure amounts, by fund, for FY14 through FY18. All funds are balanced in all years.

Compliance with the Comprehensive Plan

Early in each calendar year, the Planning & Economic Development Department reviews the proposed capital improvement projects for the next fiscal year's budget to make sure the projects comply with the requirements of the Comprehensive Plan objective and policies identified below.

The attached proposed ordinance and CIP schedules have been prepared to update the Capital Improvements Element of the Comprehensive Plan. The proposed CIP schedules do not commit the City to any financial expenditure beyond those itemized in the annual Capital Improvement Program (CIP) Budget.

Policy:

CI1.1 Those projects exceeding $250,000, identified in the other elements of the Comprehensive Plan as necessary to maintain or improve the adopted level of service standards and which are of relatively large scale and high costs, shall be included in the Capital Improvement Element.

Objective CI5:

To demonstrate the City's ability to provide for needed improvements identified in the other elements of the Comprehensive Plan, the City shall develop and adopt the capital improvement schedule, as part of the Comprehensive Plan. The Capital Improvement Schedule shall include: a schedule of projects; funding dates; all costs reasonably associated with the completion of the project; and demonstrate that the City has the necessary funding to provide public facility needs concurrent with or prior to previously issued Development Orders or future development.

Policy:

CI5.1 Proposed capital improvement projects must be reviewed by the Development Services Department [now known as the Planning & Economic Development Department] based on the following:

A. General consistency with the Comprehensive Plan - projects found inconsistent with the Comprehensive Plan shall not be approved until appropriate revisions are made to the project and/or the Comprehensive Plan to achieve consistency.

B. Evaluation of projects regarding the following eight areas of consideration from the State Comprehensive Planning Regulations:

1. Elimination of Public Hazards;

2. Elimination of Existing Capacity Deficits;
3. Local Budget Impact;
4. Locational Needs Based on Projected Growth Patterns (Activity Centers);
5. Accommodation of New Development and Redevelopment Service Demands;
6. Correction or replacement of obsolete or worn-out facilities;
7. Financial Feasibility; and
8. Plans of State Agencies and Water Management Districts that provide public facilities within the Local Government's jurisdiction.

The Development Services Department [now known as the Planning & Economic Development Department] shall advise the Department of Budget and Management of its findings regarding these eight areas of consideration to assist said Department with the ranking and prioritization of capital improvement projects.

Recommended Action

Staff recommends that the Planning & Visioning Commission recommend **APPROVAL** of the attached ordinance amending the Capital Improvements Element based on consistency with the Comprehensive Plan and compliance with statutory requirements.

Attachments: Roadway Data and Analysis
Proposed Ordinance and Exhibits A through J (CIP Schedules)

Roadway Data & Analysis

The following discussion relates to Fund 3027 (Exhibit C), Fund 3071 (Exhibit D), and the FDOT District 7 Road Capacity Projects spreadsheet (Exhibit J). These exhibits are attached to the proposed ordinance. In previous annual updates to the Capital Improvements Element, City staff listed Pinellas County road capacity projects in St. Petersburg. There are no Pinellas County road capacity projects planned for the next five years in St. Petersburg.

Comprehensive Plan Policy T3.1 states that all major city, county and state roads shall operate at a level of service (LOS) D or better in the peak hour of vehicular traffic. The City's major roadways not on the Interstate system that currently do not meet the City's adopted LOS standard of "D" are listed in Table 1, below. Three road segments in the City are deficient (LOS "E" or "F"). The total length of these three segments is 1.30 miles. The total distance of the City's major roadways not including the Interstate system is 207.54 miles, as shown in Table 2. Consequently, only 0.6% of the major roads not on the Interstate system are deficient. The vast majority of the major streets in the City (99.4%) function at or above the adopted level of service (LOS) standard of "D." This is undoubtedly due to the street network's efficient grid pattern and history of providing extensive road capacity improvements citywide.

Table 1
2013 Deficient Road Segments in St. Petersburg

Roadway Section	From	To	Juris-diction	LOS	Distance (Miles)
94th Ave. N	Dr. ML King Jr. St.	Gandy Blvd.	City	E	0.30
54th Ave. S	34th St.	31st St.	City	E	0.25
Gandy Blvd.	Brighton Bay Blvd.	4th St.	State	F	0.75
Total					**1.30**

Sources: Pinellas County MPO's Draft "2013 Level of Service Report," June 2013; St. Petersburg Transportation and Parking Management Department, July 2013

Notes:

1. The Pinellas County MPO completed a corridor study for 54th Avenue South in 2007. FDOT has funded the City's request for a dedicated right-turn lane through their safety program that will serve eastbound to southbound traffic at the intersection of 54th Avenue South at 31st Street.
2. The FDOT recently advanced approximately $90 million in funding for the Gandy Boulevard (SR 694) improvement project from west of Dr. ML King Jr. Street to east of 4th Street. Overpasses will be constructed at 94th Avenue North, Dr. ML King Jr. Street and Roosevelt Boulevard/4th Street. The proposed roadway will be an elevated, controlled access facility and will be reconstructed to six lanes from west of Dr. ML King Jr. Street up to the Dr. ML King Jr. Street bridge and four lanes from the Dr. ML King Jr. Street bridge to east of 4th Street. This project will improve traffic flow on Gandy Boulevard between Brighton Bay Boulevard and 4th Street.

Table 2
Miles of Major Roadway in St. Petersburg

Classification	Distance (Miles)
Principal Arterial	18.61
Minor Arterial	90.82
Collector	77.67
Neighbor Collector	20.44
Total	**207.54**

Source: Planning and Economic Development Department, July 2013

In 2008, DCA officials asked City staff to project levels of service on major roadways for the current year and five years out. Due to slow growth and the built out nature of St. Petersburg, it is unlikely that traffic conditions will change significantly over the next five years. However, in an effort to anticipate possible deficiencies that may occur in the next five years, City staff has reviewed the MPO's draft 2013 Level of Service Report to determine if there are any major road segments in the MPO's report that are currently operating at LOS "D" or better and have a volume-to-capacity ratio of 0.90 or higher. There are two road segments that operate at a LOS "D" and have a volume-to-capacity ratio that is greater than 0.90. These roads are 22nd Avenue North from I-275 to 34th Street and 38th Avenue North from 34th Street to 49th Street.

Roadway and traffic improvements are primarily located in Funds 3027 (Exhibit C) and 3071 (Exhibit D). Road capacity projects listed in FDOT's work program are shown in Exhibit J.

Attached documents for item Approving the vacation of the 16-foot wide alley within Block 10, Spear and Pittser's Subdivision, as recorded in Plat Book 1, Page 5, Public Records of Pinellas County, Florida, lying south of 2nd Avenue South and between 21st Street South and 22nd Stree

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SAINT PETERSBURG CITY COUNCIL

Meeting of December 5, 2013

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

SUBJECT: Ordinance _____ approving the vacation of the 16-foot wide alley within Block 10, Spear and Pittser's Subdivision, as recorded in Plat Book 1, Page 5, Public Records of Pinellas County, Florida, lying south of 2nd Avenue South and between 21st Street South and 22nd Street South (Case No.: 13-33000013).

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

RECOMMENDED CITY COUNCIL ACTION:
1) Conduct the first reading of the attached proposed ordinance; and
2) Set the second reading and public hearing for December 19, 2013.

Background & Findings: The applicant, Phil Farley on behalf of HBB4, LLC, proposes to vacate the east-west alley in the block bound by 2nd and 3rd Avenues South and 21st and 22nd Streets South in order to consolidate the block as a single site. The entire block was formerly the location of Banks Supply, a building materials company. The property is being converted to a locally-owned micro-brewery use (3 Daughters Brewing). Given the findings set forth below, Staff finds that vacating the subject alley would be consistent with the criteria in the City Code, the Dome Industrial Park Community Redevelopment Area (DIP CRA) Plan and the Comprehensive Plan.

The subject alley was dedicated 1912 as part of the plat for a 12-block subdivision titled "Johns Pass Realty Company's Subdivision Extension of Central Avenue. The subject alley was proposed for vacation in 1975 by Banks Supply. The Environmental Development Commission (EDC) approved the request, subject to certain conditions (Case VV-798). The application was never considered by the City Council for final approval and the conditions were never satisfied. The application eventually became void. The current property owner seeks re-approval of the alley vacation. The current applicant has already initiated the associated processes to complete the related special conditions, including the requirement to replat the vacated alley and the abutting private property as a single parcel.

The entire block has remained under common ownership since the original request was submitted almost 40 years ago. Vacation of the alley will not detrimentally impact or impair access to any other lot of record in the block. Vacation of this alley, if approved, is not

anticipated to adversely impact the existing roadway network or substantially alter utilized travel patterns. Other similar requests have been approved throughout this area, as well as the downtown area, to facilitate land assembly. The alley was originally dedicated to provide a secondary means of access to the rear yards of the individual lots within the block. Consolidation of the entire block as a unified site eliminates the need for this alley. There is a sanitary sewer main within the alley which will require dedication of a public utility easement as a special condition of approval.

The subject right-of-way is within the boundaries of the Dome Industrial Park Community Redevelopment Area (DIP CRA). The DIP CRA Plan was adopted in 2007 by the City Council. The Plan recognizes the existence of inadequate lot sizes throughout the CRA. The Plan encourages vacations of unnecessary right-of-way, where appropriate, to facilitate the assembly of larger parcels of industrial land to achieve the goals for this area (Objectives 1.5 and 3.3). As previously noted, the subject alley is no longer necessary in the context of a block that has been assembled as a single site and which is currently being replatted into one common lot. Approval of the requested vacation would be consistent with the goals of the DIP CRA Plan and the City's Comprehensive Plan.

Comments from Agencies and the Public: The application was routed to the standard list of City departments and outside utility providers. No objections were noted. Staff has suggested special conditions at the end of this report which will ensure appropriate arrangements are completed prior to the vacation becoming final. The applicant provided the required mailed public notice in advance of the DRC hearing. No public inquiries or comments were received in advance of the DRC meeting. The applicant will provide an additional public notice in advance of the City Council public hearing date. Any inquiries or comments received will be relayed to the City Council during the hearing.

DRC Action: The Development Review Commission considered the request during the public hearing on November 6, 2013. The DRC voted to recommend approval of the application to the City Council.

The Administration and the DRC recommend **APPROVAL** of the requested alley vacation to the City Council, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall replat the alley to be vacated, together with the abutting private property to the north and south, as one consolidated lot.

2. The required replat shall include dedication of a twenty foot wide public utility easement which shall be centered over the existing sanitary sewer line within the subject alley.

3. The applicant shall be responsible for all required permits, work, inspections and costs.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF THE 16-FOOT WIDE ALLEY LYING SOUTH OF 2ND AVENUE SOUTH AND BETWEEN 21ST STREET SOUTH AND 22ND STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

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

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 alley to be vacated, together with the abutting private property to the north and south, as one consolidated lot.

2. The required replat shall include dedication of a twenty foot wide public utility easement which shall be centered over the existing sanitary sewer line within the subject alley.

3. The applicant shall be responsible for all required permits, work, inspections 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:

11-14-13

Planning & Economic Development Dept. Date

11/18/13

City Attorney (Designee) Date

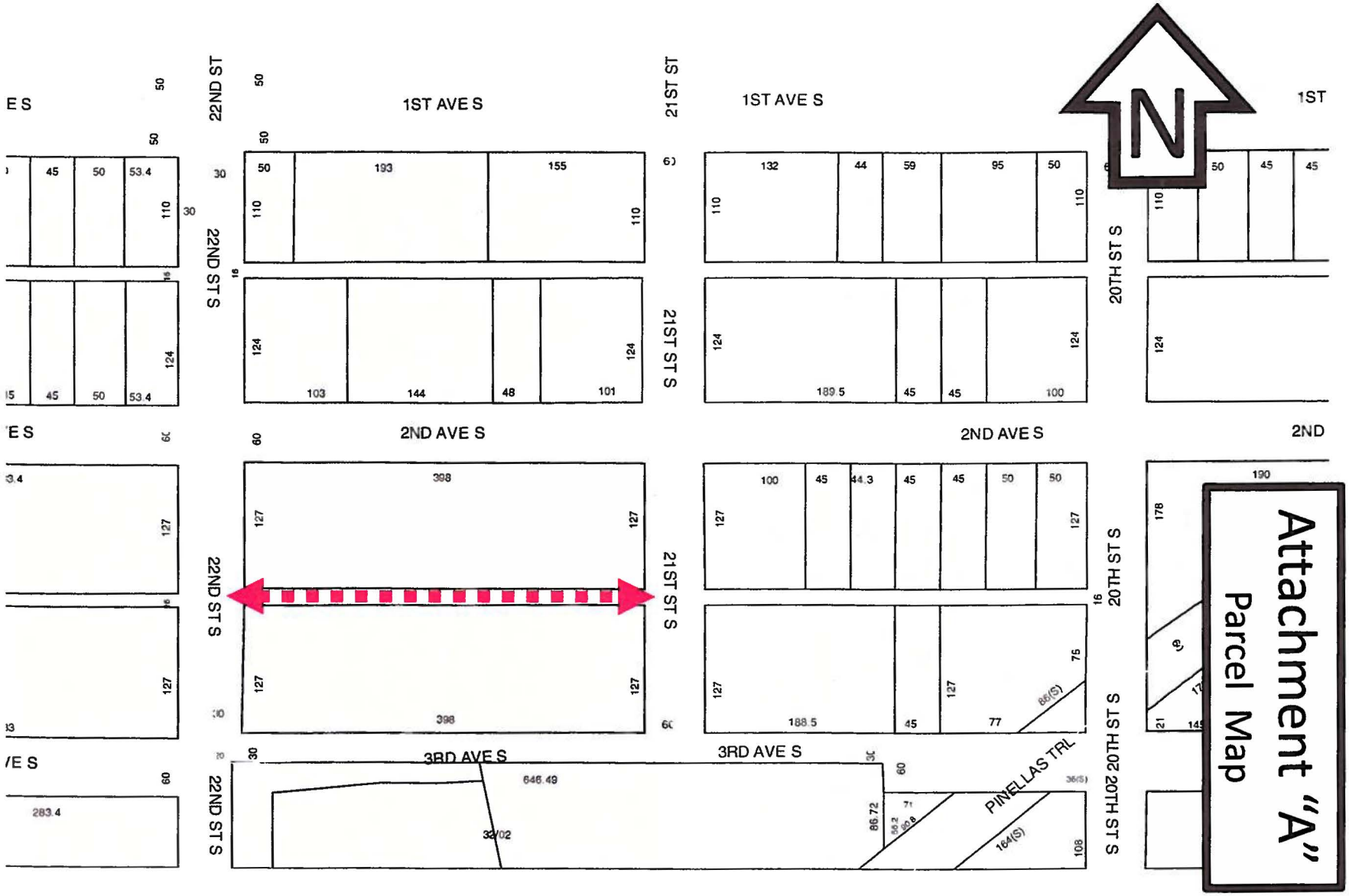
Exhibit "A"

That certain 16-foot alley located in Block 10, SPEAR AND PITTSER'S SUBDIVISION, recorded in Plat Book 1, Page 5, Public Records of Pinellas County, Florida, bounded on the East by the West right of way line of 21st Street South and bounded on the West by the East right of way line of 22nd Street South.

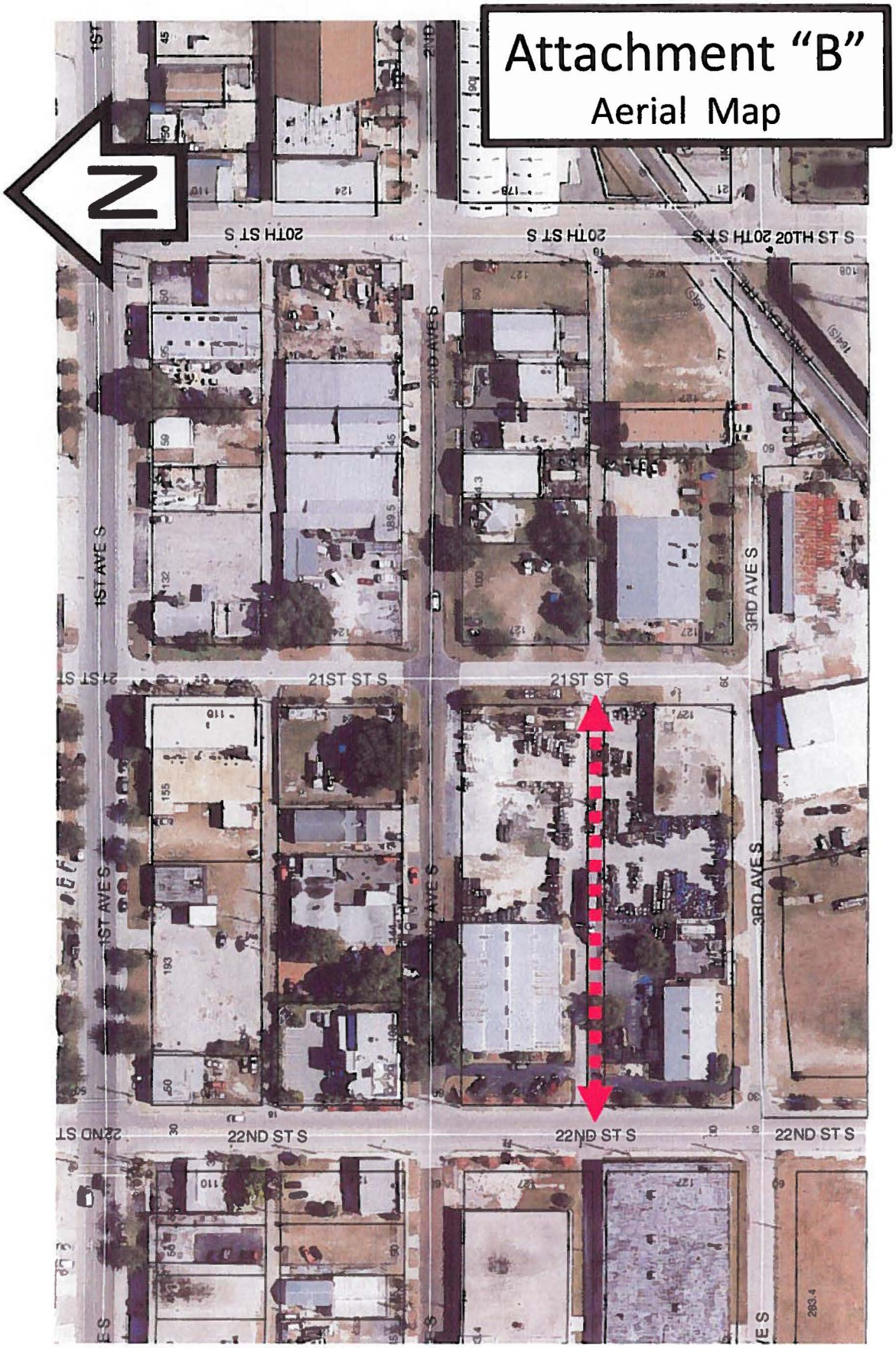
St. Petersburg, Florida

Attachment "A"

Parcel Map



Attachment "B"
Aerial Map



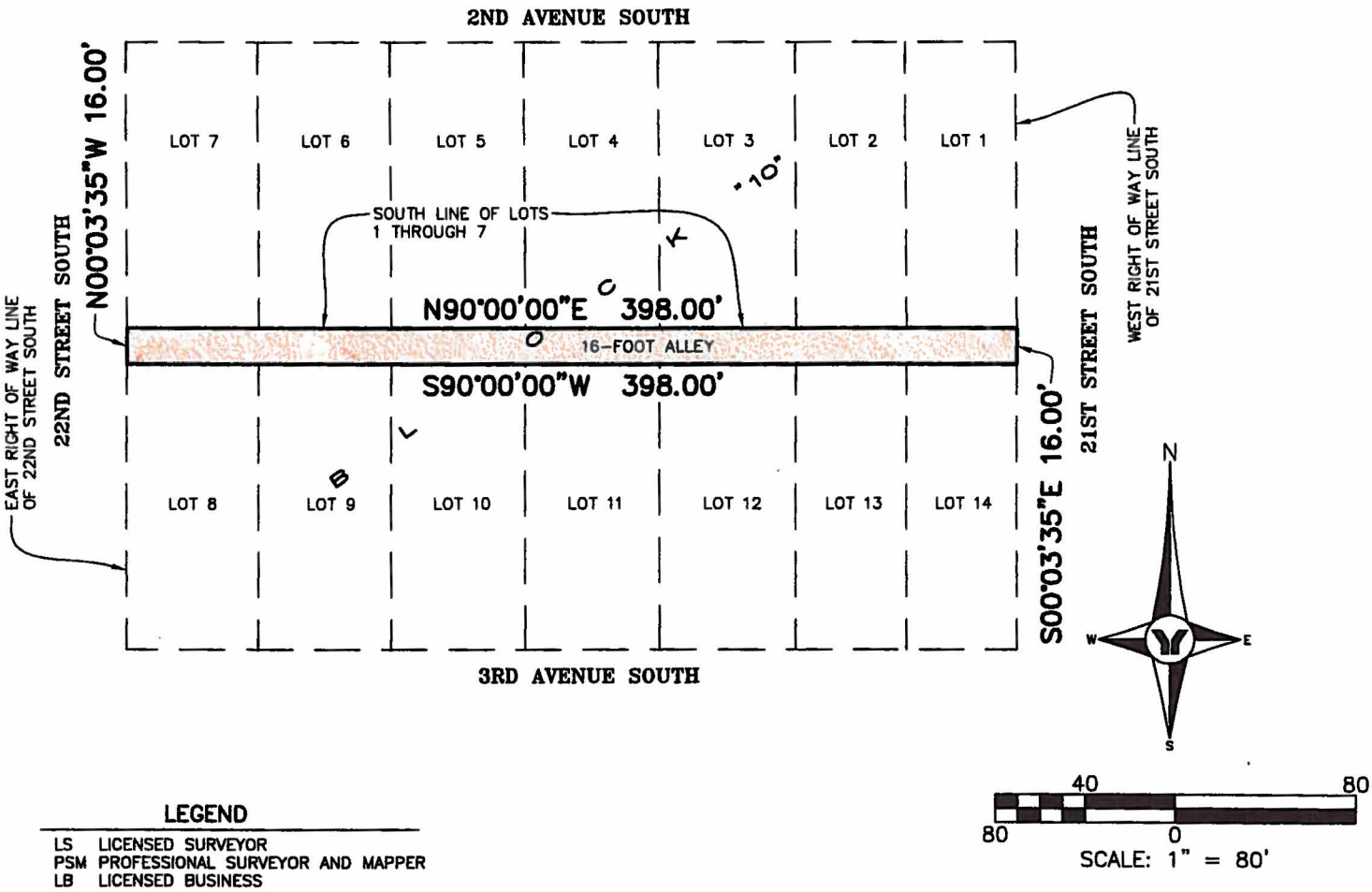
LEGAL DESCRIPTION

THAT CERTAIN 16-FOOT ALLEY LOCATED IN BLOCK 10, SPEAR AND PITTSER'S SUBDIVISION, RECORDED IN PLAT BOOK 1, PAGE 5, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE OF 21ST STREET SOUTH AND BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF 22ND STREET SOUTH.

ST. PETERSBURG, FLORIDA

Attachment "C"

Surveyor's Sketch



LEGEND

LS LICENSED SURVEYOR
PSM PROFESSIONAL SURVEYOR AND MAPPER
LB LICENSED BUSINESS

NOTES

1. BASIS OF BEARINGS: ASSUMED N90°00'00"E ALONG THE SOUTH LINE OF LOTS 1 THROUGH 7.
2. THIS SKETCH IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY.
3. NOT A BOUNDARY SURVEY.
4. THIS SKETCH IS MADE WITHOUT THE BENEFIT OF A TITLE REPORT OR COMMITMENT FOR TITLE INSURANCE.
5. THIS MAP INTENDED TO BE DISPLAYED AT A SCALE OF 1"=80'.
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.

PREPARED FOR:
HBB4, LLC

222 22ND STREET SOUTH
PROPOSED VACATION DESCRIPTION & SKETCH
SECTION 24, TOWNSHIP 31 S., RANGE 16 E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	JLS	10/10/13
CHECKED	CAB	10/10/13
FIELD BOOK		
FIELD DATE		

Catherine A. Bosco
CATHERINE A. BOSCO PSM LS 6257
OCTOBER 10, 2013
DATE

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JOB NO. 12010302SS
SHEET NO. 1 OF 1

FILE: I:\PROJECT\SUR\12010302SS\DWG\12010302SS00SK.DWG
LOGIN: JLSMITH
PLOTTED: 10/10/13 11:33:54

Attached documents for item Amending the text of the City Code, Chapter 16, Land Development Regulations (LDRs) regarding assignment of the powers and duties to its regulating commissions. This request is to consolidate three (3) existing commissions into two (2) proposed commissio

ST. PETERSBURG CITY COUNCIL

Meeting of December 5, 2013

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

SUBJECT: **City File LDR-2013-03:** Amendment to the Land Development Regulations ("LDRs"), Chapter 16, City Code of Ordinances.

REQUEST: First reading of the attached ordinance to amend the text of the city's Land Development Regulations (LDRs), City Code Chapter 16, regarding assignment of the powers and duties to its regulating commissions. This request is to consolidate three (3) existing commissions into two (2) proposed commissions:

Existing:

- Planning and Visioning Commission ("PVC");
- Community Preservation Commission ("CPC"); and
- Development Review Commission ("DRC")

Proposed:

- Community Planning and Preservation Commission ("CPPC"); and
- Development Review Commission ("DRC").

ANALYSIS: An introduction and detailed analysis is provided in the attached staff report prepared for the DRC.

SPECIAL NOTE: Since the DRC meeting and recommendation of November 6, 2013, the "Commission and City Council Decisions and Appeals" table has been amended to include additional process types, and the format was modified to enhance the reader's comprehension.

SUMMARY: Administration:

The Administration recommends APPROVAL.

Development Review Commission:

On November 6, 2013 the DRC, acting as the Land Development Regulation Commission ("LDRC"), determined through unanimous vote that the proposed amendments are consistent with the Comprehensive Plan and recommends APPROVAL.

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 19, 2013

ATTACHMENTS: Ordinance to Amend the LDRs
DRC Staff Report

AN ORDINANCE AMENDING CHAPTER 16 OF THE ST. PETERSBURG CITY CODE BY DELETING THE PLANNING AND VISIONING COMMISSION AND THE COMMUNITY PRESERVATION COMMISSION, AND CREATING THE COMMUNITY PLANNING AND PRESERVATION COMMISSION; BY CHANGING CERTAIN REFERENCES TO THE COMMUNITY PRESERVATION COMMISSION TO BE THE COMMUNITY PLANNING AND PRESERVATION COMMISSION; BY CHANGING CERTAIN REFERENCES FROM THE ACRONYM CPC TO THE CPPC; BY CHANGING CERTAIN REFERENCES TO THE PLANNING AND VISIONING COMMISSION TO BE THE COMMUNITY PLANNING AND PRESERVATION COMMISSION AND THE DEVELOPMENT REVIEW COMMISSION; BY CHANGING CERTAIN REFERENCES FROM THE ACRONYM PVC TO THE CPPC AND DRC; BY REASSIGNING ALL DUTIES OF THE PLANNING AND VISIONING COMMISSION AND THE COMMUNITY PRESERVATION COMMISSION; BY DELETING CERTAIN REFERENCES TO THE PLANNING AND VISIONING COMMISSION; BY DELETING CERTAIN REFERENCES TO THE ACRONYM PVC; BY CHANGING CERTAIN APPEALS AND REFERENCES FROM THE ADMINISTRATOR TO THE DEVELOPMENT REVIEW COMMISSION; BY CREATING A TABLE IDENTIFYING DECISIONS AND APPEALS ROUTES CROSS-REFERENCING CODE SECTIONS THROUGHOUT CHAPTER 16; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Sections 1-17., 8-459., 12-5., 13-53., 13-298., 13-299., 13-351., 13-467., 16.20.020.7.2., 16.20.020.11., 16.20.030.10., 16.30.020.3., 16.30.070.2.3., 16.40.060.2.1.1., 16.40.140.2.5., 16.90.020.3., 17-358., and 17-394. of the St. Petersburg City Code are hereby amended by changing the reference to the Community Preservation Commission to be the Community Planning and Preservation Commission.

SECTION 2. Section 16.70.010.9. of the St. Petersburg City Code is hereby amended by changing the reference to the CPC to be the CPPC.

SECTION 3. Sections 16.40.140.4.6. and 16.60.030.7. of the St. Petersburg City Code are hereby amended by changing the reference to the Community Preservation Commission to be the Development Review Commission.

SECTION 4. Sections 16.05.010. and 16.60.040.2. of the St. Petersburg City Code are hereby amended by changing the reference to the Planning and Visioning Commission to be the Community Planning and Preservation Commission.

SECTION 5. References to the Planning and Visioning Commission in Sections 1-17., 16.70.030.1.2., 16.70.030.1.4., 16.70.030.1.7., 16.70.030.1.9., 16.70.030.1.10., and 16.90.020.3. of the St. Petersburg City Code are hereby deleted.

SECTION 6. Sections 16.70.030.1.5., 16.70.030.1.6., 16.70.030.1.11., 16.70.030.1.13., 16.70.040.1.10., 16.70.040.1.14., 16.70.040.1.15., 16.70.040.1.17., 16.70.050.1.4., 16.70.060.2., 16.70.070.1.1., and 16.70.070.1.2. of the St. Petersburg City Code are hereby amended by changing the reference to the Community Preservation Commission to be the commission designated in the Decisions and Appeals Table.

SECTION 7. Sections 16.70.030.1.11., 16.70.030.1.12., 16.70.030.1.13., and 16.70.040.1.14. of the St. Petersburg City Code are hereby amended by changing the reference to the CPC to be the commission designated in the Decisions and Appeals Table.

SECTION 8. Sections 16.70.040.1.1. of the St. Petersburg City Code is hereby amended by changing the reference to the Planning and Visioning Commission to be the commission designated in the Decisions and Appeals Table.

SECTION 9. Sections 16.70.040.1., 16.70.040.1.1., 16.70.040.1.2., 16.70.040.1.3., 16.70.040.1.4., 16.70.040.1.5., 16.70.040.1.9., 16.70.040.1.10., 16.70.040.1.11., 16.70.040.1.16., 16.70.040.1.19., 16.70.050.1.1., 16.70.050.1.2., 16.70.050.1.3., 16.70.050.1.5., 16.70.050.1.6., and 16.70.050.1.8. of the St. Petersburg City Code are hereby amended by changing the reference to the Development Review Commission to be the commission designated in the Decisions and Appeals Table.

SECTION 10. Section 16.70.040.1.11. of the St. Petersburg City Code is hereby amended by changing the reference to the Development Review Commission (DRC) to be the commission designated in the Decisions and Appeals Table.

SECTION 11. Sections 16.40.060.4.2., 16.70.010.6.A.3., and 16.70.030.1. of the St. Petersburg City Code are hereby amended by changing the reference to the Administrator to be the Development Review Commission.

SECTION 12. Section 16.04.010. of the St. Petersburg City Code is hereby amended to read as follows:

16.04.010. - Ordinances incorporated.

A. The City Council has adopted Ordinance No. 1072-F, the Intown Area-Wide Development of Regional Impact Development Order (IADO) and Ordinance 1142-F, the Gateway Area-Wide Development of Regional Impact Development Order (GADO). These development orders may constitute Land Development Regulations on the land which is subject thereto. Such ordinances are hereby ratified and confirmed with their effective dates continuing to be the effective dates as respectively set forth therein.

1. Intown Area-Wide Development Order (IADO) Ordinance No. 1072-F, as amended, is incorporated herein by reference as if set forth in its entirety.

2. Gateway Area-Wide Development Order (GADO) Ordinance No. 1142-F, as amended, is incorporated herein by reference as if set forth in its entirety.

B. The CPPC shall review any proposed amendments to an areawide development order. The CPPC shall hold a public hearing, after providing written notice as required in the Applications and Procedures Section, before making a recommendation to City Council to approve, deny or approve with conditions.

SECTION 13. Section 16.30.070.2.7. of the St. Petersburg City Code is hereby amended to read as follows:

16.30.070.2.7. Appeals.

Decisions of the POD may be appealed to the ~~CPC~~ Commission. Decisions of the ~~CPC~~ Commission may be appealed to City Council.

SECTION 14. Sections 16.70.010.4.A., B.5., and B.6.b. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.010.4. Supplemental notice.

A. *Notice requirements.* The City Council, Development Review Commission, ~~Planning and Visioning Commission,~~ and Community Planning and Preservation Commission shall provide the supplemental notice set forth in this section for public hearings. For those applications which the POD has the authority to review and approve and which are made appealable to a board or commission of the City or City Council, the POD shall comply with the written and posted supplemental notice requirements set forth in this section. Such supplemental notice shall only apply to decisions of the POD which are made concerning a written request or application for which the applicant has paid a fee and for which the POD gives a written approval or denial.

B. 5. *Complete copy of application.* One complete copy of each application to the Development Review Commission (DRC) and ~~Planning and Visioning Commission (PVC)~~ Community Planning and Preservation Commission (CPPC) shall be provided by the applicant to the neighborhood and business association representatives listed by the POD. One complete copy of a nonowner or noncity initiated historic designation shall be provided by the applicant to the owner of the property. The term, "complete" includes one copy of the information required and any additional information (including studies) required by the POD to review the request. The application shall be either delivered or mailed by U.S. mail with a U.S. Postal Service Certificate of Mailing returned to the POD. Proof that a copy of the application was mailed or delivered shall be delivered to the POD within seven days of application submittal. The POD shall not process the application until receipt of such proof of mail or delivery.

6. b. For variances and site plan reviews requiring ~~CPC~~ CPPC or DRC approval, mailed notice shall be provided to the neighboring government for comment, where the subject property is located within one-fourth mile (1,320 linear feet) of a neighboring government.

SECTION 15. Sections 16.70.010.6.B and J.5. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.010.6. Appeals.

B. *Who may hear appeals.* Except for decisions which are declared by these regulations to be the final decision of the City:

1. ~~A decision of the Planning and Visioning Commission to approve or deny an application may be appealed to the City Council.~~

~~2.~~ A decision of the Development Review Commission to approve or deny an application may be appealed to the City Council ~~except a decision in an appeal from a decision of the POD to approve or deny an application related only to docks, which shall not be appealable to City Council~~ in the manner designated in the Decisions and Appeals Table.

~~3.~~2. A decision of the Community Planning and Preservation Commission to approve or deny an application may be appealed to the City Council ~~if and to the extent the decision is expressly made subject to appeal by this~~

~~chapter. Otherwise, a decision of the CPC shall be deemed the final decision of the City~~ in the manner designated in the Decisions and Appeals Table.

~~4.~~3. A decision of the POD to approve or deny an application ~~which is streamlined~~ may be appealed to ~~the~~ a Commission ~~which would hear the request if the application was not streamlined. Other decisions of the POD may be appealed if and to the extent the decision is expressly made subject to appeal by this chapter~~ or the City Council in the manner designated in the Decisions and Appeals Table.

~~5.~~4. The City may not establish appellate jurisdiction of the courts; however, if allowed by the Florida Rules of Appellate Procedure or other rule or judicial decision, a decision of the City Council or of the POD or any commission of the City which is declared by these regulations to be the final decision of the City may be subject to judicial review in the manner provided by law.

J. 5. Supermajority vote. A supermajority vote of the City Council shall be required in order to reverse a decision made by the Development Review Commission~~, Planning and Visioning Commission~~ or Community Planning and Preservation Commission to approve, approve with conditions, or deny an application which is properly before the City Council or, in an historic designation application, to approve a designation over an owner's objection. A supermajority vote is not required to reverse any recommendation on a legislative matter, including a text amendment to the Comprehensive Plan or Land Development Regulations, a vacation, street closing or name change.

For the purposes of this paragraph, the term "reverse" does not mean adding, changing, or removing conditions of approval, or changing a zoning or land use designation to a lesser intense designation. Supermajority means, if eight members are present and voting, an affirmative vote of at least six members and, if less than eight members are present and voting, an affirmative vote of at least five members.

SECTION 16. Sections 16.70.030.1.2.B.5. and E. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.030.1.2. Dock permit.

B. 5. Where applicable, a copy of the staff report and meeting minutes resulting from the action of ~~the Community Preservation Commission, Development Review Commission, Planning and Visioning~~ any Commission or City Council relating to the proposed dock.

E. *Variances.* The POD shall have the power to grant variances to the side setback requirements by following the criteria established for the granting of variances generally. Notice is not required if notarized letters of approval from the owners of all lots within 200 feet of the side where a side setback variance is requested are provided. Those letters are evidence that the variance criteria have been met. Requests for other variances shall be reviewed by the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table.

SECTION 17. Sections 16.70.030.1.4.B.2 and D.2. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.030.1.4. Landscape permit.

B. 2. Where applicable, a copy of the staff report and meeting minutes resulting from the action of ~~the Community Preservation Commission, Development Review Commission, Planning and Visioning~~ any Commission or City Council relating to the proposed development or redevelopment;

D. 2. Requests for variances shall be reviewed by the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table.

SECTION 18. Section 16.70.030.1.7.B.2. of the St. Petersburg City Code is hereby amended to read as follows:

16.70.030.1.7. Sidewalk café permit.

B. 2. Where applicable, a copy of the staff report and meeting minutes resulting from the action of ~~the Community Preservation Commission, Development Review Commission, Planning and Visioning~~ any Commission or City Council relating to the proposed sidewalk café.

SECTION 19. The St. Petersburg City Code is hereby amended by adding a new section 16.70.030.1.7.F. to read as follows:

F. *Variances.* Requests for variances shall be reviewed by the commission designated in the Decisions and Appeals Table.

SECTION 20. Sections 16.70.030.1.9.B.6 and F. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.030.1.9. Sign permit.

B. 6. Where applicable, a copy of the staff report and meeting minutes resulting from the action of ~~the Community Preservation Commission, Development Review Commission, Planning and Visioning~~ any Commission or City Council relating to the proposed development or redevelopment.

F. *Variances.*

1. A complete application for a variance from any of the provisions of this section, accompanied by the fee for such application, shall be processed and reviewed by the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table. In such cases, the following deadlines shall apply:

   a. A decision approving, approving with conditions, or denying the request shall be rendered within 60 days after receipt by the POD of the application for the variance. If a decision is not made within such time, the application shall be deemed denied.

   b. A decision of the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table on an application for a variance from any of the provisions of this section, which does not include an application for a variance from any other provision of the Code, shall not be subject to review by the City Council.

2. Other variances. If the application includes a request for one or more variances from another provision of the Code, the decision of the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table shall be subject to review by the City Council as is otherwise provided in this Code upon the timely filing of a notice of appeal.

3. Any decision of the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table as provided in this section shall be deemed a final, quasi-judicial decision of the City. Any person aggrieved by the decision shall have the right to seek judicial review by a circuit court of the Sixth Judicial Circuit in and for Pinellas County, Florida, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

SECTION 21. Sections 16.70.030.1.10.B.2., D., and E. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.030.1.10. Temporary parking lot permit.

B. 2. Where applicable, a copy of the staff report and meeting minutes resulting from the action of ~~the Community Preservation Commission, Development Review Commission, Planning and Visioning~~ any Commission or City Council relating to the proposed development or redevelopment;

D. *Variances.* Requests for variances ~~from any non-landscape provision shall be reviewed by the Community Preservation Commission. Requests for variances from any landscape provision~~ shall be reviewed by the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table.

E. *Appeal.* Decisions of the POD to approve, extend, or deny a permit may be appealed to the ~~CPC~~ commission designated in the Decisions and Appeals Table, whose decision shall be deemed the final decision of the City.

SECTION 22. Sections 16.70.040.1.6.A. and C. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.040.1.6. Variances, generally.

A. *Applicability.* The purpose of a variance is to ensure that no property, because of the special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity. Variances shall be reviewed and may be approved, approved with conditions, or denied by the ~~Community Preservation Commission (CPC) or the Development Review Commission (DRC)~~ commission designated in the Decisions and Appeals Table.

~~Unless otherwise provided in this chapter, the DRC shall have exclusive variance power for all applications involving docks, landscaping, or a site or use which has received or which requires special exception or site plan review approval. SPR approval is required for any variance to the dock or landscape regulations. Requests for a variance shall follow the procedures for special exception and site plan review. Unless otherwise provided in this chapter, the CPC shall have exclusive variance power for all other applications. Requests to the CPC for such variances shall follow these procedures.~~

C. *Procedures.*

1. *Staff review and recommendation.* Upon receipt of a variance application, the POD shall determine whether the application complies with all submittal requirements and standards for review.

   a. *Streamline approval.* If the POD determines that the application complies with all submittal requirements and standards for review, the POD may approve such application with or without conditions. The POD shall provide written and posted notice prior to making a final decision. The POD's decision shall be in writing and shall state the reasons for such approval.

   b. *Appeals.* A decision of the POD to approve, approve with conditions or deny an application may be appealed to the ~~Community Preservation Commission~~ commission designated in the Decisions and Appeals Table, whose decision shall be deemed the final decision of the City.

2. *Commission review and decision.*

   a. *Public hearing.* If the POD determines that, because of new or unusual circumstances, the application requires review by the ~~Community Preservation Commission~~ commission designated in the Decisions and Appeals Table or that the application does not comply with all submittal requirements and standards for review, the POD shall send a report to the ~~Community Preservation Commission~~ commission designated in the Decisions and Appeals Table, with a copy to the applicant, if any, recommending whether the application should be approved, approved with conditions or denied and the grounds for such recommendation.

b. *Commission decision.* Upon receipt of the recommendation from the POD, the ~~Commission~~ commission designated in the Decisions and Appeals Table shall conduct a public hearing on the application and shall approve, approve with conditions or deny the requested site plan. After considering the application and evidence, the ~~Commission~~ commission designated in the Decisions and Appeals Table may defer action for no more than 60 days to obtain additional information.

SECTION 23. Sections 16.70.050.1.7.C.1., E., and F. of the St. Petersburg City Code are hereby amended to read as follows:

16.70.050.1.7. Preliminary plat.

C. 1. Upon receipt of the preliminary plat, the POD shall determine whether the application complies with all applicable requirements contained in the Land Development Regulations, Florida Statutes and any conditions imposed by any ~~the Development Review Commission, Planning and Visioning Commission, Community Planning and Preservation~~ Commission or City Council. If the POD determines that the preliminary plat application complies and that approval of the application requires no variance from any applicable requirement, the preliminary plat application shall be approved.

If the POD determines that the application does not comply, the POD shall identify the application's deficiencies and shall either deny the application or, if the applicant applies for a variance, withhold approval pending approval of the variance.

E. *Appeal.* Decisions of the POD approving, approving with conditions or denying a preliminary plat may be appealed to the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table, whose decision may be appealed to the City Council.

F. *Variances.* Requests for variances shall be reviewed by the ~~Development Review Commission~~ commission designated in the Decisions and Appeals Table.

SECTION 24. The catchline of Section 16.70.060. of the St. Petersburg City Code is hereby amended to read as follows:

16.70.060. ~~DESIGN REVIEW AND~~ HISTORIC PRESERVATION.

SECTION 25. Section 16.70.060.1. of the St. Petersburg City Code is hereby repealed and deleted in its entirety.

SECTION 26. Section 16.80.010. of the St. Petersburg City Code is hereby amended to read as follows:

16.80.010. – COMMUNITY PLANNING AND PRESERVATION ~~VISIONING~~ COMMISSION (CPPC ~~PVC~~)

16.80.010.1. - Powers and duties.

A. There is hereby created a Community Planning and Preservation ~~Visioning~~ Commission (CPPC ~~PVC~~) to act as the local planning agency (LPA) for the purposes of and as required by the Local Government Comprehensive Planning and Land Development Regulation Act. The CPPC ~~PVC Planning and Visioning Commission~~ as the ~~local planning agency~~ LPA and, where required, the county planning council shall act upon all proposed amendments to the Comprehensive Plan and any element or portion thereof in all cases in which ~~local planning agency~~ LPA review and recommendations are required by the Local Government Comprehensive Planning and Land Development Regulations Act.

B. The CPPC ~~PVC~~ shall also consider long-range issues that are of current interest to the community, identified in the Vision 2020 Plan or other community-wide planning activity.

C. ~~The PVC shall have such other duties and responsibilities as are delegated to it under this chapter.~~ The CPPC shall act on historic and archaeological matters, including acting as the land development regulation commission (LDRC) for the purposes of and as required by the Local Government Comprehensive Planning and Land Development Regulation Act to review and evaluate proposed modifications to the Land Development Regulations related to historic and archaeological preservation, to review and evaluate proposed historic designations, certificates of appropriateness and any other action to be performed pursuant to the Historic and Archaeological Preservation Overlay Section, and perform all other duties required by the City of St. Petersburg's Certified Local Government Statutes awarded by the State.

D. The CPPC shall also hear certain appeals where specifically required by this chapter.

E. The CPPC shall have such other duties and responsibilities as are delegated to it under this chapter.

16.80.010.2. - Membership.

A. The CPPC ~~PVC Planning and Visioning Commission~~ shall be composed of seven regular members and three alternate members. Each member shall be a resident of the City of St. Petersburg. Each member shall be appointed by the Mayor and confirmed by the City Council.

B. In making appointments to the CPPC ~~PVC~~, the Mayor and City Council should seek a membership with diverse economic, geographic, social and professional representation and, where possible, should include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, and land use law and real estate.

16.80.010.3. - Technical and professional assistance.

The CPPC ~~PVC~~ may, subject to City Council approval and consistent with appropriate budgetary procedures, recommend the securing of technical and professional services as may be necessary to facilitate the work of the CPPC ~~PVC~~.

SECTION 27. Section 16.80.020.2 of the St. Petersburg City Code is hereby amended to read as follows:

16.80.020.2. Membership, terms, vacancies and removal.

A. The DRC shall be composed of seven regular members and three ~~two~~ alternate members. Each member shall be a resident of the City. Each member shall be appointed by the Mayor and confirmed by the City Council.

B. In making appointments to the DRC, the Mayor and City Council should seek a membership with diverse economic, geographic, social and professional representation and, where possible, should include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, and land use law and real estate.

SECTION 28. Section 16.80.030. of the St. Petersburg City Code is hereby repealed and deleted in its entirety.

SECTION 29. The St. Petersburg City Code is hereby amended by adding a new section 16.70.015. to read as follows:

16.70.015. Decisions and Appeals Table.

The following table summarizes decisions and appeals routes regarding many zoning permits, planning and zoning decisions, subdivision decisions, historic preservation, and supplemental procedures. Refer to the City Code Section listed for a detailed description of the procedure. The text of the relevant City Code Section shall be determinative of the procedure required. Not all decision and appeal rights are outlined herein.

Decisions and Appeals				
Process Type	**City Code Section**	**POD Decision**	**Commission Decision**	**City Council Decision**

Articles 16.01. through 16.60.				
Area-Wide Developments of Regional Impact (DRI)	16.04.	Advisory to CPPC	CPPC (advisory to City Council)	Final
Development Agreements	16.05.	Advisory to CPPC	CPPC (advisory to City Council)	Final
Overlay District Regulations, Albert Whitted Airport, *Airport Noise Impact Area Variances*	16.30.010.8.	Advisory to DRC	DRC (appealable to City Council)	Final
Overlay District, Adaptive Reuse of Historic Buildings, *Minor*	16.30.020.3.	Final (appealable to CPPC)	CPPC (appealable to City Council)	Final
Overlay District, Adaptive Reuse of Historic Buildings, *Major*	16.30.020.3.	Advisory to CPPC	CPPC (appealable to City Council)	Final
Overlay District Regulations, Large Tract Planned Development	16.30.090.	Advisory to DRC	DRC (appealable to City Council)	Final
Community Residential Home, *One to Six Residents*	16.50.90.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Community Residential Home, *Seven to Fourteen Residents*	16.50.100.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Community Residential Home, *More than Fourteen Residents*	16.50.110.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Wireless Communication Antennae & Support Structures, *No Variance*	16.50.480.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Wireless Communication Antennae & Support Structures, *Variance Required*	16.50.480.	Advisory to DRC	DRC (appealable to City Council)	Final
Change of Grandfathered Use to Different Grandfathered Use of Equal or Lesser Intensity	16.60.030.7.2.C	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Uses Not Listed	16.60.040.2	Final (appealable to CPPC)	CPPC (Final)	not applicable
Extensions and Duration of Approvals, Under These Land Development Regulations *(not including Certificates of Appropriateness)*	16.70.010.9.	Final (appealable to DRC)	DRC (Final)	not applicable
Extensions and Duration of Approvals, Under These Land Development Regulations *(involving Certificates of Appropriateness)*	16.70.010.9.	Advisory to CPPC	CPPC (Final)	not applicable

Extensions and Duration of Approvals, *Previous Code; Modifications*	16.70.010.10.	Final (appealable to City Council)	not applicable	Final
Zoning Permits, Generally (Section 16.70.030.)				
Adult Use Permits, Appeals and Variances	16.70.030.1.1.	Advisory to City Council	not applicable	Final
Dock Permits	16.70.030.1.2.	Final (appealable to DRC)	DRC (Final)	not applicable
Dock Permit Appeals and Variances	16.70.030.1.2.	Advisory to DRC	DRC (Final)	not applicable
Dog Dining Permits	16.70.030.1.3.	Final (appealable to DRC)	DRC (Final)	not applicable
Landscape Permits	16.70.030.1.4.	Final (appealable to DRC)	DRC (Final)	not applicable
Pushcart Vending Permits	16.70.030.1.5.	Final (appealable to DRC)	DRC (Final)	not applicable
Roadside Vending Market Permits	16.70.030.1.6.	Final (appealable to DRC)	DRC (Final)	not applicable
Sidewalk Café Permits	16.70.030.1.7.	Final (appealable to DRC)	DRC (Final)	not applicable
Sidewalk Retail Display Permits	16.70.030.1.8.	Final (appealable to DRC)	DRC (Final)	not applicable
Sign Permits	16.70.030.1.9.	Final (appealable to DRC)	DRC (Final)	not applicable
Temporary Parking Lot Permits	16.70.030.1.10.	Final (appealable to DRC)	DRC (Final)	not applicable
Temporary Use Permits	16.70.030.1.11.	Final (appealable to DRC)	DRC (Final)	not applicable
Tree Removal Permits	16.70.030.1.12.	Final (appealable to DRC)	DRC (Final)	not applicable
Community Garden Permit	16.70.030.1.13.	Final (appealable to DRC)	DRC (Final)	not applicable
Planning & Zoning Decisions (Section 16.70.040.)				
Conceptual Plan Approval	16.70.040.1.G.	Advisory to DRC	DRC (appealable to	Final

			City Council)	
Modifications of Previously Approved Site Plan Review or Special Exception Decisions, *Minor*	16.70.040.1.H.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Modifications of Previously Approved Site Plan Review or Special Exception Decisions, *All other types*	16.70.040.1.H.	Advisory to DRC	DRC (appealable to City Council)	Final
Amendments to Future Land Use Map or Official Zoning Map	16.70.040.1.1.D.1.	Advisory to CPPC	CPPC (advisory to City Council)	Final
Amendments to Text of the Comprehensive Plan	16.70.040.1.1.D.2.	Advisory to CPPC	CPPC (advisory to City Council)	Final
Amendments to the Land Development Regulations, not including certain historic and archaeological preservation matters	16.70.040.1.1.D.3.	Advisory to DRC	DRC (advisory to City Council)	Final
Amendments to the Land Development Regulations related to historic and archaeological preservation	16.70.040.1.1.D.3.	Advisory to CPPC	CPPC (advisory to City Council)	Final
Bonus Approval, *Streamline (DC Zoning)*	16.70.040.1.2.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Bonus Approval, *Public Hearing (DC Zoning)*	16.70.040.1.3.	Advisory to DRC	DRC (appealable to City Council)	Final
Site Plan Review	16.70.040.1.4.	Advisory to DRC	DRC (appealable to City Council)	Final
Special Exceptions	16.70.040.1.5.	Advisory to DRC	DRC (appealable to City Council)	Final
Variances, Generally *(streamline decisions)*	16.70.040.1.6.	Final (appealable to DRC)	DRC (Final)	not applicable
Variances, Generally *(public hearing decisions)*	16.70.040.1.6.	Advisory to DRC	DRC (Final)	not applicable
Variances, *Adult Use Regulations*	16.70.040.1.7.	Advisory to City Council	not applicable	Final
Variances, *Related to a Certificate of Appropriateness Application*	16.80.010.1.C.	Advisory to CPPC	CPPC (appealable to City Council)	Final
Variance, *Albert Whitted Airport Regulations*	16.70.040.1.8.	Final (appealable to DRC)	DRC (Final)	not applicable
Exemptions, Demolition in Certain Zoning Districts	16.70.040.1.9.	Final (appealable to DRC)	DRC (Final)	not applicable

Variance, *Design Standards*	16.70.040.1.10.	Final (appealable to DRC)	DRC (Final)	not applicable
Variance, *Drainage & Surface Water Management*	16.70.040.1.11.	Final (appealable to DRC)	DRC (Final)	not applicable
Variance, *Floodplain Management*	16.70.040.1.12.	Advisory to DRC	DRC (appealable to City Council)	Final
Reinstatement of Abandoned Grandfathered Uses *Up to 3 abandoned dwelling units*	16.70.040.1.14.	Final (appealable to DRC)	DRC (Final)	not applicable
Reinstatement of Abandoned Grandfathered Uses *More than 3 abandoned dwelling units or any nonresidential use*	16.70.040.1.14.	Advisory to DRC	DRC (Final)	not applicable
Redevelopment of Grandfathered Uses	16.70.040.1.15.	Advisory to DRC	DRC (Final)	not applicable
Transfer of Development Rights, *Environmental*	16.70.040.1.16.	Advisory to DRC	DRC (Final)	not applicable
Transfer of Development Rights, *Historic*	16.70.040.1.17.	Final (appealable to CPPC)	CPPC (appealable to City Council)	Final
Workforce Housing Density Bonus *Up to 12 bonus dwelling units*	16.70.040.1.19.	Final (appealable to DRC)	DRC (Final)	not applicable
Workforce Housing Density Bonus *More than 12 bonus dwelling units*	16.70.040.1.19.	Advisory to DRC	DRC (Final)	not applicable
Subdivision Decisions (Section 16.70.050.)				
Vacating Public Right-of-way (or associated air or subsurface rights)	16.70.050.1.1.	Advisory to DRC	DRC (advisory to City Council)	Final
Vacating Public Easements (or associated air or subsurface rights)	16.70.050.1.1.	Advisory to Mayor	Mayor (Final)	not applicable
Lot Refacing *No variances*	16.70.050.1.2.	Final (appealable to DRC)	DRC (Final)	not applicable
Lot Refacing *If variances required*	16.70.050.1.2.	Advisory to DRC	DRC (Final)	not applicable
Lot Line Adjustment *No variances*	16.70.050.1.3.	Final (appealable to DRC)	DRC (Final)	not applicable
Lot Line Adjustment *If variances required*	16.70.050.1.3.	Advisory to DRC	DRC (Final)	not applicable
Street Name Change / Co-naming	16.70.050.1.4.	Advisory to CPPC	CPPC (advisory to City Council)	Final

Street Closing, *Temporary (Seven days or less)*	16.70.050.1.5.	Final (appealable to DRC)	DRC (Final)	not applicable
Street Closing, *Temporary (More than Seven days)*	16.70.050.1.5.	Advisory to DRC	DRC (appealable to City Council)	Final
Street Closing, *Temporary (CPTED)*	16.70.050.1.5.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Street Closing, *Permanent*	16.70.050.1.6.	Advisory to DRC	DRC (appealable to City Council)	Final
Plat, *Preliminary*	16.70.050.1.7.	Final (appealable to DRC)	DRC (appealable to City Council)	Final
Plat, *Final*	16.70.050.1.8.	Advisory to City Council	not applicable	Final
Historic Preservation (Section 16.70.060.)				
Historic Designation of Property	16.70.060.2.	Advisory to CPPC	CPPC (advisory to City Council)	Final
Certificate of Appropriateness (COA) of Historically Designated Property	16.70.060.3.	Refer to the COA Approval Matrix (appealable to City Council)		Final
Ad Valorem Tax Exemption for Historically Designated Property, *Preconstruction Application*	16.70.060.4.	Refer to the COA Approval Matrix (appealable to City Council)		Final
Ad Valorem Tax Exemption for Historically Designated Property, *Review of Completed Work*	16.70.060.4.	Advisory to CPPC	not applicable	Final
Supplemental Procedures (Section 16.70.070.)				
Property Card Interpretation	16.70.070.1.1.	Final (appealable to DRC)	DRC (Final)	not applicable
Zoning, Rebuild/Buildable Lot Letter	16.70.070.1.2.	Final (appealable to DRC)	DRC (Final)	not applicable

1) Any DRC decision may be part of an appeal to the City Council as an accessory issue associated with a principal application (Site Plan Review or Special Exception), where the principal application is appealable to the City Council.

2) Any final decision of the City may be subject to judicial review in the manner provided by law.

SECTION 30. As used in this ordinance, language appearing in ~~struck-through~~ type is language in the City Code to be deleted, and <u>underlined</u> language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City

Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

SECTION 31. 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 32. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective on February 1, 2014. 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, or February 1, 2014, whichever is later.

Approved as to form and content:

City Attorney (designee)

st.petersburg
www.stpete.org

STAFF REPORT | LDR 2013-03

Staff Report to the St. Petersburg Development Review Commission
Prepared by the Planning and Economic Development Department,
Urban Planning and Historic Preservation Division and Development Review Services Division

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: **LDR 2013-03**: Amendments to the Land Development Regulations (LDRs), Chapter 16, City Code of Ordinances.

Request: This is a city-initiated application to amend the text of the city's Land Development Regulations (LDRs), City Code Chapter 16, regarding assignment of the powers and duties to its regulating commissions. This request is to consolidate three (3) existing commissions:

- Planning and Visioning Commission ("PVC");
- Community Preservation Commission ("CPC"); and
- Development Review Commission ("DRC")

...into two (2) commissions:

- Community Planning and Preservation Commission ("CPPC"); and
- Development Review Commission ("DRC").

The DRC is requested to review and recommend approval of the subject amendment, based on consistency with the Comprehensive Plan.

Authority: 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 all proposed LDR amendments with the exception of the Historic and Archeological Preservation Overlay Section.

Analysis: Presently there are three (3) volunteer commissions that review and make decisions on applications related to the Comprehensive Plan and Land Development Regulations (LDRs); the Planning and Visioning Commission (PVC), the Development Review Commission (DRC) and the Community Preservation Commission (CPC). Each of these bodies is comprised of nine (9) volunteer members that are appointed for three (3) year terms by the Mayor and confirmed by City Council. Service on a commission is limited to two (2) full terms (6 years)

for regular members. Alternate members do not have term limits.

Issues Related to the Current Three Commission System

Commission Support:
Each of the commissions is scheduled to meet once per month to handle the various applications that come before them for action. Staff is responsible for managing this process including, establishing schedules, processing applications, preparing staff reports, assuring proper notification, making presentations and preparing meeting minutes and other meeting follow-up actions. Each meeting requires the attendance of Planning and Economic Development management staff, staff responsible for the individual applications, legal staff and a commission clerk. Most meetings are televised and thus require the time and resources of the Marketing Department staff.

Application Reduction:
The current commission structure was established in 2007 as part of the adoption of the current LDRs. Each commission was given certain functions and duties as specified in the LDRs. One of the major changes from the previous LDRs to the current LDRs was streamlining the review and approval processes by allowing greater administrative decision making discretion. The justification for allowing greater administrative latitude in the review and approval processes was largely improvements to the LDRs that include context sensitive zoning and design standards that distinguish, support and protect the character of the suburban and traditional portions of the community.

The 2007 LDRs, as expected, have improved the quality of development in the community and reduced the amount of process and bureaucracy required to get development applications approved. For example, under the previous LDRs, zoning variance applications (generally involving single family residential cases) were reviewed and acted upon by the Board of Adjustment (BOA); agendas for the monthly BOA meetings routinely contained over 30 cases. Variance requests that cannot be streamlined are now reviewed by the CPC. Under the new LDR's, CPC agendas average three (3) or less variance cases per month. Again, this application or "case load" reduction is the result of LDR standards that are in harmony with the development character of the traditional and suburban portions of St. Petersburg. A summary of commission agendas since the adoption of the 2007 shows the relatively light meeting agendas and, in many instances, of meeting cancellation due to lack of agenda items or quorum.

Ambiguity of Duties
Each commission is assigned duties or areas of responsibility in the LDRs. The ambiguity is found when comparing the duties of the DRC and the CPC. Both commissions, among their current duties, have what could be described as overlapping responsibilities to review new development, additions and redevelopment proposals. All of these case types are development related and are reviewed for compliance with the same or similar standards, including general compatibility, Comprehensive Plan consistency, dimensional (setbacks, height, parking, signage, landscaping, etc.) and design (architectural style) standards of the applicable sections of the LDRs.

Quorum

Currently the commissions have seven (7) regular voting members and two (2) alternate members for a total of nine (9) members. Although only five (5) members must be in attendance and able to vote (no conflict) to achieve quorum, it is not uncommon for quorum issues to occur, wherein the commission clerk struggles to confirm that the minimum number of voting members will attend or, in more rare cases, meetings are canceled due to lack of a quorum. Meeting cancelation is an unacceptable situation that not only reflects badly on the city and desired customer service goals, but also creates potential legal liabilities for failure to take timely action on submitted applications. This problem is partially created by the 2,000' separation requirement between subject property locations and commission member land interests. This separation requirement substantially exceeds that of other communities and is being evaluated for future modification.

Conflict of Interest

In addition to the above mentioned excessive separation requirement, conflicts of interest come in the form of previous and/or existing business relationships. Avoiding conflicts of interest is a critical aspect of conducting the application review and approval process and a potential source of legal liability. One area of potential conflict that is currently not addressed by the code is individual commission members having membership in advocacy groups that can make application for approval of items that are heard by the commission in which they are a member.

Proposal:

Staff proposes the following changes to address the issues raised in the above analysis:

1) Reduce the number of commissions by one (1) from three (3) to two (2) as shown in the attached ordinance. The proposed structure combines the historic preservation duties of the CPC with the Comprehensive Planning and rezoning duties of the PVC to form a new commission entitled the Community Planning and Preservation Commission (CPPC). This board will have final action responsibility for many historic preservation related items. However, the CPPC's duties require dispassionate review and judgement (action) on historic preservation items based on specific and detailed criteria in the code and they should not be regarded as, or conduct business in the manner of, an advocacy group.

   The DRC will assume the development review related responsibilities of the CPC, including small scale variances, redevelopment plans and reinstatements.

   This consolidation will reduce commission support demands on staff, which is critical as budgets and resources become more restricted and reduce ambiguities regarding commission duties, without changing the requirements for applications to be reviewed by an appointed citizen commission.

2) Specify that local planning agency responsibilities are as follows: a) for the comprehensive plan and zoning map – Community Planning and Preservation Commission, b) for the historic and archeological preservation overlay section of the LDRs – Community Planning and Preservation Commission and 3) for all other sections of the LDRS – the Development Review Commission.

3) Increase the membership of the two (2) remaining commissions from nine (9) to 10. This is proposed by increasing the number of alternate members from two (2) to three (3) for the purpose of increasing the likely hood of achieving quorum. The maximum number of voting members would remain seven (7). The total number of volunteers needed to fill the commission memberships would be reduced from 27 to 20.

4) Require commission members to resign from advocacy groups that may bring applications before the commission on which they serve or require recusal from such items due to a conflict of interest. This will reduce perceived conflicts of interest.

Commission Transition:
Staff will solicit the interest of existing commissioners to serve on one (1) of the reconstituted commissions. The Mayor will forward recommended appointments to City Council for confirmation. The Mayor will consider past attendance, diversity and community and professional experience when recommending appointments to Council. The two (2) reconstituted Commissions will begin operations in January 2014.

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.

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

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 V1.1: Development decisions and strategies shall integrate the guiding principles found in the Vision Element with sound planning principles followed in the formal planning process.

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

Attachments: Ordinance
Housing Affordability Impact Statement

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 2013-03).

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 _X_ (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 _X_ (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.)

Derek S. Kilborn — 10.28.2013

Department Director (signature) — Date

MANAGER, URBAN PLANNING and 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 Ordinance creating a short term exception to Section 7-97(d)(5) of the St. Petersburg City Code which requires idle speed for vessels in the North Yacht Basin.

MEMORANDUM

TO: The Honorable Chair and City Council Members

FROM: Mark A. Winn, Chief Assistant City Attorney

DATE: November 22, 2013

RE: Approval of an ordinance creating a short term exception to the idle speed requirements in the North Yacht Basin for the Benoist event

==========

On January 1, 2014 Kermit Weeks is scheduled to fly his reproduction of the Benoist airboat from St. Petersburg to Tampa to celebrate the 100th Anniversary of the World's First Scheduled Airline, which essentially created The Birth of the Global Airline Industry in both passenger and air freight.

Mr. Weeks will be delivering the airboat to the area adjacent to the St. Petersburg Museum of History on/about December 28, 2013, where he will make the final assembly and begin test flights in preparation for the New Years Day flight.

On January 1, 2014, at 10:00 am, after the appropriate public ceremonies, Mr. Weeks is scheduled to take off from the North Basin and follow a flight path to the Seaplane Basin adjacent to Peter O Knight Airport, in Tampa.

Section 7-97(d)(5) of the St. Petersburg City Code currently establishes the North Yacht Basin as an 'idle speed/no wake zone.' In order to test the Benoist airboat and to takeoff in the North Yacht Basin, the Benoist airboat will need to exceed idle speed and therefore will create a wake. The airboat needs to begin each flight within protected waters of the North Yacht Basin.

If you wish to approve this ordinance, you should conduct first reading and schedule a public hearing for December 19.

Mark A. Winn

Attachment

00185036

F-4

AN ORDINANCE CREATING A SHORT TERM EXCEPTION TO SECTION 7-97(d)(5) OF THE ST. PETERSBURG CITY CODE WHICH REQUIRES IDLE SPEED FOR VESSELS IN THE NORTH YACHT BASIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 1, 1914, Tony Jannus flew the first scheduled commercial passenger flight in the world in his Benoist airboat leaving from St. Petersburg; and

WHEREAS, on January 1, 2014 an event is scheduled to celebrate the 100th Anniversary of the World's First Scheduled Airline, which is credited with creating The Birth of the Global Airline Industry in both passenger and air freight; and

WHEREAS, this event will include the flight of a reproduction of the Benoist airboat from St. Petersburg to Tampa; and

WHEREAS, the airboat will be delivered to the area adjacent to the St. Petersburg Museum of History around December 28, 2013, where the owner, Kermit Weeks, will make the final assembly and begin test flights in preparation for the New Years Day flight; and

WHEREAS, on January 1, 2014, at 10:00 am, after the appropriate public ceremonies, Mr. Weeks is scheduled to take off from the North Yacht Basin and follow a flight path to the Seaplane Basin adjacent to Peter O Knight Airport in Tampa; and

WHEREAS, in order for the Benoist airboat to take off safely it must start its acceleration in the North Yacht Basin; and

WHEREAS, the City Code requires that vessels in the North Yacht Basin cannot exceed 'idle speed' and may not create a wake, therefore an exception must be made for this event.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 7-97(d)(5) of the St. Petersburg City Code currently reads as follows:

Sec. 7-97. Vessel speed regulation; restricted vessel operation zones.

(d) *Establishment of idle speed/no wake zones, slow speed/minimum wake zones and vessel exclusion zones.*

(5) *Zone 5.* The waterways or portions of waterways known as the North Yacht Basin as shown on the map are hereby established as an idle speed/no wake zone.

SECTION 2. There is hereby created the following exception to Section 7-97(d)(5). The Benoist airboat and associated safety boats shall not be required to maintain idle speed and shall be allowed to create a wake within the North Yacht Basin from and including December 28, 2013 through and including January 1, 2014 to allow a period of time for testing and for the event described herein.

SECTION 3. Within the period of time described in this ordinance, the City shall notify all boaters in the North Yacht Basin that wakes may be created only by the Benoist airboat and associated safety boats, and that all other vessels are required to maintain an idle speed and create no wake.

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

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

Approved as to form and content:

City Attorney (designee)

Attached documents for item Referring to the Public Services & Infrastructure Committee for discussion sea level rise and its implications for City infrastructure with Mike Connors and Holly Greening, Executive Director of the Tampa Bay Estuary Program. (Councilmember Kornell)

COUNCIL AGENDA
NEW BUSINESS ITEM

TO: The Mayor and Members of City Council

DATE: November 26, 2013

COUNCIL DATE: **December 5, 2013**

RE: Referral to Public Services and Infrastructure Committee

ACTION DESIRED:

Respectfully requesting a referral to the Public Services and Infrastructure Committee to discuss sea level rise and its implications for City infrastructure with Mike Connors and Holly Greening, Executive Director of the Tampa Bay Estuary Program.

.

Steve Kornell
City Council

Attached documents for item Referring to the Public Services & Infrastructure Committee for discussion St. Petersburg's score on the 2013 Municipal Equality Index and steps we can take in 2014 to rank number one in the State of Florida. (Councilmember Kornell)

COUNCIL AGENDA
NEW BUSINESS ITEM

TO: The Mayor and Members of City Council

DATE: November 26, 2013

COUNCIL DATE: **December 5, 2013**

RE: Referral to Committee of the Whole

ACTION DESIRED:

Respectfully requesting a referral to the Public Services and Infrastructure Committee to discuss St. Petersburg's score on the 2013 Municipal Equality Index and steps we can take in 2014 to rank number one in the state of Florida.
.

Steve Kornell
City Council

Attached documents for item Budget, Finance & Taxation Committee. (11/25/13)

ST. PETERSBURG CITY COUNCIL
BUDGET, FINANCE & TAXATION COMMITTEE

Committee Report for November 25, 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

1. **New / Deferred Business**

a. External Audit Services

Brad Scott, City Auditor, introduced the City's external auditors, Meyer Hoffmann McCann P.C. They are currently in the third year of a three year agreement to provide annual external audit services to the City of St Petersburg. The original agreement will end with the audit of fiscal year ended September 30, 2013. Meyer Hoffman McCann P.C. requested the City to extend the agreement to provide annual external audit services for two additional years; fiscal years ending September 30, 2014 and September 30, 2015. They are proposed no fee increase for the two year agreement. The Administration agreed to the recommendation of approval of the extension.

Included in the materials provided to the Committee was a cover memorandum, the request for approval of proposed extension from Meyer Hoffman McCann P.C, and the associated resolution for the agreement.

Committee members discussed the two year flat fee and Councilman Gerdes requested that the $249,000 flat fee amount be incorporated into the Resolution. Councilman Dudley set the motion for recommendation for extension of the contract. Motion passed.

b. Draft procedure to Encourage and Utilize Unsolicited Outside Grant Applications

Louis Moore, Director of Procurement and Supply Management lead discussion over review of a new procedure for encouraging and utilizing unsolicited outside grant applications. Mr. Moore indicated that an ordinance amendment would be required to implement the new procedures. Councilman Nurse requested that through the new process, both the Mayor and City Council be made aware of any unsolicited offers. City Council will also be included on all Grants Committee cover memos in order to be made aware of new grants. Councilman Nurse proceeded to make motion for approval. Motion passed.

c. Legal Update Report

Report brought to BF&T committee by Lynn Gordon to discuss whether the City should continue expending efforts on the uncollected monies from the previous airport operator. Committee members discussed case and agreements that were originally made between the former airport operator and the City of St. Petersburg. Councilman Nurse made notion to seek a stipulated judgment against the subject corporations for an undisputed amount of approximately $122,000. Motion passed.

d. 4th Quarter Grants Report

Shrimatee Ojah Maharaj, Grants Officer, provided update on the grants awarded during the 4th quarter of fiscal year 2013. Attached document included total Fiscal Year 2013 Grants by quarter, as well as all individual grants and dollar amounts. In the fourth quarter, the city was awarded 10 grants totaling $1.8M. Shrimatee discussed how grants are looked at categorically within the city, as well as the major focus on capacity and development of city staff in the various departments that are self sufficient and adept at grant search, application and management.

2. New Business Item Referrals

Councilmember Nurse requested referral for lowered security costs.

3. Continued Business / Deferred Business – None

4. Upcoming Meetings Agenda Tentative Issues

1. **December 12, 2013**

   Report of the December 10, 2013 Investment Oversight Committee Meeting (Anne Fritz)

2. **December 19, 2013**

   Health Insurance Rates for Next Year (Gary Cornwell)

6. Adjournment – Meeting adjourned at 9:05 am

RESOLUTION NO. _____

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA ("CITY"), AND MAYER HOFFMAN McCANN PC, KRMT TAMPA BAY DIVISION ("AUDITOR"), DATED JUNE 17, 2011, FOR AUDITOR TO PERFORM THE ANNUAL EXTERNAL AUDIT OF THE CITY'S BOOKS AND RECORDS FOR FISCAL YEARS 2014 AND 2015 AND PROVIDE RELATED SERVICES; AUTHORIZING THE CHAIR OF THE BUDGET, FINANCE AND TAXATION COUNCIL COMMITTEE TO EXECUTE THE FIRST AMENDMENT AND TO CONTINUE TO APPROVE AND EXECUTE DOCUMENTS PERMITTED BY RESOLUTION 2011-243; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida ("City"), entered into an agreement with Mayer Hoffmann McCann PC, KRMT Tampa Bay Division, ("Auditor") on June 17, 2011 ("Agreement"), for Auditor to perform the annual external audit of the City's books and records for fiscal years 2011, 2012 and 2013 and provide related services; and

WHEREAS, the Agreement sets forth the terms and conditions related to Auditor's performance of the audits and related services; and

WHEREAS, pursuant to the Agreement, the City has the option to direct Auditor to perform annual external audits and related services for fiscal years 2014 and 2015; and

WHEREAS, Auditor has requested an opportunity to perform annual external audits and related services for fiscal years 2014 and 2015 at the same fee it charged the City for fiscal years 2011, 2012 and 2013 (i.e., $249,000 per fiscal year); and

WHEREAS, the Budget, Finance & Taxation Council Committee recommends entering into the First Amendment to the Agreement with Auditor for Auditor to perform annual external audits and related services for fiscal years 2014 and 2015 at the same fee it charged the City for fiscal years 2011, 2012 and 2013 (i.e., $249,000 per fiscal year).

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the First Amendment to the Agreement between the City of St. Petersburg, Florida ("City"), and Mayer Hoffmann McCann PC, KRMT Tampa Bay Division ("Auditor") dated June 17, 2011, for Auditor to perform the annual external audit of the City's books and records for fiscal years 2014 and 2015 and to provide related services at the same fee it charged the City for fiscal years 2011, 2012 and 2013 (i.e., $249,000 per fiscal year) is hereby approved by this Council.

BE IT FURTHER RESOLVED that the Chair of the Budget, Finance & Taxation Council Committee is authorized to execute the First Amendment to the Agreement and is authorized to continue to approve and execute all documents permitted by Resolution 2011-243.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

_____
City Attorney (Designee)
Document #185291 v2

Attached documents for item Public Services & Infrastructure Committee. (11/25/13)

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of November 25, 2013 – 9:15 a.m.
City Hall, Room 100

Members: Chair Bill Dudley; Vice-Chair Jeff Danner, Steve Kornell Wengay Newton; and Alternate Karl Nurse

Support Staff: Ken Betz , primary staff support; Brian Campbell, backup staff support

Others Present: Councilmembers Gerdes and Kennedy; Mark Winn, Tammy Jerome, and Amelia Preston

A. Call to Order and Roll Call – 9:17 AM

B. Approval of Agenda - 4-0

C. Approval of Minutes

1. Minutes of October 31, 2013 - 4-0

D. New Business

1. Special Assessment Waiver Program Bruce Grimes

Opening Discussion and Presentation

Councilmember Karl Nurse advised the Committee that he would neither participate in the discussion nor vote on the decision.

Chair Dudley introduced Bruce Grimes who made a presentation on the Special Assessment Waiver Program. Mr. Grimes opened with an update on the program and the need to extend the deadline to encourage more participation. He recommended that the program date of December 31, 2013 be extended for one year to December 31, 2014.

Committee and Staff Discussion

The Committee discussed whether to extend the date for more than one year and whether property owner should bring the property up to code when waiver submission is approved. Discussion included the number of participants in the past year and staff's recent focus to make the website more accessible and understandable. Staff advised that a new letter would be sent to property owners explaining and clarifying the program; and information would be posted on the website.

Motion was made to extend the December 31, 2013 date for an additional year to leave in place the program to provide incentives until December 31, 2014. The motion was seconded and passed unanimously, 4-0.

E. Next Meeting – December 12, 2013 –
1. Urban Farming Dave Goodwin
2. Naming of Rio Vista Park Sherry McBee

F. Adjournment. Meeting Adjourned at 9:42 AM.

Attached documents for item Authorizing the Mayor or his designee to execute an Interlocal Agreement regarding Pinellas County Preemption Ordinance No. 11-42.

MEMORANDUM
CITY OF ST. PETERSBURG

TO: The Honorable Chair and City Council Members

FROM: Jeanne Hoffmann, Assistant City Attorney

DATE: December 5, 2013

RE: County preemption ordinance no. 11-42 and interlocal agreement

Following the resolution passed by City Council in 2011 initiating the chapter 164, Florida Statutes ("Florida Governmental Conflict Resolution Act") procedures, City and County staff have met a number of times, beginning January 23, 2012, to attempt to resolve issues related to the County preemption ordinance (No. 11-42). On November 19, 2012, a City Council workshop was held. The County staff provided an overview of the ordinance and City and County staff jointly presented the latest version of the draft interlocal agreement. Since the workshop, City and County staff continued to work on several versions of the draft and finalized the exhibits. The agreement provides, in part, for the following:

1. **Community Redevelopment Areas**: Any project located within the boundaries of the current CRAs shall be exempt from the terms of the ordinance, as long as the interlocal agreement is in full force and effect.

2. **Specials Area Plans, Activity Centers and Developments of Regional Impact**: Any project located within the boundaries of any these areas shall be exempt from the terms of the ordinance, with the exception of the property known as "Toytown", as long as the interlocal agreement is in full force and effect.

3. **Toytown**: The Toytown Landfill ("Toytown") which is governed by a recorded development agreement is subject to the terms and conditions of that development agreement and a remaining term of approximately 16 more years; the ordinance does not modify or amend the terms and conditions of the agreement, which may only be amended by mutual consent.

4. **Application of Zoning Categories or LDRs**: To the extent that the County reviews and issues permits utilizing the County's zoning categories or LDRs for any development located on the properties, the County shall ensure that the City will not be inconsistent with its Comprehensive Plan or non-compliant with Florida Statutes.

5. **Liability**: In acting as the local enforcement agency for those projects requiring review and approval under the FBC, as well as acting as the local government when applying the County's Comprehensive Plan and LDRs and federal and state law when developing a project pursuant to the ordinance, the County has agreed to indemnify the City. This will survive the termination or expiration of the agreement.

6. **Legal Remedies**: Generally, the execution of the agreement shall not be interpreted or construed at any time as a waiver or release by the City or County of any claims, causes

of action or defenses of any nature related to the validity of the ordinance. This will survive the expiration or termination of the agreement.

7. **Fire Review and Inspections**: The City will conduct fire plan review and inspections associated with any project and the County will pay the City the City's usual charge(s).

8. **Building Permits and Approval**: The County will act as the local enforcement agency for projects that require review and approval under the Florida Building Code (FBC), and will issue all applicable permits and certificates of occupancy. The City's building official shall have no liability.

9. **City Services, Process & Fees**: To the extent any project requires the delivery of municipal water or sewer services that will require a new physical connection to the municipal system, the County shall review the new connection with the City to ensure consistency with the municipal system and infrastructure. The County will pay the City's usual charges for such connection and any City services. Further, to the extent a vacation of a City right-of-way or easement is required for a project, the County will adhere to the City's process for vacations and pay the City's usual charge for such vacation. And, to the extent the County is not exempt from fees, the County agrees to pay the fee required by its countywide transportation impact fee ordinance and distribute the proceeds accordingly.

10. **Public Notice**: The County will provide notice to the public pursuant to the notice provisions contained in the City's LDRs, unless the County LDRs provide for greater public notification in which case the County's LDRs will prevail.

12. **Application**: The ordinance does not apply to stormwater drainage facilities or public rights-of-way, or preempt any City regulation that is not related to development, including but not limited to, roadside solicitation, activities occurring on the Pinellas Trail, or the noise ordinance.

13. **Signs:** The County agrees it will not construct any off-premise signs (i.e. billboards) on any properties regardless of whether County LDRs would allow them.

14. **Compliance with federal and state requirements**: When implementing County LDRs on a project, the County shall coordinate with the City to ensure that County action will not prevent the City from meeting its legal obligations, including being able to maintain compliance with federal and state permits and/or regulations.

15. **Term of Agreement**: The agreement is for 10 years, plus an option for three five year renewal periods.

16. **Periodic Reviews**: A periodic review will occur every five years unless there is a change to a DRI, SAP, CRA or a development agreement.

Please feel free to contact me with any questions.

RESOLUTION_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT REGARDING PINELLAS COUNTY ORDINANCE NO. 11-42; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 23, 2011, the Board of County Commissioners ("BOCC") scheduled a public hearing to be held by the County's Local Planning Agency ("LPA") for Ordinance No. 11-42 ("Ordinance"), related to properties which the County deems to be of countywide importance ("Properties of Countywide Importance"); and

WHEREAS, Properties of Countywide Importance are defined by the County as all county-owned parks, buildings and other properties developed and operated in furtherance of those special countywide powers enumerated in Section 1.4 of the Ordinance; and

WHEREAS, the County's stated purpose for the Ordinance is to preempt municipal regulation of development on Properties of Countywide Importance located within municipal boundaries to the extent specifically set forth in the Ordinance, exempt the properties from all municipal ordinances, while reserving to the County authority to review and issue any permits or approvals for development; and

WHEREAS, the City does not concur with the County's Ordinance, including the interpretation of County Charter Section 2.04 which is stated in section 1.4 of the Ordinance, or the Ordinance's stated purpose to preempt municipal regulation of development on Properties of Countywide Importance located within municipal boundaries, or that the County has the authority to review and issue any permits or approvals for said development; and

WHEREAS, the County currently has plans to utilize the Sod Farm property, as described in paragraph 18 of the interlocal agreement, for a solid waste landfill that would, if fully developed as planned, and over the objections and existing land development regulations of the City, be 150 feet in height; and

WHEREAS, based upon current utilization projections, the Bridgeway Acres landfill has sufficient capacity to accept waste permitted to be received at a Class 1 Landfill through 2054,

and if the Sod Farm is developed for landfill uses in accordance with current plans, that capacity will extend through 2105; and

WHEREAS, new and emerging technologies and best practices in the solid waste disposal industry may lessen reliance on landfill operations in the future; and

WHEREAS, the County has no present intent to develop additional landfills within the City beyond those either currently in operation (Bridgeway Acres) or currently planned for future use (Sod Farm); and

WHEREAS, the City first learned of the Ordinance on August 23, 2011, and subsequently sent a letter to the Chairman of the County's LPA outlining its concerns and objections with the proposal prior to the LPA's September 8, 2011, public hearing, attached hereto as Exhibit A; and

WHEREAS, the LPA voted to recommend approval of the Ordinance to the BOCC; and

WHEREAS, the City provided additional documentation to the BOCC that set forth its concerns and objections related to the Ordinance, attached hereto as Exhibit B; and

WHEREAS, at the two public hearings on the Ordinance before the BOCC, staff for the City appeared and expressed the City's concerns with and opposition to the Ordinance; and

WHEREAS, the County passed the Ordinance after the second public hearing on October 11, 2011, attached hereto as Exhibit C; and

WHEREAS, on November 21, 2011, the City Council of the City of St. Petersburg passed Resolution No. 2011-497, attached hereto as Exhibit D, stating its objections to the Ordinance and, initiating the conflict resolution proceedings provided for in Section 164.1052, Florida Statutes, as to the conflict set forth therein; and

WHEREAS, staff of the County and City have undertaken the conflict assessment phase of Florida Statutes chapter 164 proceedings, meeting several times over the course of many months to discuss the issues raised in Resolution No. 2011-497, which has resulted in this Interlocal Agreement ("Agreement"); and

WHEREAS, the Parties are participating in good faith to achieve this Agreement as to the Ordinance, subject to the terms and conditions contained herein, with the intent to preserve the legal status quo; and

WHEREAS, it is the Parties' intent that their participation in and execution of the Agreement does not equate to and shall not be interpreted at any time: 1) as a waiver or release of any or all claims or defenses as to the validity of the Ordinance; 2) that the City agrees in any manner that the Ordinance is a valid exercise of County authority; 3) that the County agrees in any way that the Ordinance is not a valid exercise of County Charter authority; 4) that the City has acquiesced to the Ordinance in any manner by entering into this Agreement; or 5) that the County has relinquished its right to develop Properties of Countywide Importance pursuant to the Ordinance; and

WHEREAS, the Parties expressly reserve their respective rights to pursue any claims in any manner provided by law and to seek any available legal remedies as to the Ordinance at any time; and

WHEREAS, the execution of the agreement tolls the applicable statute of limitations or other affirmative defenses that would bar a lawsuit based upon the passage of time, related to any cause of action the City may bring specifically related to development pursuant to the ordinance, of any project located on the solid waste properties that is not governed by the Toytown Development Agreement, until such time as required notice is given by the County to the City, regarding a proposed project; and

WHEREAS, the County and City have the express authority to enter into this Agreement in order to make the most efficient use of their powers by cooperating in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the Parties agree to enter into this Agreement, pursuant to sections 163.01 and 164.1057, Florida Statutes, and section 3 of the Ordinance which provides for the Parties to enter into an interlocal agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, pursuant to sections 163.01 and 164.1057, Florida Statutes, that the Mayor or his designee executes the interlocal agreement regarding Pinellas County Ordinance No. 11-42.

This resolution shall become effective immediately upon adoption.

Approved as to form and content:

City Attorney or designee

Exhibit A

CITY OF ST. PETERSBURG

CITY OF ST. PETERSBURG, FLORIDA
Office of the Mayor

BILL FOSTER, Mayor

September 7, 2011

Randy Wedding, Chair, and Members of the
Pinellas County Local Planning Agency (LPA)

Re: Proposed Ordinance amending the Pinellas County Land Development Code pertaining to Properties of Countywide Importance

Dear Chair and Members:

It has come to our attention that Item LPA 18-9-11, which is a proposed ordinance for amending the Pinellas County Land Development Code regarding county owned properties deemed to be of "Countywide Importance," will be before you on September 8, 2011 for consideration. This ordinance proposes to preempt all cities' ordinances as they apply to county owned property.

The City of St. Petersburg has a number of concerns with the proposed ordinance and the impact it will have on activities and development within the City. Of note is the fact that while the ordinance purports to apply only to certain county owned properties, if adopted it would likely eventually apply to all county owned properties, including those that are leased to for profit entities which compete for business with other for profit entities within each city.

Of initial concern is that the City has been provided with very little time to consider and study this proposal. The City only learned of this ordinance when it went before the Board of County Commissioners for the purpose of setting a public hearing, on August 23, 2011. The cities were provided no notice and no opportunity to provide feedback prior to the ordinance appearing on the agenda before the Board of County Commissioners and being transmitted to the LPA for action.

Second, from our initial review, exemption from all City ordinances including land development regulations would result in inconsistent or undesirable impacts within the City on those County owned properties. For example, properties, including the Pinellas Trail, would no longer be subject to City ordinances that govern sleeping in public or panhandling. Therefore, individuals who were prohibited from sleeping or panhandling in public in every other area of the City could now do so on the Pinellas Trail itself, adjacent to homes and businesses. The ordinance proposes to exempt certain county roads from municipal ordinances. In St. Petersburg this would mean that the highly successful prohibition against street solicitations to vehicles would not be enforceable on county roads. The St. Petersburg City Council has recently decided not to pass an ordinance allowing digital billboards within the City. However, the County allows digital billboards, so these could be placed on county properties in the City, for example on top of the

Suwanee Hotel. This is contrary to the direction that the City Council determined to be appropriate development in St. Petersburg. We have not yet been able to quantify the impact on many county owned properties in St. Petersburg, including properties such as Tropicana Field, the old Toytown landfill east of I-275, and height limitations for the incinerator landfill west of I-275.

Third, since the City and County land development regulations are not identical, we have concerns that the use of County land development regulations will result in incompatible development or fail to place appropriate restrictions on development, which would be inconsistent with the land use and zoning of surrounding, impacted properties in the City. This ordinance would also exempt county owned properties from vital redevelopment plans and strategies in St. Petersburg, including the City's Intown Redevelopment Plan, the Comprehensive Plan, Gateway Areawide Development of Regional Impact Development Order, and the Intown Development of Regional Impact Development Order. These Plans, and the Development Orders, are enacted pursuant to State law, therefore exemptions from any of these may create State law issues.

The City is requesting that this item, which has great significance to the City and other municipalities, be denied or delayed to give local governments enough time to review the proposed ordinance, provide comments to, and have a dialogue concerning this issue with the County. Of great importance is the question of whether the County Charter even provides the authority for this preemption of all municipal ordinances. As noted in the materials provide to the LPA, the Charter was approved in 1980 and there is no deadline within the Charter itself to consider such a proposed ordinance. Quite frankly, there is serious concern as to the impacts and unintended consequences that this ordinance may create for all municipalities.

We respectfully request that this ordinance be denied or delayed until the City of St. Petersburg and all other cities have the opportunity to provide comments to, and enter into discussions with, the County on this matter.

Sincerely,

Mayor Bill Foster

Mark A. Winn
Chief Assistant City Attorney

Cc: Brian Smith

Exhibit B

CITY OF ST. PETERSBURG
Office of the Mayor

Bill Foster, Mayor

October 25, 2011

Susan Latvala, Chair
Pinellas County Board of County Commissioners
315 Court Street
Clearwater, FL 33756

Re: Countywide Preemption Ordinance

Dear Chair Latvala:

Per our telephone conversation on October 21, 2011, this will acknowledge my continued reservations and concerns with the proposed municipal preemption ordinance. While I appreciate the modifications made thus far from the original language, there remain a few points of contention which I believe warrant further consideration.

Of greatest concern to me is the County's desire to preempt municipal comprehensive plans and land development regulations (LDRs), the plans and regulations that establish the character of each community. In St. Petersburg our Comprehensive Plan includes a Vision Element that was adopted after a two year long community driven visioning process. Hundreds of citizens participated in the creation of Vision 2020. Our entire set of land development regulations were subsequently readopted in 2007 to ensure that the values and principles of Vision 2020 are implemented. Vision 2020 and the City's Land Development Regulations are both award winning planning tools that serve this City well. I cannot accept having to surrender County owned enclaves of land, which in St. Petersburg is hundreds of acres, from the system of regulations, standards and processes that were put into place by this community to ensure proper and compatible development. Further, I cannot accept surrendering the opportunities for community participation in the development process that the City's LDRs assure our citizens.

As for project savings, I understand the County's desire for cost reductions, as is every government in this current economic climate, and would be happy to enter into discussions with the County to address those issues.

Those discussions could result in the City agreeing to delegate its authority to perform building code and development regulation permitting authority for certain County properties located within the City, subject to Federal, State and City laws. Alternatively the City could charge fees that would not exceed those charged by the County for like services. With the latter option the County would be in a cost neutral position and would not have to learn the City's regulatory system or process.

Please feel free to contact me with any questions you may have.

Sincerely,

Bill Foster
Mayor

cc: City Councilmembers
Tish Elston, City Administrator
Mark Winn, Chief Assistant City Attorney

st.petersburg
www.stpete.org

Office of the City Attorney
City of St. Petersburg
One Fourth Street North
St. Petersburg, FL 33701
P.O. Box 2842
St. Petersburg, FL 33731-2842
Telephone: 727-893-7401
Fax: 727-892-5262

October 21, 2011

Via: Facsimile: 727-464-4147

Jewel White
Assistant County Attorney
315 Court Street
Clearwater, FL 33756

Re: Countywide Preemption Ordinance

Dear Ms. White:

I appreciate you speaking with me several times concerning this ordinance that attempts to exempt certain County properties from municipal ordinances. I wanted to convey the substance of those discussions, and the City's suggestions, to you in writing so that you can provide them to your Commission members prior to the meeting.

The City understands the County's concerns with saving costs, as every government is in the current economic climate, and would be happy to enter into discussions with the County to address those issues. Those discussions could result in the City agreeing to delegate its authority to perform building code and development regulation permitting authority for certain County properties located within the City, subject to Federal, State and City laws. Alternatively the City could charge fees that would not exceed those charged by the County for like services. With the latter option the County would be in a cost neutral position and would not have to learn the City's regulatory system or process.

The City contends that the County does not have the legal authority to unilaterally assume any regulatory control of County properties within the City's boundaries or exempt them from the City's ordinances. The City believes that a County Charter amendment is legally required for the County to assume building code and development permitting authority over County properties within the City's boundaries. If the County's desire is to transfer the powers of the City to perform building plan reviews, issue building permits, provide inspection services, and to exempt the County from the City's land development regulations and permitting process for the County's own development projects within the City, then an amendment, approved by referendum, to the County Charter is necessary.

In addition to the City's concern that the County does not have the legal authority to exempt itself from City ordinances, there are substantial practical concerns with the proposed ordinance. Several of those concerns are as follows:

> First, the ordinance does not identify a conflict between any City ordinance and any County ordinance which relates to the authority of the County to provide one of the services delegated to it in the County Charter. Since there is no City ordinance that prohibits or limits the County from performing such services, there can be no conflict with a County ordinance and therefore no preemption of any City ordinance. If there were such a conflict, the County Charter provides that

Jewel White
Assistant County Attorney
October 21, 2011

the County's ordinance will prevail and therefore no additional ordinance is necessary. No such conflict has been identified so the City is completely unaware of what ordinances might be preempted by the County Charter.

Secondly, the ordinance does not identify which properties the County attempts to exempt and therefore the City has no idea which properties this ordinance might apply to.

Third, the ordinance talks about "development" however the proposed definition refers to State law definitions which are extremely broad and have little clear applicability to any City ordinances and, in fact, clearly does not apply to permitting powers and the imposition of fees for services performed.

Fourth, the ordinance goes well beyond the intent of the Charter in establishing County control of certain services. For example, as it relates to solid waste disposal, the clear intent of the Charter is to prevent municipalities from developing and operating their own solid waste disposal facilities in conflict with the County's operation of their solid waste disposal facilities. The intent is not to preempt local land development regulations.

Lastly, the ordinance does not address how the County will comply with State and Federal laws which the City is mandated to assure compliance with, nor how the County will comply with City ordinances relating to furnishing City services to County properties. The City will still require the County to go through those permitting processes.

While the City strongly opposes this ordinance (as further evidenced by the attached City Council Resolution) the City would be happy to discuss an interlocal agreement concerning these matters.

In sum, we believe that the County does not have the authority to adopt this ordinance and instead should discuss this matter with the cities before taking the extreme and unusual action of attempting to exempt itself from City regulations.

Very truly yours,

Mark A. Winn
Chief Assistant City Attorney

c: Mayor Bill Foster
City Councilmembers

00145000

Resolution No. 2011-444

A RESOLUTION OF THE CITY COUNCIL EXPRESSING STRONG OPPOSITION TO THE COUNTY'S PROPOSED ORDINANCE ATTEMPTING TO EXEMPT CERTAIN COUNTY OWNED PROPERTIES LOCATED IN MUNICIPALITIES FROM CERTAIN MUNICIPAL REGULATIONS WHICH APPLY TO THEM; REQUESTING THAT THE COUNTY COMMISSION REJECT THIS PROPOSED ORDINANCE; RECOMMENDING AN ALTERNATIVE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Pinellas County has proposed an ordinance, the title of which begins 'AN ORDINANCE OF THE COUNTY OF PINELLAS IMPLEMENTING COUNTYWIDE AUTHORITY TO OPERATE, MAINTAIN, DEVELOP AND CONTROL CERTAIN COUNTY PROPERTIES.....'; and

WHEREAS, this ordinance exempts certain properties owned and operated by Pinellas County from the effect of the municipality's ordinances related to building permitting and land development regulations when they are located within a municipality (collectively hereinafter simply referred to as 'county properties'); and

WHEREAS, the concerns expressed by the County as the reason for the need for this ordinance could easily be addressed in an interlocal agreement; and

WHEREAS, entering into interlocal agreements with municipalities would eliminate the conflict between municipalities and the County on this issue and address all the concerns of all parties on this issue which has been created by the County's processing of this ordinance; and

WHEREAS, the ordinance does not clearly identify the county properties to which it applies nor does it clearly identify the municipal ordinances which it seeks to exempt the County from; and

WHEREAS, the City first learned of the proposal when it went before the Board of County Commissioners (BOCC) on August 23, 2011 for the purpose of setting a public hearing to be held by the County's Local Planning Agency (LPA); and

WHEREAS, none of the cities in Pinellas County were provided with the opportunity to review, comment or consider the proposal and the County provided no formal outreach for review and input by the cities; and

WHEREAS, at the first reading and public hearing on September 27 the BOCC provided a new draft of the ordinance which attempted to address certain concerns that had been expressed by municipalities; and

WHEREAS, at the first reading and public hearing on September 27 the BOCC rescheduled the second reading and public hearing from October 11 to October 25 to provide

additional time for review and comment; and

WHEREAS, comments have been provided to the County and another draft of the ordinance has been provided, however, none of the City's suggestions were accepted and therefore the proposed ordinance still creates both legal and practical concerns; and

WHEREAS, municipal ordinances take into account the wishes of the citizens of each city and reflect the character of the municipality that the citizens desire; and

WHEREAS, the County's LDRs do not reflect the nuances of each city's individual situation nor the needs of each city concerning redevelopment, maintenance, capital improvements, or the context of each property within the urban fabric of each city; and

WHEREAS, the City firmly believes that it was not the intent of the County Charter to exempt county properties from all local ordinances but only allows that exemption if there is a direct conflict that prevents the County from performing the specific service set forth in the County Charter and that neither the building permitting nor the land development permitting processes conflict with the County's ability to perform the services set forth in the County Charter; and

WHEREAS, the City contends that the County does not have the legal authority to unilaterally assume regulatory control of county properties within municipal boundaries and exempt them from municipal regulations; and

WHEREAS, given the intended consequences described therein and other unintended and unidentified consequences, the City believes that a County Charter amendment is legally required for the County to assume the regulatory authority over its properties within municipal boundaries and that such amendment would require countywide referendum approval; and

WHEREAS, the City believes that transferring building permitting and land development permitting powers of the City is a clear violation of the State Constitution and that a County Charter amendment is constitutionally required to transfer these powers from the cities to the County and that such amendment would require countywide referendum approval and referendum approval in each city; and

WHEREAS, the County's attempt to exempt county properties from all local permitting processes is not good public policy and in fact does not exempt county properties from many local permitting requirements, instead it creates at least two processes that County permitting will have to follow in each city; and

WHEREAS, the City is obligated by Federal and State law to assure that certain requirements are met; and

WHEREAS, the County will have to pay all fees and costs associated with the additional reviews required by Federal, State and City ordinances that the County cannot exempt themselves from; and

WHEREAS, there are requirements and permitting processes that the County will have

to comply with prior to being able to connect to any City services (potable water, sewer, reclaimed water, stormwater system, etc.) or rights of way (streets and sidewalks) thereby creating additional review processes and costs for the County; and

WHEREAS, county properties would not be exempt from concurrency review for City services which will create an additional review process and cost for the County; and

WHEREAS, county properties within the City arguably may be exempt from the Comprehensive Plan but may not be exempt from the seven redevelopment plans (Intown, Intown West, Bayboro Harbor, TACRA, DIP Pilot Project, DIP, 16th Street South) thereby creating an additional review process and cost for the County; and

WHEREAS, county properties would not be exempt from the three developments of regional impact (Carillon, Gateway Areawide and Intown Areawide) thereby creating an additional review process and cost for the County; and

WHEREAS, the exemption would not extend to state and federal regulations that are implemented by the City through land development regulations and other ordinances, including FEMA's floodplain management requirements and the NPDES program which, among other things, addresses TMDL and other Bay area water pollution issues, thereby creating an additional review process and cost for the County; and

WHEREAS, the City's LDRs will not apply to county properties including regulating the permitted uses of land, including special exception uses, and overlays, including historic preservation, development standards including landscaping, set-backs, parking and building height, signage, etc.; and

WHEREAS, the County owns a significant number of properties that are located in downtown core of the City which are vital to the redevelopment of the downtown and the County has no comparable LDRs for development in a downtown core area; and

WHEREAS, the development of county properties would occur without the protections for the public which are provided by the City's development review processes, including notification to the public, local public hearings, and consideration of the impacts on surrounding properties in the City; and

WHEREAS, while the ordinance currently applies only to certain county properties (properties of "countywide importance"), if adopted it would set a precedent that could extend to all county properties, including those that are leased to for profit entities which compete for business with other for profit entities; and

WHEREAS, in effect, the proposed ordinance creates "enclaves" of county properties that are not subject to certain municipal ordinances in contravention of State laws which recommend the reduction of enclaves and establishes a precedent for the attempted future exemption from other municipal ordinances; and

WHEREAS, this ordinance is similar to a de-annexation action in that will eliminate the every cities' regulatory authority to enforce the building code and land development regulations

and certain other regulations in the new county 'enclave' and establishes a precedent for the attempted future exemption from other municipal ordinances; and

WHEREAS, the County owns many properties within the City that are used for a variety of functions, some of the larger properties include Tropicana Field and its surrounding parking areas, the closed Toytown landfill and the current landfill associated with the County's incinerator and even though some of these properties are arguably not subject to this ordinance, it establishes a precedent for the attempted future exemption of these other properties from City ordinances; and

WHEREAS, Pinellas County owns many public street rights-of-way and stormwater drainage facilities/easements within the City which the County could attempt to exempt from municipal ordinances; and

WHEREAS, even though some county properties are not subject to this ordinance, it establishes a precedent for the attempted future exemption of these other properties from municipal ordinances and a precedent for the exemption from many other local ordinances, in addition to the LDRs, the exemption could include rights-of-way, roads, and drainage facilities/easements, and could exempt them from all of the City's ordinances which could include the highly successful prohibition against street solicitations to vehicles on county roads, panhandling and sleeping in public ordinances on any county property including the Pinellas Trail and any county park; and

WHEREAS, off-site impacts of development, including the Toytown Mixed Use Development Project which could allow millions of square feet of development, in the future could be permitted without providing the City with the ability to address the off-site impacts which would include major transportation improvements to accommodate the substantially increased traffic; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St Petersburg, that the City Council strongly opposes the adoption of an ordinance that exempts any county properties from any municipal ordinances and requests that the County Commission reject this ordinance and instead initiate discussions with cities to establish interlocal agreements that will address both the cities' and the county's concerns in a fair and equitable manner.

This resolution shall become effective immediately upon adoption.

Approved as to form and content:

City Attorney or designee

Exhibit C

ORDINANCE NO. 11-42

AN ORDINANCE OF THE COUNTY OF PINELLAS IMPLEMENTING COUNTYWIDE AUTHORITY TO DEVELOP AND OPERATE CERTAIN COUNTY PROPERTIES DENOMINATED AS PROPERTIES OF COUNTYWIDE IMPORTANCE; PROVIDING LEGISLATIVE FINDINGS; DESIGNATING PROPERTIES OF COUNTYWIDE IMPORTANCE; PROVIDING FOR COUNTY REGULATION OF DEVELOPMENT; PROVIDING FOR INTERGOVERNMENTAL COORDINATION; PROVIDING FOR AREAS EMBRACED; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES

WHEREAS, "Properties of Countywide Importance" as used herein refers to county-owned properties, or properties affiliated with county-owned properties, that contain facilities that have a countywide benefit and are operated under the charter powers of the County; and

WHEREAS, the operation, regulation, management and protection of Properties of Countywide Importance is best achieved at the county level to ensure consistency among such properties and should not be constrained by varying municipal regulations or fees.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Pinellas County:

SECTION 1. Legislative Findings

1.1 The Florida Constitution, Article VIII, Section 1(g) provides that the charter of charter counties "shall provide which shall prevail in the event of conflict between county and municipal ordinances"; and

1.2 Section 2.04 of the Pinellas County Charter, s. 1, as adopted by the Florida Legislature and approved by a vote of the Pinellas County electorate on October 7, 1980, as amended ("Charter"), provides for all special and necessary powers of the County to provide certain enumerated services and regulatory authority; and

1.3 Section 2.04 of the Charter provides, "when directly concerned with the furnishing of the services and regulatory authority [in certain specifically enumerated areas], county ordinances shall prevail over municipal ordinances when in conflict"; and

1.4 Section 2.04 of the Charter provides for countywide control over the development and operation of county owned facilities and properties that relate to the provision of the following governmental services and regulatory authority:

(a) Development and operation of 911 emergency communication system.

(b) Development and operation of solid waste disposal facilities, exclusive of municipal collection systems.

(c) Development and operation of regional sewage treatment facilities in accordance with federal law, state law, and existing or future interlocal agreements, exclusive of municipal sewage systems.

(d) Acquisition, development and control of county-owned parks, buildings, and other county-owned property.

(e) Development and operation of public health or welfare services or facilities in Pinellas County.

(f) Operation, development and control of the St. Petersburg-Clearwater International Airport.

(g) Implementation of animal control regulations and programs.

(h) Development and implementation of civil preparedness programs.

(i) Production and distribution of water, exclusive of municipal water systems and in accordance with existing and future interlocal agreements.

(j) All coordination and delivery of municipal services in the unincorporated areas of the county.

1.5 The Local Government Comprehensive Planning and Land Development Regulation Act ("Act"), specifically Section 163.3171, Florida Statutes, reserves to charter counties authority for planning and land development regulation to the extent provided for in the county charter; and

1.6 In order to limit any disruptive effects of a County exercise of this existing charter authority, the County herein declares its policy in regard to those properties of countywide importance it wishes to continue preemptively regulating and leaves other County-owned facilities to County regulation by interlocal agreement with the applicable municipality, where appropriate, or as otherwise provided by law.

SECTION 2. Definitions

2.1 Properties of Countywide Importance means county-owned parks, buildings and other properties developed and operated in furtherance of those special countywide powers enumerated in Section 1.4.

2.2 Development as used herein shall have the meaning ascribed to it in Sections 163.3164 and 380.04, Florida Statutes.

SECTION 3. County Regulation of Development The development of Properties of Countywide Importance shall be governed by County ordinances, permits and approvals and municipal ordinances shall not control or regulate the development of Properties of Countywide Importance, unless otherwise agreed to by the County by interlocal agreement. All permits or

approvals for development, except for placement of an actual zoning or future land use designation on a particular parcel, that are related to Properties of Countywide Importance shall be reviewed, issued, and enforced by the County. To the extent any municipal ordinance conflicts with the development policy set forth herein, this County ordinance shall prevail.

SECTION 4. Intergovernmental Coordination It is the intention of the Board of County Commissioners to coordinate consideration of the particular effects of County regulation of Properties of Countywide Importance as provided herein upon the development and community character of affected municipalities. Prior to the review and issuance of any permit or approval, the County shall notify affected municipalities of development plans, provide said municipality an opportunity to comment, and thereafter provide copies of County permits and approvals issued for development. The County will comply with any alternate process agreed to pursuant to interlocal agreement.

SECTION 5. Areas Embraced Pursuant to Sections 2.01 and 2.04 of the Pinellas County Charter, this ordinance shall be effective within the boundaries of Pinellas County.

SECTION 6. Severability If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 7. Inclusion in Code It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. Filing of Ordinance; Effective Date Pursuant to Section 125.66, Fla. Stat., 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 of the ordinance with the Department of State.

h:\users\atykb11\wpdocs\jwc\ordinances (new)\2011\facilities of countywide significance ordinance\properties of countywide importance 101911 tc.docx

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By _____
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on October 25, 2011 relative to:

ORDINANCE NO. 11-42

AN ORDINANCE OF THE COUNTY OF PINELLAS IMPLEMENTING COUNTYWIDE AUTHORITY TO DEVELOP AND OPERATE CERTAIN COUNTY PROPERTIES DENOMINATED AS PROPERTIES OF COUNTYWIDE IMPORTANCE; PROVIDING LEGISLATIVE FINDINGS; DESIGNATING PROPERTIES OF COUNTYWIDE IMPORTANCE; PROVIDING FOR COUNTY REGULATION OF DEVELOPMENT; PROVIDING FOR INTERGOVERNMENTAL COORDINATION; PROVIDING FOR AREAS EMBRACED; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES

IN WITNESS WHEREOF, I hereunto set my hand and official seal this October 27, 2011.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By: Cynthia N. Haumann, Deputy Clerk

(SEAL)

FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

November 1, 2011

Honorable Ken Burke
Clerk of the Board of County Commissioners
Pinellas County Courthouse
315 Court Street, 5th Floor
Clearwater, Florida 33756

Attention: Ms. Cynthia N. Haumann, Manager, Board Records Department

Dear Mr. Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 27, 2011 and certified copies of Pinellas County Ordinance Nos. 11-42 and 11-43, which were filed in this office on October 31, 2011.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud

Liz Cloud
Program Administrator

LC/srd

Enclosures

RECEIVED
BOARD OF
BOARD OF COUNTY COMMISS
PINELLAS COUNTY
2011 NOV -4 AM 10:

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6600 • Facsimile: 850.245.6282 • http://info.florida.gov
Commemorating 500 years of Florida history www.fla500.com

VIVA FLORIDA 500.

VIVA FLORIDA 500.

Exhibit D

NO. 2011-497

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG INITIATING CONFLICT RESOLUTION PROCEDURES PROVIDED BY THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT PRIOR TO INITIATING COURT PROCEEDINGS; SPECIFYING THE ISSUES OF CONFLICT WITH THE GOVERNMENTAL ENTITY OF PINELLAS COUNTY, FLORIDA; DIRECTING THE CITY ADMINISTRATOR OR DESIGNEE TO PROVIDE A STATUTORILY MANDATED LETTER AND A CERTIFIED COPY OF THIS RESOLUTION TO THE COUNTY ADMINISTRATOR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County has proposed an ordinance, the title of which begins AN ORDINANCE OF THE COUNTY OF PINELLAS IMPLEMENTING COUNTYWIDE AUTHORITY TO OPERATE, MAINTAIN, DEVELOP AND CONTROL CERTAIN COUNTY PROPERTIES.....'; and

WHEREAS, this ordinance would exempt properties (including rights of way and stormwater easements) owned and managed by Pinellas County from the effect of the municipality's ordinances when they are located within a municipality (collectively hereinafter simply referred to as 'county properties'); and

WHEREAS, municipal ordinances take into account the wishes of the citizens of each city and reflect the character of the municipality that the municipal citizens desire; and

WHEREAS, the County's regulatory ordinances do not reflect the nuances of each city's individual situation nor the needs of each city concerning redevelopment, maintenance, capital improvements, or the context of each property within the urban fabric of each city; and

WHEREAS, the City contends that the County does not have the authority to unilaterally assume regulatory control of county properties and rights-of-way within municipal boundaries and exempt them from all municipal regulation; and

WHEREAS, while the ordinance currently applies only to certain county properties (properties of "countywide importance"), if adopted it would set a precedent that could extend to all county properties, including those that are leased to for profit entities, as is the case on the county airport property, which compete for business with other for profit entities; and

WHEREAS, pursuant to Section 164.1052, Florida Statutes, the City seeks to initiate the conflict resolution proceedings provided by the Florida Governmental Conflict Resolution Act prior to initiating court proceedings; and

WHEREAS, the City's conflict, as required by Section 164.1052(1), Florida Statutes is as follows:

> The governmental entity for Pinellas County, Florida has adopted an ordinance providing for the exemption of all countywide properties located within municipal boundaries from municipal permitting, land development regulations, comprehensive plans and other applicable municipal ordinances, that preempts the City's ability to enforce said regulations and transfers various City services, including building permitting and plan review of county-owned property, to Pinellas County. This action was taken without legal authority to assume regulatory control over properties located within municipal boundaries and to transfer City services, such as building permitting and plan review of county-owned property, to Pinellas County.

WHEREAS, pursuant to Section 164.1052(1), Florida Statutes, the City Administrator is required, within five (5) days after passage of the resolution, to send a certified copy of the resolution and a letter to the County Administrator for Pinellas County, Florida via certified mail, with a return receipt requested.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that pursuant to Section 164.1052, Florida Statutes, the City Council seeks to initiate the conflict resolution proceedings provided by the Florida Governmental Conflict Resolution Act prior to initiating court proceedings as to the following conflict:

> The governmental entity for Pinellas County, Florida has adopted an ordinance providing for the exemption of all countywide properties located within municipal boundaries from municipal permitting, land development regulations, comprehensive plans and other applicable municipal ordinances, that preempts the City's ability to enforce said regulations and transfers various City services, including building permitting and plan review of county-owned property, to Pinellas County.

This action was taken without legal authority to assume regulatory control over properties located within municipal boundaries and to transfer City services, such as building permitting and plan review of county-owned property, to Pinellas County.

BE IT FURTHER RESOLVED that pursuant to Section 164.1052(1), Florida Statutes, the City Administrator or designee is directed, within five (5) days after passage of the resolution, to send a certified copy of the resolution and the statutorily required letter to the County Administrator for Pinellas County, Florida via certified mail, with a return receipt requested.

This resolution shall become effective immediately upon adoption.

Adopted at a regular session of the City Council held on the 21st day of November, 2011.

James R. Kennedy, Jr. Chair-Councilmember
Presiding Officer of the City Council

ATTEST: Amelia Preston
Amelia Preston Deputy City Clerk

CITY OF ST. PETERSBURG, FLORIDA.
RE-INCORPORATED A.D. 1903.

INTERLOCAL AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2013, by and between Pinellas County, a political subdivision of the State of Florida (hereinafter the "County"), and the City of St. Petersburg, a municipal corporation of the State of Florida (hereinafter the "City"). The County and the City may be collectively referred to as "the Parties."

W I T N E S S E T H :

WHEREAS, on August 23, 2011, the Board of County Commissioners ("BOCC") set a public hearing to be held by the County's Local Planning Agency ("LPA") for Ordinance No. 11-42 ("Ordinance"), related to properties the County deems to be of countywide importance ("Properties of Countywide Importance"); and

WHEREAS, Properties of Countywide Importance are defined by the County as county-owned parks, buildings and other properties developed and operated in furtherance of those special countywide powers enumerated in Section 1.4 of the Ordinance; and

WHEREAS, the County's stated purpose for the Ordinance is to preempt municipal regulation of development on Properties of Countywide Importance located within municipal boundaries to the extent specifically set forth in the Ordinance, reserving to the County authority to review and issue any permits or approvals for development, while at the same time providing for intergovernmental coordination with the appropriate municipality; and

WHEREAS, the City does not concur with the County's Ordinance, including the interpretation of County Charter Section 2.04 which is stated in section 1.4 of the Ordinance, or the Ordinance's stated purpose to preempt municipal regulation of development on Properties of Countywide Importance located within municipal boundaries, or that the Ordinance provides for

the County to have the authority to review and issue any permits or approvals for said development; and

WHEREAS, the County currently has plans to utilize the Sod Farm property, as described in paragraph 18, for a solid waste landfill that would, if fully developed as planned, and over the objections and existing land development regulations of the City, be 150 feet in height; and

WHEREAS, based upon current utilization projections, the Bridgeway Acres landfill has sufficient capacity to accept waste permitted to be received at a Class 1 Landfill through 2054, and if the Sod Farm is developed for landfill uses in accordance with current plans, that capacity will extend through 2105; and

WHEREAS, new and emerging technologies and best practices in the solid waste disposal industry may lessen reliance on landfill operations in the future; and

WHEREAS, the County has no present intent to develop additional landfills within the city beyond those either currently in operation (Bridgeway Acres) or currently planned for future use (Sod Farm); and

WHEREAS, the City first learned of the Ordinance on August 23, 2011, and subsequently sent a letter to the Chairman of the County's LPA outlining its concerns and objections with the proposal prior to the LPA's September 8, 2011, public hearing, attached hereto as Exhibit A; and

WHEREAS, the LPA voted to recommend approval of the Ordinance to the BOCC; and

WHEREAS, the City provided additional documentation that set forth its concerns and objections related to the Ordinance, attached hereto as Exhibit B; and

WHEREAS, at the two public hearings on the Ordinance before the BOCC, staff for the City appeared and expressed the City's concerns with and opposition to the Ordinance; and

WHEREAS, the County passed the Ordinance after the second public hearing on October 11, 2011, attached hereto as Exhibit C; and

WHEREAS, on November 21, 2011, the City Council of the City of St. Petersburg passed Resolution No. 2011-497, attached hereto as Exhibit D, stating its objections to the Ordinance and, initiating the conflict resolution proceedings provided for in Section 164.1052, Florida Statutes, as to the conflict set forth therein; and

WHEREAS, staff of the County and City have undertaken the conflict assessment phase of ch. 164 proceedings, meeting several times over the course of many months to discuss the issues raised in Resolution No. 2011-497, which has resulted in this Interlocal Agreement ("Agreement"); and

WHEREAS, the Parties are participating in good faith to achieve this Agreement as to the Ordinance, subject to the terms and conditions contained herein, with the intent to preserve the legal status quo; and

WHEREAS, it is the Parties' intent that such participation in or execution of the Agreement does not equate to and shall not be interpreted at any time: 1) as a waiver or release of any or all claims or defenses as to the validity of the Ordinance; 2) that the City agrees in any manner that the Ordinance is a valid exercise of County authority; 3) that the County agrees in any way that the Ordinance is not a valid exercise of County Charter authority; 4) that the City has acquiesced to the Ordinance in any manner by entering into this Agreement; or 5) that the County has relinquished its right to develop Properties of Countywide Importance pursuant to the Ordinance, subject to the terms of this Agreement; and

WHEREAS, the Parties expressly reserve their respective rights to pursue any claims in any manner provided by law and to seek any available legal remedies as to the Ordinance at any time; and

WHEREAS, the County and City do hereby have the express authority to enter into this Agreement in order to make the most efficient use of their powers by cooperating in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the Parties agree to enter into this Agreement, pursuant to section 163.01, Florida Statutes, and section 3 of the Ordinance which provides for the Parties to enter into an interlocal agreement, to satisfy the Parties' respective obligations under ch. 164, Florida Statutes.

NOW, THEREFORE, in consideration of the mutual covenants to be performed by the respective parties, the Parties agree as follows:

1. The above recitals are true and correct and incorporated herein.

2. **Definitions.** The following terms or phrases shall have the definition ascribed to them herein:

   a. "Development" shall have the meaning ascribed to it in the Ordinance.

   b. "LDR" shall refer to land development regulations.

   c. "Ordinance" shall mean Pinellas County Ordinance No. 11-42.

   d. "Project" shall refer to the development, redevelopment or renovation of any Properties of Countywide Importance located within the City's municipal boundaries.

   e. "Properties of Countywide Importance" shall have the meaning ascribed in the Ordinance.

f. "Usual Charge" means the standard fee for all similarly situated users charged by the City for a particular service as established by resolution, ordinance, or other formal administrative action of the City.

3. **Community Redevelopment Areas.** The Parties recognize that the City, acting as the Community Redevelopment Agency, has adopted, pursuant to delegation from the County of authority under part III, chapter 163, Florida Statutes, the following redevelopment areas:

a. Intown Community Redevelopment Area

b. Intown West Community Redevelopment Area

c. Dome Industrial Park Community Redevelopment Area

d. Dome Industrial Park Pilot Project Community Redevelopment Area

e. Bayboro Harbor Community Redevelopment Area

f. Tangerine Avenue Community Redevelopment Area

These Community Redevelopment Areas are depicted on a map attached hereto as Exhibit E. Any Project located within the boundaries of these current community redevelopment areas shall be exempt from the terms of the Ordinance, as long as this interlocal agreement is in full force and effect. Nothing herein shall affect the County's authority as a charter county under § 163.410, Florida Statutes.

4. **Developments of Regional Impact**. The Parties recognize that the following Developments of Regional Impact (DRI) have been approved with the boundaries of the City:

a. Gateway Areawide Development of Regional Impact (Ord. No. 1142-F), as amended.

b. Intown Areawide Development of Regional Impact (Ord. No. 1072-F), as amended.

These DRI's are depicted on a map attached hereto as Exhibit F. Except as specifically set forth in paragraph 18 of this Agreement, any Project located within the boundaries of these current DRIs shall be exempt from the terms of the Ordinance as long as this interlocal agreement is in full force and effect and shall be controlled by the terms of the applicable DRI.

5. **Special Area Plans & Activity Centers**. The Parties recognize that the City has adopted the Vision 2020 Special Area Plan (SAP) and the following Comprehensive Plan/Future Land Use Overlays entitled "Activity Center" of which there is no equivalent category in the County's LDRs. The Parties recognize that the following Activity Centers exist within the boundaries of the City:

a. Gateway Activity Center

b. Tyrone Activity Center

c. Intown Activity Center

d. Central Plaza Activity Center

These SAP's and Activity Centers are depicted on a map attached hereto as Exhibit G. Except as specifically set forth in paragraph 18 of this Agreement, any Project located within the boundaries of the current Vision 2020 SAP and/or these current Activity Centers shall be exempt from the terms of the Ordinance as long as this interlocal agreement is in full force and effect.

6. **Compliance with Federal and State Requirements**. Both the County and the City are subject to various regulations imposed by Federal and State law, including but not limited to, FEMA's flood plain management requirements and water quality and pollution issues governed by the parties' respective NPDES permits (FL000005 and FL000007), as well as TMDLs and nutrient reduction requirements. When implementing County LDRs on a Project, the County shall coordinate with the City to ensure that County action will not prevent the City from

meeting its legal obligations, including being able to maintain compliance with these permits and/or regulations. Such coordination may include implementation of the relevant City LDRs. In no event shall action taken by the County to develop a project or implement its own LDRs render the City non-compliant with the permits and/or regulations referenced herein.

7. **Application of Zoning Categories or LDRs**. The County acknowledges that the County zoning categories and LDRs are not identical to the City's zoning categories and LDRs. To the extent that the County reviews and issues permits utilizing the County's zoning categories or LDRs for any development located on Properties of Countywide Importance, the County shall ensure that no action it takes will render the City inconsistent with its Comprehensive Plan, adopted pursuant to ch. 163, Florida Statutes, which may include implementation of the relevant City LDRs. In no event shall action taken by the County to develop a Project or implement its zoning categories or LDRs render the City non-compliant with the Florida Statutes, including ch. 163, as referenced herein.

8. **Fire Plan Review and Inspections**. The Parties agree that the City's Fire Marshall shall enforce the terms of and ensure compliance with the Florida Fire Building Code, that the City will conduct fire plan review and inspections associated with any Project and the County will pay the City the City's usual charge(s) for fire plan review and inspections or any other requirements associated with the Florida Fire Building Code.

9. **Florida Building Code**. The Parties recognize and agree that the County will act as the local enforcement agency, as that term is defined in s. 553.71(5), Florida Statutes, for Projects that require review and approval under the Florida Building Code (FBC), and will issue all applicable permits and certificates of occupancy. The City's building official shall have no

liability for ensuring compliance with or enforcing the terms of the FBC, as set forth in Paragraph 10.

10. **Liability**. In acting as the local enforcement agency for those Projects requiring review and approval under the FBC, as referenced in paragraph 9, as well as acting as the local government when applying the County's Comprehensive Plan and LDRs and federal and state law when developing a Project pursuant to the Ordinance, the County voluntarily assumes all risks of accidents, injury and damage to its person and property and hereby releases and discharges the City and its employees, agents, officers, elected and appointed officials, and volunteers (collectively, "Indemnified Parties") from every claim, liability, and demand of any kind. Further, the County shall defend at its expense, pay on behalf of, hold harmless and indemnify the Indemnified Parties from and against any and all claims, demands, liens, liabilities, penalties, fines, fees, judgments, losses and damages (collectively, "Claims"), whether or not a lawsuit is filed, which Claims are alleged to have arisen out of or in connection with, in whole or in part, the County performing the review and approval of projects under the FBC and the County's Comprehensive Plan and LDRs and federal and state law in the course of developing a Project pursuant to the Ordinance, notwithstanding that such Claims were alleged to have been caused by, in whole or in part, the negligence of any of the Indemnified Parties. This indemnification shall not be construed as a waiver of the County's sovereign immunity under Florida law including the damage caps contained therein, and shall be interpreted as limited to such liabilities for which the County could be held liable pursuant to 768.28, Florida Statutes and under the law interpreting the limited waiver of sovereign immunity.

11. **City Services.** To the extent any Project requires the delivery of municipal water or sewer services that will require a new physical connection to the municipal system, the County

shall review the new connection with the City, at the time of the permitting process and prior to the start of construction, to ensure consistency with the municipal system and infrastructure. The County will pay the City's usual charge for such connection, including any usual charge for review and inspection fees. If a County property receives City services, including stormwater utility and sanitation services, the County will pay the usual charge associated with such service(s).

12. **Public Notice**. In order to provide the greatest opportunity for citizen input on Projects, the County will provide notice to the public pursuant to the notice provisions contained in the City's LDRs, unless the County LDRs provide for greater public notification (i.e., a larger radius for notices sent to individual property owners via first class mail) in which case the County's LDRs will prevail.

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

City:

City Administrator
175 5th Street North
St. Petersburg, FL 33701

Pinellas County:

County Administrator
315 Court Street
Clearwater, FL 33756

Copy to:

Legal Department
P.O. Box 2842
St. Petersburg, FL 33731-2842

14. **Right-of-way vacations and easements.** To the extent a vacation of a City right-of-way or easement is required for a Project, the County will adhere to the City's process for vacations and pay the City's usual charge for such vacation.

15. **Transportation Impact Fees**. The City and County recognize that, pursuant to s. 150-45(a)(4), Pinellas County Land Development Code, the County is exempt from payment of transportation impact fees for projects involving the construction of facilities used primarily for traditional government uses. To the extent this exemption does not apply, the County agrees to pay the fee required by its countywide transportation impact fee ordinance and distribute the proceeds accordingly.

16. **No Preemption.** The Parties recognize and agree that the Ordinance does not preempt any City regulation that is not related to Development, including but not limited to, roadside solicitation, activities occurring on the Pinellas Trail, or the noise ordinance.

17. **Off-premise Signs**. The County agrees it will not construct any off-premise signs (i.e. billboards) on any Properties of Countywide Importance, regardless of whether County LDRs would allow for the placement of such signage.

18. **Solid Waste Disposal.** The County owned property commonly known as the Toytown Landfill ("Toytown") and more specifically described in the Development Agreement recorded in the Official Records of Pinellas County at Book 1697, Pages 2044-2066, is subject to the terms and conditions of that Development Agreement for the duration of the term set forth therein at paragraph 4, and the Ordinance does not modify or amend the terms and conditions of that Agreement, which may only be amended by the mutual consent of the parties thereto.

Toytown and the County owned property commonly known as the Sod Farm, which is depicted on map attached hereto as Exhibit H and is approximately bounded by 28th Street North

to the west, I-275 to the east, County Road 296 to the north, and 102nd Avenue North to the south, collectively referred to as the "Solid Waste Properties" are located within the Gateway Areawide DRI referenced in paragraph 4 and the Gateway Activity Center referenced in paragraph 5. The exemption from the Ordinance referenced in paragraphs 4 and 5 shall not extend to the Solid Waste Properties.

19. **Application of Ordinance.** The Parties specifically acknowledge and agree that the Ordinance does not apply to stormwater drainage facilities or public rights-of-way.

20. **Legal Remedies**. Neither the execution of this Agreement nor any term or condition contained herein shall be interpreted or construed at any time as a waiver or release by the City or County of any claims, causes of action or defenses of any nature related to the validity of the Ordinance. Without limiting the generality of the foregoing, the City maintains its right to pursue any and all causes of action in any manner provided by law or equity and to seek all available legal and equitable remedies, and the County may defend against such causes of action and any requested remedies. The Parties agree that the execution of this Agreement shall toll the applicable statute of limitations or other affirmative defenses that would bar a lawsuit based upon the passage of time, related to any cause of action the City may bring specifically related to development pursuant to the Ordinance of any Project located on the Solid Waste Properties, as that term is defined in paragraph 18, that is not governed by the Toytown Development Agreement until such time as notice is given by the County to the City, as required by section 4 of the Ordinance, regarding a proposed Project. This Agreement shall not be interpreted or construed as an admission by the City or the County that the Ordinance is or is not a valid exercise of County authority or that the City or County acquiesced as to the validity of the Ordinance in any manner by entering into this Agreement. The Parties expressly reserve their

respective rights to challenge and defend the validity of the Ordinance at any time. If the City exercises its right to challenge the validity of the Ordinance, then the County may unilaterally terminate this Agreement by providing five (5) days written notice to the City. If the County exercises its right to develop Properties of Countywide Importance contrary to the terms of this Agreement, then the City may unilaterally terminate this Agreement by providing five (5) days written notice to the City.

21. **Third-Parties**. This Agreement is intended for the benefit of the Parties only and is not intended for the benefit of any third parties.

22. **Modification.** If the County or the City desires to modify this Agreement, either may do so only with the written consent of the other party. Such modification must be in writing and executed by both Parties.

23. **Captions.** Captions are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this Agreement.

24. **Existing Agreements**. This Agreement is not intended to modify or amend the terms and conditions of any other existing agreements between the Parties.

25. **Survival**. The obligations of the County arising during or attributable to the period prior to expiration or earlier termination of this Agreement as to Paragraphs 10 and 20 of this Agreement, shall survive such expiration or earlier termination.

26. **Term**. As required in Section 163.01(11), Florida Statutes, this Agreement shall be filed with the Clerk of the Circuit Court of Pinellas County, Florida after the execution by the Parties, and shall become effective upon the date of filing. This Agreement shall continue in force for a period of 10 years, with three five (5) year renewal periods upon mutual written agreement of the

Parties. Either Party may terminate this Agreement for convenience upon thirty (30) days written notice to the other Party.

27. **Periodic Reviews**. The Parties agree to a periodic review, every 5 years, of the Agreement. In the event of the creation, expansion, modification, change to or expiration of a Development of Regional Impact (DRI), Special Area Plan (SAP), Community Redevelopment Area (CRA), or development agreement, including the Toytown Development Agreement, where one or more of the Properties of Countywide Importance is located, and prior to next the periodic review, the Parties agree to meet to discuss such activity prior to any development occurring on said Properties of Countywide Importance. In the event the County acquires fee ownership in the future of a property deemed by the County to be of countywide importance, that is not one of the Properties of Countywide Importance currently addressed by this Agreement and prior to the next periodic review, the Parties agree to meet to discuss said property prior to any development occurring.

EXHIBITS

Exhibit A - Letter from City to LPA Chair re: concerns with ordinance (Sept. 2011) (City)

Exhibit B - Letters from City with additional concerns (City)

Exhibit C - Ordinance (County)

Exhibit D - City Resolution No. 2011-497 (City)

Exhibit E - Map of CRA's (City)

Exhibit F - Map of DRI's (City)

Exhibit G - Map of SAP's and activity centers (City)

Exhibit H - Map of Solid Waste properties (County)

Attached documents for item Mahaffey Theater HVAC Upgrade Project:

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of December 5, 2013

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

Subject: Awarding a contract to Tappouni Mechanical Services, Inc. in the amount of $1,231,400 for the Mahaffey Theater HVAC Upgrade Project (Engineering Project No. 11222-019; Oracle Project No. 12889).

Explanation: The Procurement Department received four responsive bids for the Mahaffey Theater HVAC Upgrade Project (see below).

The work consists of furnishing all labor, materials, equipment and services necessary to replace four existing Mahaffey Theater air conditioning chillers and related Heating Ventilation and Air Conditioning (HVAC) equipment. Work includes installation of two 190-ton temporary air cooled chillers to provide continuous chilled water for Mahaffey Theater operations during the work, demolition and removal of the four existing chillers, two boilers, 2 cooling towers and 6 pumps and selected piping, and electrical equipment. Work includes furnishing and installing two new 380 ton capacity water-cooled centrifugal chillers with variable speed drives controlling compressor speed, a natural gas fired boiler, buffer tank, rooftop cooling tower, and two inline pumps. Work includes furnishing and installing a new building automation system (BAS), refrigerant monitoring system, modification to the existing chilled water piping system to a variable primary pumping system, installing Demand Control Ventilation (DCV) system equipment sensors for monitoring temperature, humidity, pressure, and carbon dioxide on air handling units AHU-2, 3, 4 and 5. Work includes related mechanical, electrical, and plumbing work, and systems start up and testing. The contractor will schedule all work operations to not conflict with scheduled Theater performances and operations.

The selected bid alternates include extended five year warranties for the chillers and cooling tower, and replacement of the boiler and heating hot water pump.

The Mahaffey Theater chilled water plant consists of four chillers of varying age and condition that have required extensive repairs and maintenance over the past several years. The chillers need to be replaced in order to ensure a continuous supply of chilled water to the Mahaffey Theater. The Building Automation and Demand Control Ventilation Systems with high efficiency chillers are expected to result in an annual energy cost savings in excess of 20% for the Mahaffey Theater. In addition to the energy savings, the City will realize a reduction in the maintenance costs of central chiller plant equipment.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within three hundred and sixty five (365) consecutive calendar days thereafter. Bids were opened on September 24, 2013 and are tabulated as follows:

Continued on Page 2

Bidder	Base Bid & Selected Alternates
Tappouni Mechanical Services, Inc. (Tampa, FL)	$1,231,400.00
Bentzel Mechanical , Inc. (St. Petersburg, FL)	$1,307,200.00
Air Mechanical & Service Corp (Tampa, FL)	$1,336,310.00
Kenyon & Partners, Inc. (Tampa, FL)	$1,369,210.00

The lowest responsive bidder Tappouni Mechanical Services, Inc. has met the specifications, terms and conditions of Bid No. 7541 dated August 12, 2013, and has satisfactorily performed similar work for the City of Tampa. The Principals of the firm are S. M. Tappouni, President and Chris Tappouni, Vice President.

Recommendation: Administration recommends awarding this Contract to Tappouni Mechanical Services, Inc. in the amount of $1,231,400.00 for the Mahaffey Theater Mechanical Plant Project.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Recreation and Culture Capital Improvement Fund (3029), Mahaffey Theater Mechanical Plant Project (12889).

Attachments: Resolution

Approvals:

Administrative **Budget**

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO TAPPOUNI MECHANICAL SERVICES, INC. FOR COMPLETION OF THE MAHAFFEY THEATER MECHANICAL PLANT PROJECT (ENGINEERING PROJECT NO. 11222-019) AT A TOTAL COST NOT TO EXCEED $1,231,400; 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 four bids for completion of the Mahaffey Theater Mechanical Plant Project (Engineering Project No. 11222-019) pursuant to Bid No. 7541 dated August 12, 2013; and

WHEREAS, Tappouni Mechanical Services, Inc. has met the specifications, terms and conditions of Bid No. 7541; 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 Tappouni Mechanical Services, Inc. for completion of the Mahaffey Theater Mechanical Plant Project (Engineering Project No. 11222-019) at a total cost not to exceed $1,231,400 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)

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. CID-09-01-AEI to the agreement between the City of St. Petersburg and Affiliated Engineers, Inc. (AEI) in the amount of $119,527 for Construction Phase Services for the Mahaffey Theater Mechanical Project, for a total amount of $219,518. (Engineering Project No. 11222-019; Oracle No.12889).

EXPLANATION: On July 8, 2009, the City Council approved a Master Agreement with the professional consulting engineering firm of Affiliated Engineers, Inc. for engineering services related to Miscellaneous Professional Services for Solar Energy, Energy Efficiency, Mechanical, Electrical, Plumbing, and Fire Protection Projects.

On September 22, 2011, Task Order No. CID-09-01-AEI was administratively approved to provide engineering consulting services to develop an Energy Analysis Report for the Mahaffey Theater. The report included evaluation of current energy consumption, occupancy schedules, equipment repair costs, and control system upgrade needs to improve energy efficiency. The consultant also developed a preliminary design for the replacement of the existing aging/obsolete central plant equipment and the building automation system. The objective of the project is to replace aged and obsolete central chilled water and building automation equipment with smaller, more reliable, and appropriately sized high efficiency equipment to reduce energy consumption and maintenance costs and increase user comfort. These services were satisfactorily completed at a cost of $76,052.

In May 2012, the City received the final Energy Analysis Report from Affiliated Engineers, Inc. (AEI). The report evaluated the condition of the chilled water plant and provided Energy Conservation Measure (ECM) recommendations to increase the plant's reliability, reduce repairs costs and maximize energy savings

Amendment No. 1 to Task Order No. CID-09-01-AEI was administratively approved, in the amount of $23,939, provides for professional engineering services pertaining to benchmark Test & Balance information on the existing Air Handling Units, and preparation of final plans, technical specifications, permit applications, and bidding documents for the replacement of the chillers, and existing boiler heating system.

Amendment No. 2 to Task Order CID-09-01-AEI in the amount of $119,522, pertains to construction phase services, review of shop drawings, construction observation, and

commissioning services for the central chiller plant, building automation system, and related systems for the Mahaffey Theater HVAC Upgrades Project.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. CID-09-01-AEI to the agreement between the City of St. Petersburg and Affiliated Engineers, Inc. (AEI) in the amount of $119,527 for Construction Phase Services for the Mahaffey Theater Mechanical Project, for a total amount of $219,518. (Engineering Project No. 11222-019; Oracle No.12889).

COST/FUNDING/ASSESSMENT INFORMATION: Funds have been previously appropriated in the Recreation and Culture Capital Improvement Fund (3029), Mahaffey Theater Mechanical Plant Project (12889).

ATTACHMENTS: Resolution

APPROVALS:
rq

Administrative
TBG

Budget

RESOLUTION NO. 2013 ____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. CID-09-01-AEI TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND AFFILIATED ENGINEERS, INC. (AEI) IN THE AMOUNT OF $119,527 FOR CONSTRUCTION PHASE SERVICES FOR THE MAHAFFEY THEATER MECHANICAL PROJECT, FOR A TOTAL AMOUNT OF $219,518. (ENGINEERING PROJECT NO. 11222-019; ORACLE NO.12889); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 8, 2009, the City Council approved a Master Agreement with the professional consulting engineering firm of Affiliated Engineers, Inc. for engineering services related to Miscellaneous Professional Services for Solar Energy, Energy Efficiency, Mechanical, Electrical, Plumbing, and Fire Protection Projects; and

WHEREAS, on September 22, 2011, Task Order No. CID-09-01-AEI was administratively approved to provide engineering consulting services to develop an Energy Analysis Report for the Mahaffey Theater at a cost of $76,052; and

WHEREAS, Amendment No. 1 to Task Order No. CID-09-01-AEI was administratively approved, in the amount of $23,939, pertains to specific technical and construction phase engineering services related to the Mahaffey Theater Mechanical Project; and

WHEREAS, this Amendment No. 2 to Task Order CID-09-01-AEI in the amount of $119,522, provides for construction phase engineering services.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Amendment No. 2 to Task Order No. CID-09-01-AEI to the agreement between the City of St. Petersburg and Affiliated Engineers, Inc. (AEI) in the amount of $119,527 for Construction Phase Services for the Mahaffey Theater Mechanical Project, for a total amount of $219,518. (Engineering Project No. 11222-019; Oracle No.12889); and providing an effective date.

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 a blanket purchase agreement with Neptune Technology Group, Inc., a sole source supplier, for water meters for the Water Resources Department at an estimated annual cost of $385,000.

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

Subject: Renewing a blanket purchase agreement with Neptune Technology Group, Inc., a sole source supplier, for water meters for the Water Resources Department at an estimated annual cost of $385,000.

Explanation: On March 3, 2011 City Council approved a one-year agreement with Neptune Technology Group, Inc. Under the renewal of contract clause, the city reserves the right to extend the agreement for a period of one year if mutually agreeable. This is the final renewal.

The vendor furnishes and delivers water meters for residential and commercial use. A sole source procurement is recommended to maintain compatibility with the vast majority of Neptune Trident meters currently installed in the field. Compatibility and use of common replacement parts are paramount considerations in minimizing ongoing maintenance costs and facilitating future upgrades. Neptune Trident water meters are only available from Neptune Technology Group, Inc. They are installed as part of the meter change-out program as existing meters reach the end of their useful life and will also be used to replace damaged or broken meters. The life expectancy of each meter is approximately 10 years. The city currently has approximately 91,000 active water customers and anticipates the replacement of 7,500 meters during the next 12 months. The water meters will be stocked at the Consolidated Warehouse.

The Procurement Department, in cooperation with the Water Resources Department, recommends for renewal:

Neptune Technology Group, Inc.....$385,000

This purchase will be made in accordance with Section 2-232(d) of the Sole Source Procurement of the City 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 renewal will be effective from date of award through March 31, 2015.

Cost/Funding/Assessment Information: Funds are available in the Water Resources Capital Projects Fund (4003), DIS Meter & Backflow Replacement FY14 Project (14239). Each subsequent year will have a unique Oracle project number.

Attachments: Sole Source Resolution

Approvals:

Administrative **Budget**

CITY OF ST. PETERSBURG

REQUEST FOR SOLE SOURCE

Department: Water Resources Requisition No. _____

Check One: X Sole Source ____ Proprietary Specifications

Proposed Vendor: Neptune

Estimated Total Cost: $

Description of Items (or Services) to be purchased: Water Meters, displacement type various sizes, 5/8" X ¾", 1", 1-1/2", and 2".

Purpose of Function of items: Water meters are installed on every residential and commercial account to measure water usage. The registered use is recorded monthly and serves as a basis to accurately bill customers for the water they use.

Justification for Sole Source of Proprietary specification: The Water Resources Dept has used Neptune water meters for over 10 years with very good results. WRD has standardized on on these water meters for continued efficiency and cost effectiveness. Neptune meters are proven to be reliable with a high percentage of the products maintaining their accuracy and functionality over the life of the operation.

I hereby certify that in accordance with Section 2-232(d) of the City of St. Petersburg Purchasing Code, I have conducted a good faith review of available sources and have determined that there is only one potential source for the required items per the above justification.

Department Director — Date: 1/12/11

Administrator/Chief — Date: 2/7/11

Louis Moore, Director
Purchasing and Materials Management — Date: 2/7/11

A RESOLUTION APPROVING THE THIRD AND FINAL ONE-YEAR RENEWAL OPTION TO AN AGREEMENT (BLANKET AGREEMENT) WITH NEPTUNE TECHNOLOGY GROUP INC., A SOLE SOURCE SUPPLIER AT AN ESTIMATED ANNUAL COST NOT TO EXCEED $385,000 FOR THE PURCHASE OF WATER METERS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On March 3, 2011, City Council declared Neptune Technology Group Inc., ("Neptune") to be a sole source supplier pursuant to City Code Section 2-232(d) for the purchase of water meters and, approved the award of a one-year agreement (Blanket Agreement) with three one-year renewal options to Neptune; and

WHEREAS, on December 15, 2011, City Council approved the first one-year renewal option of the Agreement; and

WHEREAS, on November 19, 2012, City Council approved the second one-year renewal option of the Agreement; and

WHEREAS, the City desires to exercise the third and final one-year renewal option of the Agreement; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Water Resources Department, recommends approval of the third and final one-year renewal option of the Agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the third and final one-year renewal of the Agreement (Blanket Agreement) with Neptune Technology Group Inc., a sole source supplier, at an estimated annual cost not to exceed $385,000 for the purchase of water meters 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 Renewing a blanket purchase agreement with Corvel Healthcare Corporation for medical bill review and payment services for the Human Resources Department at an estimated annual cost of $175,000.

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of December 5, 2013

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

Subject: Renewing a blanket purchase agreement with Corvel Healthcare Corporation for medical bill review and payment services for the Human Resources Department at an estimated annual cost of $175,000.

Explanation: On January 16, 2011 City Council approved a three-year agreement with Corvel Healthcare Corporation. Under the renewal of contract clause, the City reserves the right to extend the contract for two one-year periods if mutually agreeable. This is the first renewal.

The vendor reviews, processes and pays bills submitted to Risk Management by Workers' Compensation medical providers. The vendor ensures services provided are appropriate and applicable discounts have been applied as per the state of Florida fee schedule and other discounting schedules and will process checks for payment upon approval. In addition, the vendor also electronically files all approved medical bills with the Division of Workers' Compensation (DWC). These services also fulfill the requirements of the Florida Administrative Code (FAC) governing the provision of medical services, billing of such services, electronic filing of medical bills with the DWC and all other applicable administrative requirements.

The Procurement Department, in cooperation with the Human Resources Department, recommends renewal utilizing Pinellas County Contract No. 090-0435-P:

Corvel Healthcare Corporation $175,000

The vendor has has agreed to hold prices firm under the terms and conditions of Pinellas County RFP No. 090-0435-P dated October 7, 2010. 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 unit price. This purchase is made in accordance with Section 2-234 (e) of the City Code which authorizes the Mayor or his designee to participate in a cooperative bid process with other government entities. The renewal will be effective from date of approval through January 5, 2015.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Workers' Compensation Fund (5129), Workers' Compensation Administration (0901201).

Attachments: Resolution

Approvals:

11-15-13

Administrative **Budget**

A RESOLUTION APPROVING THE FIRST ONE-YEAR RENEWAL OPTION OF AN AGREEMENT WITH CORVEL HEALTHCARE CORPORATION FOR MEDICAL BILL REVIEW AND PAYMENT SERVICES FOR THE HUMAN RESOURCES DEPARTMENT AT AN ESTIMATED ANNUAL COST NOT TO EXCEED $175,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 16, 2011 City Council approved the award of a three-year agreement with two one-year renewal options to Corvel Healthcare Corporation for medical bill review and payment services utilizing Pinellas County Contract No. 090-0435P; and

WHEREAS, the City desires to exercise the first one-year renewal option to the Agreement; and

WHEREAS, Corvel Heathcare Corporation has agreed to uphold the terms and conditions of Pinellas County Contract No. 090-0435P; 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 to the Agreement with Corvel Heathcare Corporation for medical bill review and payment services at an estimated annual cost not to exceed $175,000 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 January 5, 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 cooperative purchase agreement for natural gas from Interconn Resources, LLC at an estimated annual cost of $175,000.

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of December 5, 2013

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

Subject: Approving a cooperative purchase agreement for natural gas from Interconn Resources, LLC at an estimated annual cost of $175,000.

Explanation: This purchase is being made from Pinellas County Bid No. 123-0180-B. The vendor will supply and manage natural gas delivered by pipeline for city facilities. The gas is used for running generators, boilers (humidity control, heating, hot water, showers, digester heaters) and cooking equipment. The primary users are Water Resources, Police, Libraries and Parks & Recreation departments.

The city participated in a joint bid with Pinellas County to purchase de-regulated natural gas from a local utility approved supplier. The new agreement will allow the city to realize combined savings, as well as receive a single invoice for natural gas. Currently the city receives invoices from the local utility, TECO Peoples Gas, and invoices from Infinite Energy, the current natural gas supplier for approximately 38 city locations. Interconn Resources will provide a single invoice per location that includes the monthly TECO charges for pipeline transport to City users (burner tip) and pipeline infrastructure overhead costs as well as their purchase price of gas FGT Zone 3 at wellhead, pass thru costs (pipeline transport to TECO), operational costs and profit. The city expects to realize approximately $20,000 savings per year by transferring city accounts to the de-regulated supplier, due to both lower gas cost ($19,250) and lower fixed marketer fee ($750).

The Procurement Department recommends for award utilizing Pinellas County Bid No. 123-0180-B:

Interconn Resources, LLC.....$175,000

Est. 186,000 therms/yr @ est. gas price @ $0.362/therm	$67,340
Pass thru costs @ $0.085/therm	15,810
Fixed Marketer fee @ $0.0095/therm	1,767
Est. TECO charges/year	90,083

Interconn Resources, LLC has met the specifications, terms and conditions of Pinellas County Bid No. 123-0180-B dated March 8, 2013. Interconn, an independent natural gas marketing company, is headquartered in Birmingham, Alabama with a sales office in St. Petersburg. They were founded in 1997 and have 95 employees nationwide. They have provided similar services for Orlando Health, Florida's Natural Orange Juice and Defense Logistics Agency (for Department of Defense) and have performed satisfactorily. This purchase is made in accordance with Section 2-243 (e) of the City Code which authorizes the Mayor or his designee to participate in a cooperative bid process with other governmental entities. A blanket purchase agreement will be issued to the vendor and will be binding only for actual services rendered. This agreement will be effective through June 30, 2015 and has one 24 month renewal option.

Continued on Page 2

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001) [$78,485], Police Department, Building Maintenance (1401393); Fire Department, Fire Suppression (1501497), Gandy Fire Station (1501501); Parks & Recreation Department, Sunshine Center (1901661), North Shore Pool (1901677), Fossil Park Pool (1901697), Walter Fuller Pool (1901709), Treasure Island Concessions (1901713), Leisure Services Facility Systems (1902469); Library Department, Main Library (2001165); Water Resources Operating Fund (4001) [$66,850], Water Resources Department, Water Maintenance Administration (4202105), Wastewater Maintenance Administration (4202141), Albert Whitted WRF (4202169), Northeast WRF (4202173), Northwest WRF (4202177), Southwest WRF (4202181), Lift Station Maintenance (4202205).

Attachments: Resolution

Approvals:

Administrative **Budget**

A RESOLUTION APPROVING THE AWARD OF AN AGREEMENT (BLANKET AGREEMENT) WITH ONE TWO-YEAR RENEWAL OPTION TO INTERCONN RESOURCES, LLC FOR THE PURCHASE OF NATURAL GAS AT AN ESTIMATED ANNUAL COST NOT TO EXCEED $175,000 UTILIZING PINELLAS COUNTY BID NO. 123-0180-B; 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 the purchase of natural gas for various services; and

WHEREAS, pursuant to Section 2-243(e) of the City Code the City is permitted to utilize competitively bid proposals or contracts secured by State, County or municipal government when it is in the best interest of the City; and

WHEREAS, Interconn Resources, LLC has met the specifications, terms and conditions of Pinellas County Bid No. 123-0180-B; and

WHEREAS, the Procurement & Supply Management Department recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the award of an agreement (Blanket Agreement) with one two-year renewal option to Interconn Resources, LLC for the purchase of natural gas at an estimated annual cost not to exceed $175,000 utilizing Pinellas County Bid No. 123-0180-B 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 agreement will be effective from the date of award through June 30, 2015.

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 Resource Efficiency Solutions, Inc. for induction and LED lighting replacement parts at an estimated annual amount of $250,000.

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of December 5, 2013

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

Subject: Renewing a blanket purchase agreement with Resource Efficiency Solutions, Inc. for induction and LED lighting replacement parts at an estimated annual amount of $250,000.

Explanation: On February 21, 2013 City Council approved a one year agreement with Resource Efficiency Solutions, Inc. Under the renewal of contract clause, the City reserves the right to extend the contract for three one-year periods if mutually agreeable. This is the first renewal.

The vendor provides induction and LED light replacement parts required to maintain already converted induction and LED acorn, cobra head, and hat box style street lighting fixtures in addition to yet to be converted lighting fixtures for City facilities. The parts are installed without removal of the existing fixture on the pole; are interchangeable with existing units; and are fully compatible with the utility version of Granville Premier and Washington Postlite Acrylic Prismatic, King Luminaire, Beacon Products and American Electric Lighting cobra head fixtures. In addition, the vendor will provide induction and LED parts for various directional flood, high bay, parking garage and façade style lighting fixtures installed by the city.

The primary users are Engineering and Capital Improvements, Public Works, Fleet Management, and Parks & Recreation departments.

The Procurement Department recommends for renewal:

Resource Efficiency Solutions, Inc. (SBE).....$250,000

Resource Efficiency Solutions, Inc. (SBE) has agreed to hold prices firm under the terms and conditions of IFB No. 7418 dated December 14, 2012. 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 unit price. The renewal will be effective from date of approval through February 28, 2015.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001), Parks & Recreation Department (190); Fleet Management Fund (5001), (800) Fleet Management Department; and in various capital projects in the General Capital Improvements Fund (3001), Neighborhood and Citywide Infrastructure CIP Fund (3027) and the Recreation and Culture Capital Improvements Fund (3029).

Attachments: Resolution

Approvals:

Administrative **Budget**

A RESOLUTION APPROVING THE FIRST ONE-YEAR RENEWAL OPTION OF AN AGREEMENT WITH RESOURCE EFFICIENCY SOLUTIONS INC. FOR INDUCTION AND LED LIGHTING REPLACEMENT PARTS AT AN ESTIMATED ANNUAL AMOUNT 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 February 21, 2013 City Council approved the award of a one-year agreement with three one-year renewal options to Resource Efficiency Solutions Inc. for induction and LED lighting replacement parts pursuant to IFB No 7418 dated December 14, 2012; and

WHEREAS, the City desires to exercise the first one-year renewal option to the Agreement; and

WHEREAS, the Procurement & Supply Management 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 Resource Efficiency Solutions Inc. for induction and LED lighting replacement parts at an estimated amount 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 through February 28, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney (Designee)

Attached documents for item Approving an increase to the allocation for transportation services to Escot Bus Lines, LLC, The Looper Group, Inc., and Limosouth, Inc. dba Carey Limousine of Tampa Bay in the amount of $30,000 for purchased transportation services for the baseball shut

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

Subject: Approving an increase to the allocation for transportation services to Escot Bus Lines, LLC, The Looper Group, Inc., and Limosouth, Inc. dba Carey Limousine of Tampa Bay in the amount of $30,000 for purchased transportation services for the baseball shuttle and other City co-sponsored events. These additional funds will increase the total contract amount to $125,000.

Explanation: Administration awarded blanket purchase agreements with renewals to Escot Bus Lines, LLC, The Looper Group, Inc., and Limosouth, Inc. dba Carey Limousine of Tampa Bay for transportation services, at an estimated annual amount of $95,000. City Council approval was not requested as the annual amount did not meet the required threshold. The agreements expire April 30, 2014.

Planned requirements through the balance of the contract term will cause the contract amount to exceed the total estimated contract amount; therefore, Council's approval is requested. Amounts paid to the three vendors pursuant to the increase will not exceed a combined total of $125,000 through the term of the agreements. The transportation services are required for events such as co-sponsored special events, St. Pete Grand Prix, and Rays games.

The Procurement Department, in cooperation with the Transportation and Parking Management department, recommends:

Original Contract Sum	$ 95,000
Increased Allocation	30,000
Revised Contract Sum	$125,000

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Parking Revenue Fund (1021) Parking Facilities Management account (2811245).

Attachments: Resolution

Approvals:

R. Murrett 11-15-13
Administrative

Budget

A RESOLUTION APPROVING CHANGE ORDERS TO THE AGREEMENTS (BLANKET AGREEMENTS) WITH ESCOT BUS LINES, INC., THE LOOPER GROUP, INC., AND LIMOSOUTH, INC. D/B/A CAREY LIMOUSINE OF TAMPA BAY FOR TRANSPORTATION SERVICES IN THE TOTAL OF AMOUNT OF $30,000 FOR A REVISED TOTAL COST NOT TO EXCEED $125,000; 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 agreements to Escot Bus Lines, Inc., The Looper Group, Inc., and Limosouth, Inc. d/b/a Carey Limousine of Tampa Bay at an estimated annual amount of $95,000 (said amount was under the threshold requiring City Council approval); and

WHERAS, the planned requirements through the balance of the contract term (April 30, 2014) will cause the contract amount to exceed $100,000; and

WHEREAS, the City desires to increase the total cost of the Agreements with Escot Bus Lines, Inc., The Looper Group, Inc., and Limosouth, Inc. d/b/a Carey Limousine of Tampa Bay to an amount not to exceed $125,000; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Transportation and Parking Management Department recommends approval of this Change Order.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that Change Orders to the agreements (Blanket Agreements) with Escot Bus Lines, Inc., The Looper Group, Inc., and Limosouth, Inc. d/b/a Carey Limousine of Tampa Bay in the amount of $30,000 for a revised total cost not to exceed $125,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions.

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 thirty-six (36) month License Agreement with John Henry Sculptor, Inc., to display the sculpture titled “Big Max” on a portion of the City-owned Park and Waterfront Property known as Straub Park, at a lic

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

SUBJECT: A resolution authorizing the Mayor, or his Designee, to execute a thirty-six (36) month License Agreement with John Henry Sculptor, Inc., to display the sculpture titled "Big Max" on a portion of the City-owned Park and Waterfront Property known as Straub Park, at a license fee of $36.00 for the entire term; and to execute all documents necessary to effectuate same; and providing an effective date. ***(Requires affirmative vote of at least six (6) members of City Council.)***

EXPLANATION: Real Estate and Property Management received a request from Leisure & Community Services Administration to prepare a License Agreement with John Henry Sculptor, Inc. ("Licensee") to continue to display the sculpture "Big Max" on a portion of the City-owned Park and Waterfront Property known as Straub Park ("Property"). The sculpture has been on display in the southern portion of Straub Park since June 2011.

The Property is legally described as follows:

> A portion of the City-owned Park and Waterfront Property known as Straub Park and being more particularly described as follows:
>
> > The North Seventy (70) Feet of Lot 1, Block 1, REPLAT OF STRAUB PARK, as recorded in Plat Book 107, Page 36 of the Public Records of Pinellas County, Florida.
> > Parcel I.D. No.: 19/31/17/85570/001/0010

The Licensee has executed a License Agreement ("Agreement") for a term of thirty-six (36) months, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed during the preceding term. The Agreement provides that the Licensee shall be responsible for all applicable costs associated with the Licensee's use of the Property. In consideration of the public benefit of having this artwork to continue to be displayed in St. Petersburg, the City is charging nominal fee of $36.00 for the entire term, which the Licensee has agreed to pay. Additionally, the Licensee shall maintain a $1,000,000 Commercial General Liability policy, protecting the City against all claims which may arise or be claimed on account of the Licensee's use of the Property. The Licensee shall maintain the Property at its own cost and expense, remove the sculpture and deliver up the Property in good condition upon expiration or earlier termination of the Agreement. The Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the scheduled date of termination. The Agreement also grants the City a license to make two-dimensional reproductions of the sculpture for non-commercial purposes.

Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for Park and Waterfront property for five (5) years or less on commercially-zoned property with approval by an affirmative vote of at least six (6) members of City Council. The subject property is zoned (DC-P) Downtown Center Park.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a thirty-six (36) month License Agreement with John Henry Sculptor, Inc., to display the sculpture titled "Big Max" on a portion of the City-owned Park and Waterfront Property known as Straub Park, at a license fee of $36.00 for the entire term; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION N/A

ATTACHMENTS: Illustrations and Resolution

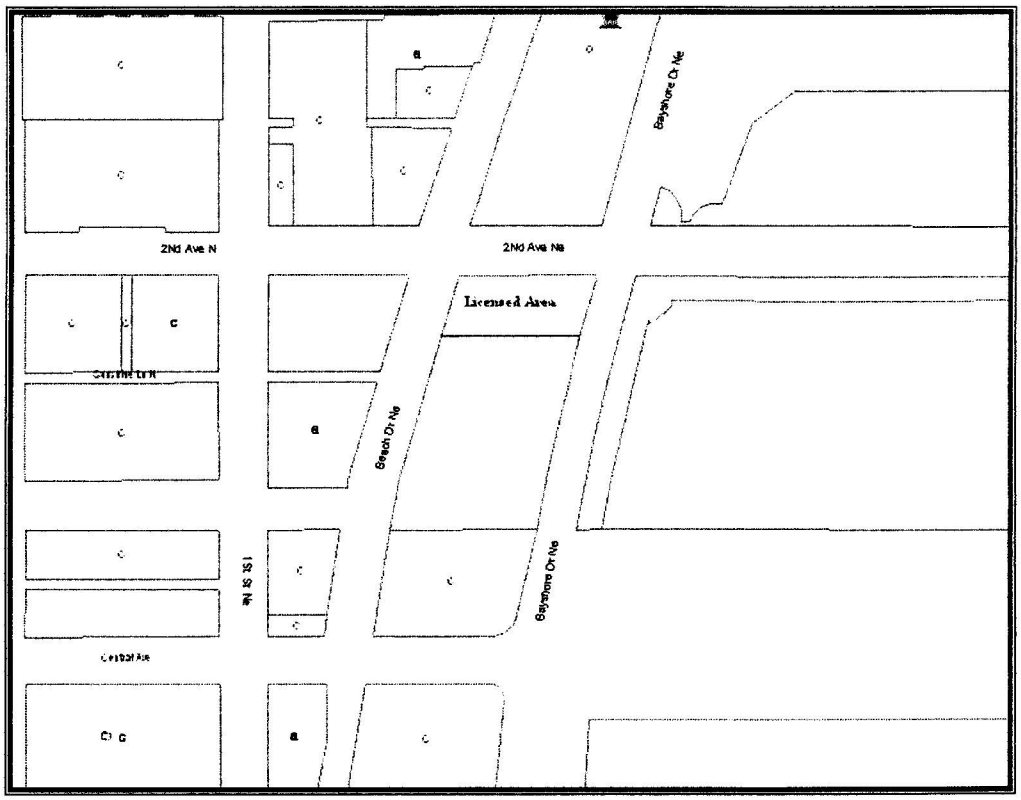
APPROVALS: Administration: R. Musser 11-20-13 EG

Budget: N/A

Legal: MO

(As to consistency w/attached legal documents)

ILLUSTRATION NO. 1



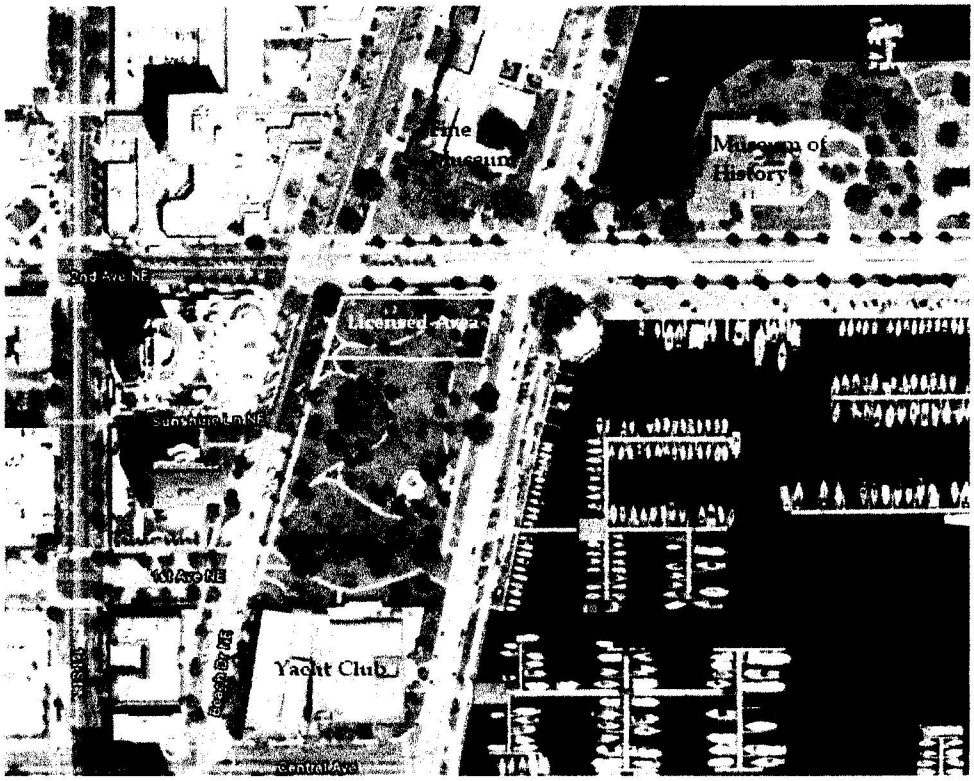
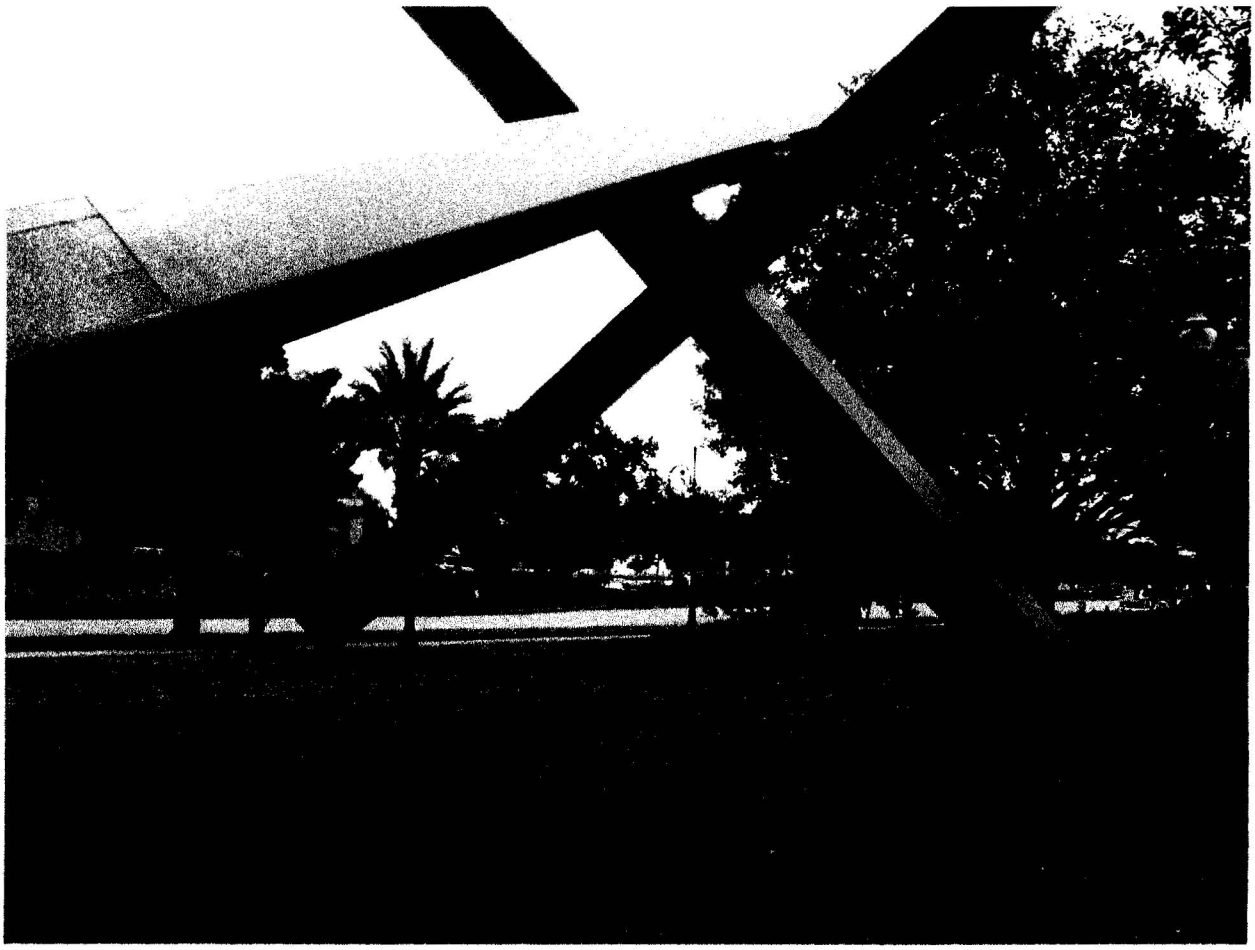


ILLUSTRATION NO. 2



SCULPTURE "BIG MAX"

Resolution No. 2013 - _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A THIRTY-SIX (36) MONTH LICENSE AGREEMENT WITH JOHN HENRY SCULPTOR, INC., TO DISPLAY THE SCULPTURE TITLED "BIG MAX" ON A PORTION OF THE CITY-OWNED PARK AND WATERFRONT PROPERTY KNOWN AS STRAUB PARK, AT A LICENSE FEE OF $36.00 FOR THE ENTIRE TERM; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management received a request from Leisure & Community Services Administration to prepare a License Agreement with John Henry Sculptor, Inc. ("Licensee") to continue to display the sculpture "Big Max" on a portion of the City-owned Park and Waterfront Property known as Straub Park ("Property"); and

WHEREAS, the sculpture has been on display in the southern portion of Straub Park since June 2011; and

WHEREAS, the Property is legally described as follows:

A portion of the City-owned Park and Waterfront Property known as Straub Park and being more particularly described as follows:

The North Seventy (70) Feet of Lot 1, Block 1, REPLAT OF STRAUB PARK, as recorded in Plat Book 107, Page 36 of the Public Records of Pinellas County, Florida.

Parcel I.D. No.: 19/31/17/85570/001/0010; and

WHEREAS, the Licensee will execute a License Agreement ("Agreement") for a term of thirty-six (36) months wherein the Licensee is responsible for all applicable costs associated with the Licensee's use of the Property, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed during the preceding term; and

WHEREAS, in consideration of the public benefit of having this artwork to continue to be displayed in St. Petersburg, the City is charging nominal fee of $36.00 for the entire term, which the Licensee has agreed to pay; and

WHEREAS, the Licensee shall maintain a $1,000,000 Commercial General Liability policy, protecting the City against all claims which may arise or be claimed on account of the Licensee's use of the Property; and

WHEREAS, the Licensee shall maintain the Property at its own cost and expense, remove the sculpture and deliver up the Property in good condition upon expiration or earlier termination of the Agreement; and

WHEREAS, the Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the scheduled date of termination; and

WHEREAS, the Agreement also grants the City a license to make two-dimensional reproductions of the sculpture for non-commercial purposes; and

WHEREAS, Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for Park and Waterfront property for five (5) years or less on commercially-zoned property with approval by an affirmative vote of at least six (6) members of City Council; and

WHEREAS, the subject property is zoned (DC-P) Downtown Center Park.

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 thirty-six (36) month License Agreement with John Henry Sculptor, Inc., to display the sculpture titled "Big Max" on a portion of the City-owned Park and Waterfront Property known as Straub Park, as legally described above, at a license fee of $36.00 for the entire term; and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:

City Attorney (Designee)

APPROVED BY:

Clarence Scott III, Administrator
Leisure & Community Services

APPROVED BY:

Bruce E. Grimes, Director
Real Estate and Property Management

Attached documents for item Authorizing the Mayor or his designee to execute a First Amendment to License Agreement with Leland Allenbrand d/b/a St. Petersburg Horse & Carriages dated December 6, 2012, for use of a portion of the public streets and a portion of the Dolphin Parking L

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

SUBJECT: A resolution authorizing the Mayor or his designee to execute a First Amendment to License Agreement with Leland Allenbrand d/b/a St. Petersburg Horse & Carriages dated December 6, 2012, for use of a portion of the public streets and a portion of the Dolphin Parking Lot for operation of a horse carriage business; and to execute all documents necessary to effectuate same; and providing an effective date. ***(Requires affirmative vote of at least six (6) members of City Council.)***

EXPLANATION: Real Estate & Property Management received a request from Leland Allenbrand, owner of St. Petersburg Horse & Carriages ("Licensee") asking the City to extend its License to conduct a horse and carriage transportation business on a portion of the public streets in addition to use of a portion of the Dolphin Parking Lot, for another year. Through the adoption of Resolution No. 2012-557, on December 6, 2012, City Council approved a one-year License Agreement ("License"), with extensions for up to two (2) successive one (1) year terms, that provided the Licensee use of a portion of the public streets for business operations and five (5) parking spaces within the Dolphin Parking Lot as storage space for the carriages, subject to approval by City Council.

Under the existing License, the Licensee pays the City a fee at a rate of $250.00 per month. The Licensee will maintain a commercial general liability insurance policy in an amount of at least $1,000,000 per occurrence and $2,000,000 aggregate, protecting the City against all claims or demands that may arise or be claimed on account of Licensee's use of the Premises.

The License may be terminated by the City or Licensee, with or without cause, by providing twenty-four (24) hours written notice of intent to terminate.

Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for Park and Waterfront property for five (5) years or less on commercial-zoned property with approval by an affirmative vote of at least six (6) members of City Council. The Dolphin Parking Lot is zoned (DC-P) Downtown Center-Park.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor or his designee to execute a First Amendment to License Agreement with Leland Allenbrand d/b/a St. Petersburg Horse & Carriages dated December 6, 2012, for use of a portion of the public streets and a portion of the Dolphin Parking Lot for operation of a horse carriage business; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Resolution

APPROVALS: Administration: R. Mussett 11-20-13 JK BC

Budget: N/A

Legal: mg

(As to consistency w/attached legal documents)
Legal: 00184949 doc v.2

Resolution No. 2013 - _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A FIRST AMENDMENT TO LICENSE AGREEMENT WITH LELAND ALLENBRAND D/B/A ST. PETERSBURG HORSE & CARRIAGES DATED DECEMBER 6, 2012, FOR USE OF A PORTION OF THE PUBLIC STREETS AND A PORTION OF THE DOLPHIN PARKING LOT FOR OPERATION OF A HORSE CARRIAGE BUSINESS; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate & Property Management received a request from Leland Allenbrand, owner of St. Petersburg Horse & Carriages ("Licensee") asking the City to extend its License (defined below) to conduct a horse and carriage transportation business on a portion of the public streets in addition to use of a portion of the Dolphin Parking Lot, for another year; and

WHEREAS, through the adoption of Resolution No. 2012-557, on December 6, 2012, City Council approved a one-year License Agreement ("License"), with extensions for up to two (2) successive one (1) year terms, that provided the Licensee use of a portion of the public streets for business operations and five (5) parking spaces within the Dolphin Parking Lot as storage space for the carriages, subject to approval by City Council; and

WHEREAS, under the existing License, the Licensee pays the City a fee at a rate of $250.00 per month; and

WHEREAS, Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for Park and Waterfront property for five (5) years or less on commercial-zoned property with approval by an affirmative vote of at least six (6) members of City Council; and

WHEREAS, the Dolphin Parking Lot is zoned (DC-P) Downtown Center-Park.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is hereby authorized to execute a First Amendment to License Agreement with Leland Allenbrand d/b/a St. Petersburg Horse & Carriages dated December 6, 2012 , for use of a portion of the public streets and a portion of the Dolphin Parking Lot for operation of a horse carriage business and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:

City Attorney (Designee)

APPROVED BY:

Joe Kubicki, Director
Transportation & Parking Management

APPROVED BY:

Bruce E. Grimes, Director
Real Estate and Property Management

Attached documents for item Accepting a grant from the Coordinated Child Care of Pinellas, Inc. (“CCC”) in the amount of $111,071 for the Walter Fuller Recreation Center’s 21st Century Community Learning Centers (21st CCLC) program; authorizing the Mayor or his designee to execute a

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

TO: City Council Chair & Members of City Council

SUBJECT:
Accepting a grant from the Coordinated Child Care of Pinellas, Inc. ("CCC") in the amount of $111,071 for the Walter Fuller Recreation Center's 21st Century Community Learning Centers (21st CCLC) program; authorizing the Mayor or his designee to execute an agreement and all other documents necessary to effectuate this transaction with CCC; approving a supplemental appropriation of $111,071 from the increase in the unappropriated balance of the General Fund resulting from these additional revenues to the Parks and Recreation Department WF 21 CCLC FY14 Project; and providing an effective date.

EXPLANATION:
CCC has awarded a grant to the City of St. Petersburg Parks and Recreation Department to provide the 21st CCLC program which includes Summer Teen Camp and the middle school Before and After School Program. Funds for this grant are provided by the Florida Department of Education (FDoE). The funding is for the period from August 1, 2013 to September 30, 2014.

The 21st CCLC Program is a program at the Walter Fuller Recreation Center offering academic enrichment opportunities during non-school hours for teens, particularly students who attend high poverty, low-performing schools. The program helps students meet state and local student standards in core academic subjects, such as reading and math and offers students a broad array of enrichment activities that can complement their regular academic programs. This grant funds four part-time workers to implement programming.

RECOMMENDATION:
Administration recommends this Council adopt the attached resolution accepting a grant from the Coordinated Child Care of Pinellas, Inc. ("CCC") in the amount of $111,071 for the Walter Fuller Recreation Center's 21st Century Community Learning Centers (21st CCLC) program; authorizing the Mayor or his designee to execute an agreement and all other documents necessary to effectuate this transaction with CCC; approving a supplemental appropriation of $111,071 from the increase in the unappropriated balance of the General Fund resulting from these additional revenues; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION:
Revenues of $111,071 will be received from Coordinated Child Care of Pinellas, Inc. A supplemental appropriation in the amount of $111,071 from the increase in the unappropriated balance of the General Fund (0001) resulting from the additional revenues, to the Parks and Recreation Department (190-1573), to the WF 21 CCLC FY14 Project (14254) is required.

ATTACHMENTS: Resolution

APPROVALS: Administrative: Gary K McBee 11/13/13

Budget: [illegible]

Final

RESOLUTION NO.___

A RESOLUTION ACCEPTING A GRANT FROM THE COORDINATED CHILD CARE OF PINELLAS, INC. ("CCC") IN THE AMOUNT OF $111,071 FOR THE WALTER FULLER RECREATION CENTER'S 21st CENTURY COMMUNITY LEARNING CENTERS (21st CCLC) PROGRAM; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION WITH CCC; APPROVING A SUPPLEMENTAL APPROPRIATION OF $111,071 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND RESULTING FROM THESE ADDITIONAL REVENUES, TO THE PARKS AND RECREATION DEPARTMENT WF 21 CCLC FY14 PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg's youth are an important and valuable resource; and

WHEREAS, the Coordinated Child Care of Pinellas, Inc. ("CCC") has awarded a grant to the City of St. Petersburg Parks and Recreation Department in the amount of $111,071 to fund the 21st Century Community Learning Centers Program at the Walter Fuller Recreation Center.

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 grant from the Coordinated Child Care of Pinellas, Inc. ("CCC") in the amount of $111,071 for the Walter Fuller Recreation Center's 21st Century Community Learning Centers Program.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to execute an agreement and all other documents necessary to effectuate this transaction with CCC.

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 FY 2014:

General Fund
Parks and Recreation Department (1901573),

WF 21 CCLC FY14 Project (14254) $111,071

This resolution shall become effective immediately upon its adoption.

APPROVALS:

Budget Director

City Attorney (Designee)

11/13/13
Administration

Final

Attached documents for item Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-01-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc. in the amount of $109,137, for design and bidding phase engineering servi

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-01-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc. in the amount of $109,137, for design and bidding phase engineering services for the Northeast Water Reclamation Facility (NEWRF) and Northwest Water Reclamation Facility (NWWRF) Sludge Transfer Pump Stations Project. (Engineering Project No. 13069-111; Oracle No. 14039)

EXPLANATION: On November 19, 2012, the City Council approved a Master Agreement with the professional consulting engineering firm of AECOM Technical Services Inc., for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects.

On June 5, 2013, Task Order No. 12-01-AEC/W was administratively approved to provide preliminary engineering design services for proposed waste activated sludge (WAS) transfer pump facilities located at the NEWRF and NWWRF. These services were satisfactorily completed at a cost of $97,933.

Amendment No. 1 to Task Order No. 12-01-AEC/W, in the amount of $109,137 pertains to specific technical and engineering services related to design, bidding, and permitting of two transfer pump stations to be located at the NEWRF and NWWRF. The scope of work includes, but is not limited to, providing mechanical, electrical, instrumentation and controls engineering services, preparation of construction plans, technical specifications, preparation of regulatory permits, bidding documents, and bidding phase services. The pump stations will transfer Waste Activated Sludge (WAS) through force mains and existing gravity sanitary sewer to the SWWRF, where the WAS will be processed using thermophillic and mesophillic digestion processes to produce renewable biogas for the Biosolids to Energy Project.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-01-AEC/W in the amount of $109,137 for design and bidding phase engineering services for the NEWRF and NWWRF Sludge Transfer Pump Stations for a task order total aggregate amount of $207,070.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF NE & NW Sludge Transfer Pump Station FY13 Project (14039).

ATTACHMENTS: Resolution

APPROVALS: Administrative Budget

da

TBG

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 12-01-AEC/W TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND AECOM TECHNICAL SERVICES, INC. IN THE AMOUNT OF $109,137, FOR DESIGN AND BIDDING PHASE ENGINEERING SERVICES FOR THE NORTHEAST WATER RECLAMATION FACILITY (NEWRF) AND NORTHWEST WATER RECLAMATION FACILITY (NWWRF) SLUDGE TRANSFER PUMP STATIONS PROJECT. (ENGINEERING PROJECT NO. 13069-111; ORACLE NO. 14039); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 19, 2012, the City Council approved a Master Agreement with the professional consulting engineering firm of AECOM Technical Services Inc., for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, on June 5, 2013, Task Order No. 12-01-AEC/W was administratively approved to provide preliminary engineering design services for proposed waste activated sludge (WAS) transfer pump facilities located at the NEWRF and NWWRF at a cost of $97,933; and

WHEREAS, this Amendment No. 1 to Task Order No. 12-01-AEC/W, in the amount of $109,137 pertains to specific technical and engineering services related to pump stations to be built at both the NEWRF and NWWRF.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Amendment No.1 to Task Order No. 12-01-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc. in the amount of $109,137, for design and bidding phase engineering services for the Northeast Water Reclamation Facility (NEWRF) and Northwest Water Reclamation Facility (NWWRF) Sludge Transfer Pump Stations Project. (Engineering Project No. 13069-111; Oracle No. 14039); and providing an effective date.

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. 12-02-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc., in the amount of $313,166, for design and bidding phase engineering services for the Southw

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

SUBJECT: Authorizing the Mayor or his designee to execute Task Order No. 12-02-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc., in the amount of $313,166, for design and bidding phase engineering services for the Southwest Water Reclamation Facility (SWWRF) Centrifuge Dewatering Facility Project. (Engineering Project No. 14031-111; Oracle No. 14034)

EXPLANATION: On November 20, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of AECOM Technical Services, Inc. for Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects.

Task Order No. 12-02-AEC/W, in the amount of $313,166 pertains to specific technical and engineering for the final design, permitting, and bidding phase of this project. The scope of work consists of, but is not limited to, field survey, asbestos testing, geotechnical testing, civil, process, mechanical and electrical engineering, final design, permitting, and bidding phase services for demolition of the old dewatering building and construction of a new centrifuge biosolids dewatering facility. This facility will include two duty centrifuges, one standby centrifuge, and space for a future fourth unit, a dual tractor trailer loading area, a polymer feed system for feed sludge conditioning, an odor control system, and provide space for the Fat Oils and Greases (FOG) receiving/storage station (by others), and all related electrical and instrumentation systems. This project will dewater processed biosolids within an enclosed building with odor control facilities, after the enhanced digestion of sludge to produce renewable biogas.

The design of the Centrifuge Dewatering Facility is being closely coordinated with the design of the methane gas production facilities under the Biosolids to Energy Project by Brown and Caldwell engineers. The use of AECOM Technical Services, Inc. for this work is based upon their experience with this type of design and 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. 12-02-AEC/W in the amount of $313,166 for the design and bidding phase engineering services for the SWWRF Centrifuge Dewatering Facility.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE TASK ORDER NO. 12-02-AEC/W TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND AECOM TECHNICAL SERVICES, INC., IN THE AMOUNT OF $313,166, FOR DESIGN AND BIDDING PHASE ENGINEERING SERVICES FOR THE SOUTHWEST WATER RECLAMATION FACILITY (SWWRF) CENTRIFUGE DEWATERING FACILITY PROJECT. (ENGINEERING PROJECT NO. 14031-111; ORACLE NO. 14034); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 20, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of AECOM Technical Services, Inc. for Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, this Task Order No. 12-02-AEC/W, in the amount of $313,166 pertains to specific technical and engineering for the final design, permitting, and bidding phase of this project.

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. 12-02-AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc., in the amount of $313,166, for design and bidding phase engineering services for the Southwest Water Reclamation Facility (SWWRF) Centrifuge Dewatering Facility Project. (Engineering Project No. 14031-111; Oracle No. 14034)

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 Amendment No. 1 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of $197,690, for design and bidding phase engineering services fo

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of $197,690, for design and bidding phase engineering services for the Southwest Water Reclamation Facility (SWWRF) Solids Thickening Improvements. (Engineering Project No. 13063-111; Oracle No. 14035)

EXPLANATION: On November 19, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of Carollo Engineers, Inc., for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects.

On May 30, 2013, Task Order No. 12-02-CE/W was administratively approved to provide preliminary engineering services and a Basis of Design Report for the SWWRF Thickening Improvements Project. These services were satisfactorily completed at a cost of $68,900.

Amendment No. 1 to Task Order No. 12-02-CE/W, in the amount of $197,690 provides for professional engineering design services pertaining to specific technical and engineering services related to the SWWRF Thickening Improvements Project. The scope of work consists of, but is not limited to, structural, mechanical, electrical and control instrumentation engineering design services, preparation of plans and technical specifications, bidding documents, and bidding phase services.

The current waste activated sludge thickening system consists of one 2-meter gravity belt thickener (GBT) located within a partially open building. This project will rehabilitate and relocate the existing GBT from the NEWRF to the SWWRF, rehabilitate the existing SWWRF GBT, replace two sludge grinders, three GBT feed pumps, add odor control ducts and ventilation system, within a modified and fully enclosed GBT building. The two rehabilitated GBT's within an enclosed structure with odor control facilities will partially dewater and thicken Waste Activated Sludge prior to enhanced digestion to produce renewable biogas under the Biosolids to Energy Project.

The design of the Solids Thickening Improvements is being closely coordinated with the design of the methane gas production facilities under the Biosolids to Energy Project by Brown and Caldwell engineers. The use of Carollo Engineers, Inc. for this work is based upon their experience with this type of design and 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 Amendment No. 1 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of $197,690, for design and bidding phase engineering services for the Southwest Water Reclamation Facility (SWWRF) Solids Thickening Improvements. (Engineering Project No. 13063-111; Oracle No. 14035)

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF SW Solids Thickening FY13 Project (14035).

ATTACHMENTS: Resolution

APPROVALS:

da TBG Administrative

Budget

RESOLUTION NO. 2013 ____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 12-02-CE/W, TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND CAROLLO ENGINEERS, INC., IN THE AMOUNT OF $197,690, FOR DESIGN AND BIDDING PHASE ENGINEERING SERVICES FOR THE SOUTHWEST WATER RECLAMATION FACILITY (SWWRF) SOLIDS THICKENING IMPROVEMENTS. (ENGINEERING PROJECT NO. 13063-111; ORACLE NO. 14035); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 19, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of Carollo Engineers, Inc., for engineering services related to Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, on May 30, 2013, Task Order No. 12-02-CE/W was administratively approved to provide preliminary engineering services and a Basis of Design Report for the SWWRF Thickening Improvements Project, completed at a cost of $68,900; and

WHEREAS, this Amendment No. 1 to Task Order No. 12-02-CE/W, in the amount of $197,690 provides for professional engineering design services pertaining to specific technical and engineering services related to the SWWRF Thickening Improvements Project.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Amendment No.1 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of $197,690, for design and bidding phase engineering services for the Southwest Water Reclamation Facility (SWWRF) Solids Thickening Improvements. (Engineering Project No. 13063-111; Oracle No. 14035); and providing an effective date.

This resolution shall become effective immediately upon its adoption.

Approved by:

Legal Department
By: (City Attorney or Designee)

Approved by:

Thomas B. Gibson

Thomas B. Gibson, P.E.
Engineering Director

Attached documents for item Resolution finding that $5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project (“Project”) along the north side of 22nd Avenue N from the existing Pinellas Trail, over its useful life of fifteen (15) years; aut

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of December 5, 2013

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

SUBJECT: A Resolution finding that $5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project ("Project") along the north side of 22nd Avenue N from the existing Pinellas Trail, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $5,920 from the unappropriated balance of the General Fund to fund future trail maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the trail improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed $480,600; authorizing a supplemental appropriation in the amount of $480,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the Walter Fuller Park Trail Project (13143); and providing an effective date. (FDOT Financial Project No. 430435 1 58/68 01) (Engineering Project No. 11058-112; Oracle No. 13143)

EXPLANATION: On April 7, 2011, the City Council approved a Local Agency Program (LAP) Agreement with the Florida Department of Transportation ("FDOT") for the design of the Walter Fuller Park Trail Project ("Project"). On May 6, 2011, the City entered into the Agreement which outlined terms and conditions incumbent upon both parties. The LAP Agreement provides $120,000 in funding for design activities for the Walter Fuller Park Trail connecting Walter Fuller Park to the Pinellas Trail. The LAP Agreement provides that the City will recoup from the FDOT all costs included in the original scope of work and any FDOT-approved supplemental services. The design work and plans have been completed by City staff.

This new LAP Agreement provides grant funding in the amount of $480,600 for construction of the Walter Fuller Park Trail.

The purpose of this project is to construct 4,950 linear feet (0.94 miles) of 10 to 12 foot wide multi-use trail along the north side of 22nd Avenue N from the existing Pinellas Trail, westerly to 72nd Street, then along the west side of 72nd Street continuing northerly towards 26th Avenue N, where it will continue along the south side of 26th Avenue N towards 79th Street and enter into the existing Walter Fuller Park. Construction is planned to begin in the Summer of 2014 and complete six months later.

This project is developed under FDOT's Local Agency Program (LAP). The city received LAP certification in August 2000 to provide design, bid/award, and construction oversight services for federally funded projects within the City limits. As indicated in the LAP Agreement, the estimated construction cost is $480,600. Project costs related to construction by City staff for construction activities will be borne initially by the City, and the City will recoup all related project costs from FDOT. The City is responsible for repairing and maintaining the improvements throughout the service life of the Project, estimated to be $5,920 over a 15-year life span.

This project will be performed in accordance with all applicable FDOT procedures, guidelines, manuals, standards, and directives as described in the FDOT LAP Manual.

RECOMMENDATION: Administration recommends that City Council approve the attached resolution finding that $5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project ("Project") along the north side of 22nd Avenue N from the existing Pinellas Trail, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of $5,920 from the unappropriated balance of the General Fund to fund future trail maintenance required by the Local Agency Program Agreement ("Agreement") between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg, Florida ("City"); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with only authorized expenditures being for maintenance of the trail improvements of the project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the agreement and authorizing the Mayor or his designee to execute the Agreement between the City and FDOT for participation by FDOT in the construction activities of the Project in an amount not to exceed $480,600; authorizing a supplemental appropriation in the amount of $480,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the Walter Fuller Park Trail Project (13143); and providing an effective date. (FDOT Financial Project No. 430435 1 58/68 01) (Engineering Project No. 11058-112; Oracle No. 13143)

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available after the approval of a supplemental appropriation in the amount of $480,600 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004) resulting from these additional revenues to the Walter Fuller Park Trail Project (13143)). Funds for repair and maintenance will be available after the approval of a supplemental appropriation in the amount of $5,920 from the unappropriated balance of the General Fund (0001) to the Engineering Department (130 1349).

ATTACHMENTS: Resolution, Map

APPROVALS: TBG Administrative | Budget

RESOLUTION NO. 2013-__

APPROVING A RESOLUTION FINDING THAT $5,920 IS AN AMOUNT SUFFICIENT TO PAY FOR TRAIL MAINTENANCE OF THE WALTER FULLER PARK TRAIL PROJECT ("PROJECT") ALONG THE NORTH SIDE OF 22ND AVENUE N FROM THE EXISTING PINELLAS TRAIL, OVER ITS USEFUL LIFE OF FIFTEEN (15) YEARS; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $5,920 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO FUND FUTURE TRAIL MAINTENANCE REQUIRED BY THE LOCAL AGENCY PROGRAM AGREEMENT ("AGREEMENT") BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") AND THE CITY OF ST. PETERSBURG, FLORIDA ("CITY"); PROVIDING THAT THE MAINTENANCE FUNDS SHALL NOT NEED ANNUAL RE-APPROPRIATIONS AND SHALL BE CONSIDERED ENCUMBERED FOR THE USEFUL LIFE OF THE PROJECT WITH ONLY AUTHORIZED EXPENDITURES BEING FOR MAINTENANCE OF THE TRAIL IMPROVEMENTS OF THE PROJECT; FINDING THAT EXECUTION OF THE AGREEMENT SHALL NOT BE CONSIDERED AN UNLAWFUL ACT UNDER FLORIDA STATUTE §166.241; APPROVING THE AGREEMENT AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT BETWEEN THE CITY AND FDOT FOR PARTICIPATION BY FDOT IN THE CONSTRUCTION ACTIVITIES OF THE PROJECT IN AN AMOUNT NOT TO EXCEED $480,600; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $480,600 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE BICYCLE/PEDESTRIAN SAFETY GRANTS CAPITAL PROJECTS FUND (3004), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE WALTER FULLER PARK TRAIL PROJECT (13143);

AND PROVIDING AN EFFECTIVE DATE. (FDOT FINANCIAL PROJECT NO. 430435 1 58/68 01) (ENGINEERING PROJECT NO. 11058-112; ORACLE NO. 13143)

WHEREAS, the State of Florida Department of Transportation ("FDOT") has agreed to participate in the construction activities of the Walter Fuller Park Trail Project ("Project"); and

WHEREAS, as a requirement for FDOT's participation in the Project, the City of St. Petersburg, Florida ("City") must enter into a Local Agency Program Agreement setting forth the obligations of FDOT and the City; and

WHEREAS, the source of the funds to be provided to the City pursuant to the Agreement and its supplements by FDOT is the federal government; and

WHEREAS, federal law governing the use of such funds requires FDOT to cause a project built with such funds to be maintained for the useful life of the Project; and

WHEREAS, the Agreement requires the City to maintain the improvements of the Project for its useful life, while FDOT is responsible for the maintenance of all other Project elements; and

WHEREAS, Florida Statute 166.241 provides that "...it is unlawful for any officer of a municipal government to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations"; and

WHEREAS, the City's professional staff has advised City Council that in its professional opinion the maintenance of the improvements of the Project for its useful life of fifteen (15) years will cost $5,920; and

WHEREAS, City Council finds that $5,920 is an amount sufficient to pay for the maintenance of the improvements of the Project over its useful life.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that $5,920 is an amount sufficient to pay for trail maintenance of the Walter Fuller Park Trail Project ("Project") over its useful life of fifteen (15) years; and

BE IT FURTHER RESOLVED that there is hereby approved the following supplemental appropriation from the unappropriated balance of the General Fund for FY14:

<u>General Fund (0001)</u>	
Engineering and Capital Improvement Department	
Design Division (130-1349)	$5,920

BE IT FURTHER RESOLVED that the appropriation for the maintenance of the improvements shall be placed in an operating project which will carry forward from year to year and will not need annual re-appropriations and shall be considered encumbered for the useful life of the Project with the only authorized expenditures from that project being for maintenance of the improvements of the Project; and

BE IT FURTHER RESOLVED that at the end of the useful life of the Project any funds remaining in the operating project for maintenance shall be returned to the City's General Fund; and

BE IT FURTHER RESOLVED that this Council finds that because sufficient funds have been appropriated into the operating project for maintenance to fund the maintenance of the improvements of the Project for its useful life, it shall not be considered an unlawful act under Florida Statute §166.241 for the Mayor or his designee to execute the Local Agency Program Agreement ("Agreement"), between the State of Florida Department of Transportation ("FDOT") and the City of St. Petersburg ("City") for participation by FDOT in the construction activities of the Project; and

BE IT FURTHER RESOLVED by this Council that the Agreement between the FDOT and the City for participation by FDOT in the construction activities of the Project in an amount not to exceed $480,600 is hereby approved and that the Mayor or his designee is authorized to execute the Agreement.

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, the following supplemental appropriation for FY14:

Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004)	
FDOT-LAP – Walter Fuller Park Trail Project (13143)	$480,600

This resolution shall become effective immediately upon its adoption.

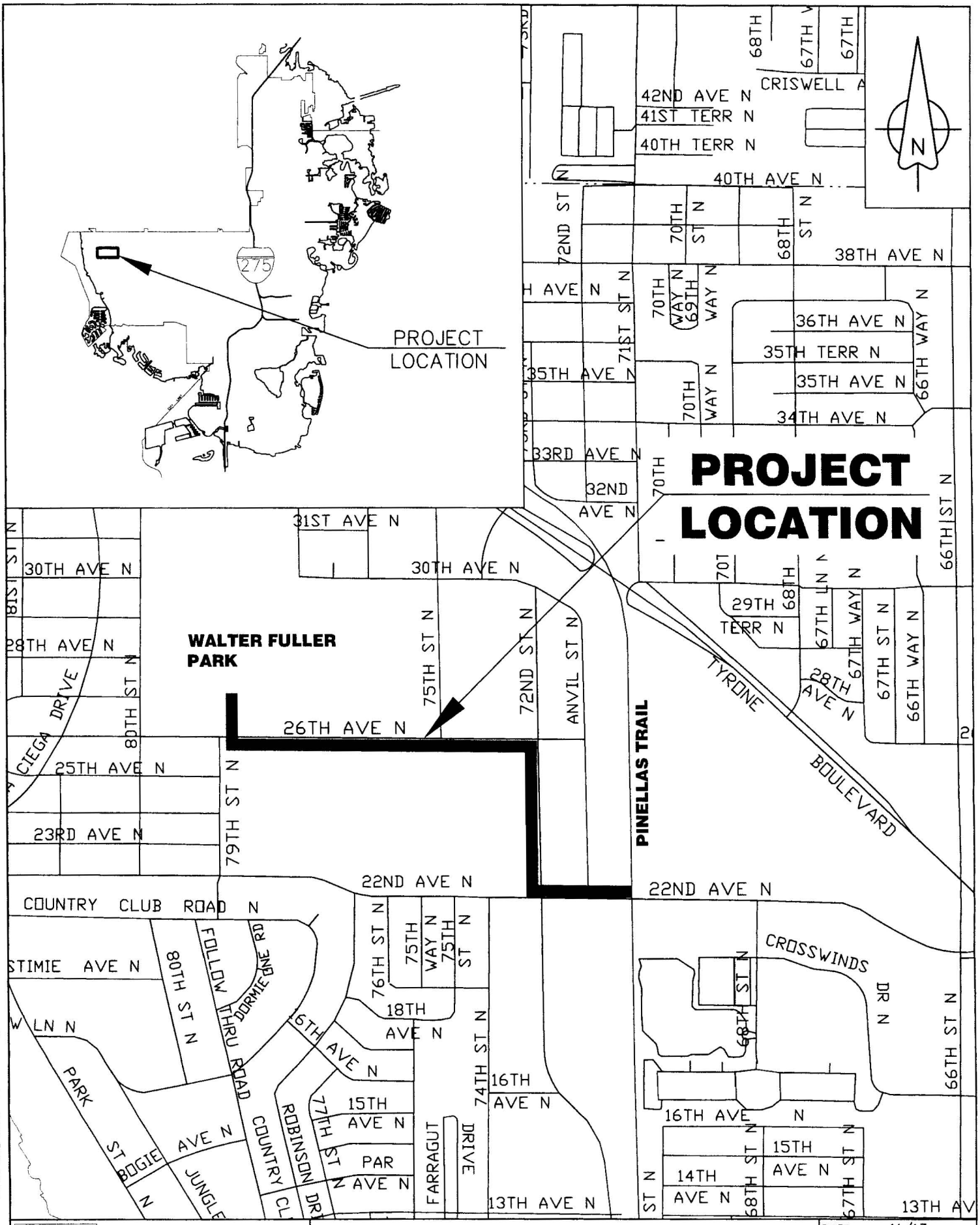
Approved by:

Legal Department
By: (City Attorney or Designee)

Approved by:

Thomas B. Gibson, P.E.
Engineering Director

Tom Greene
Budget Director



ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT
CITY of ST. PETERSBURG

WALTER FULLER PARK TRAIL PROJECT
FPN 430435 1 58 01

DATE: 11/13
SCALE: NTS
DRAWING No.

75-110\dwg\QUEEN ST (8x11).dwg 11/30/2004 04:20:01 PM EST

S:\Land Projects

Attached documents for item Resolution of the City of St. Petersburg, urging members of the Florida Legislature to enact a Bill relating to the powers of Nuisance Abatement Boards during the 2014 Legislative Session.

MEMORANDUM

To: Honorable Chair Karl Nurse and City Council Members

From: Kimberly Proano, Assistant City Attorney KP

Date: November 18, 2013

RE: Support of Proposed Legislation for Nuisance Abatement

On October 31, 2013, the LAIR Committee met to discuss its legislative priorities for the 2014 legislative session. The LAIR Committee requested the City Attorney's Office draft a resolution in support of legislative changes to Florida Statute 893.138 (Nuisance Abatement Statute). The proposed changes include allowing the City to proceed with a nuisance abatement action on the storage of controlled substances on the designated property, increasing the one year jurisdiction to two years and adjusting the maximum fines to not exceed $15,000 per year. If this resolution meets with your approval, you should adopt the resolution and it will be forwarded to the State. If you have any questions feel free to contact me.

Attachments: Resolution
Draft Bill

A RESOLUTION OF THE CITY OF ST. PETERSBURG, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO ENACT A BILL RELATING TO THE POWERS OF NUISANCE ABATEMENT BOARDS DURING THE 2014 LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has authorized the creation of nuisance abatement boards with the power to impose penalties upon the owners of property used for unlawful drug transactions, prostitution, and other criminal activities, as provided in Section 893.138, Florida Statutes; and

WHEREAS, nuisance abatement boards have proven to be an effective tool to help protect neighborhoods from such nuisance activities within the limits of their powers; and

WHEREAS, sellers of controlled substances are using properties as storage locations for controlled substances which are sold off the premises, thereby causing illegal trafficking to occur in surrounding neighborhoods, but the statute authorizing the creation of nuisance abatement boards does not enable a board to exercise its powers in such circumstances; and

WHEREAS, if a property owner violates the terms of a nuisance abatement board order while the order is in effect, the boards have limited power to respond to repeat violations; and

WHEREAS, a nuisance abatement board's jurisdiction is limited to one (1) year from the order declaring a property a nuisance and imposing sanctions; and

WHEREAS, total fines are limited to $15,000.00 during a nuisance abatement board's jurisdictional term; and

WHEREAS, the City Council of the City of St. Petersburg, upon the advice and recommendation of its Chief of Police, proposes amendments to Section 893.138, Florida Statutes, as set forth in a draft bill, a copy of which is attached to this Resolution as Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg that the City Council urges the members of the Florida Legislature to enact legislation during the 2014 legislative session that would enable a nuisance abatement board to act when controlled substances are stored on a property but sold off the premises, to extend the term of a board order to two (2) years and allow for the imposition of total fines to $15,000.00 per year, as suggested by the draft bill attached to this Resolution.

BE IT FURTHER RESOVED that a copy of this resolution shall be provided to members of the Florida Legislature representing Pinellas County, to Governor Rick Scott, and to the President of the Florida Senate and the Speaker of the House of Representatives.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:

City Attorney (Designee)

EXHIBIT "A"

An act relating to public nuisances; amending s. 893.138(2), (6) and (11), F.S., to provide that the unlawful storage of any controlled substance upon any place or premises shall be grounds to declare the place or premises to be a public nuisance; providing that a fine may be imposed for each day that public nuisance conduct occurred on or at the premises; providing a longer expiration date of two (2) years for any order entered under subsection (5); providing that total fines shall not exceed $15,000 per year; providing an effective date.

WHEREAS, the Florida Legislature recognizes that certain properties have become a haven for unlawful sellers of controlled substances who use the properties as storage locations for controlled substances, but who illegally sell controlled substances off the premises, thereby causing illegal trafficking to occur in surrounding neighborhoods, to the detriment of residents and businesses near such locations; and

WHEREAS, the Florida Legislature desires to expand the scope of powers of local nuisance abatement boards to permit such boards to declare such havens a public nuisance as provided in Section 893.138, Florida Statutes; and

WHEREAS, an order of a nuisance abatement board presently expires after one year or at such earlier time as may be stated in the order; and

WHEREAS, the Florida Legislature finds that abatement of nuisance activity at some properties may require more than one year should serve as the basis for extending the initial term jurisdiction to two years; now, therefore,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (2) and subsections (6) and (11) of Section 893.138(2)(b), Florida Statutes, are amended to read:

893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity. --

(2) Any place or premises that have been used:

(b) On more than two occasions within a 6-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance, or as the site of storage of any controlled substance with intent to sell or deliver the controlled substance off the premises; may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section. Intent to sell or deliver the controlled substance may be proven by evidence that the controlled substance was sold or delivered off the premises on more than two occasions within the six-month period.

(6) An order entered under subsection (5) shall expire after 2 years or at such earlier term as is stated in the order.

(11) The provisions of this section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, provisions that establish additional penalties for public nuisances, including fines not to exceed $250 per day for each day that public nuisance activities described in subsection (2) is shown to have occurred, including days outside the six-month time in which the minimum number of public nuisance activities is shown to have occurred. The ordinance may also provide for the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances; provide for continuing jurisdiction for a period of 2 years over any place or premises that has been or is declared to be a public nuisance; establish penalties, including fines not to exceed $500 per day for recurring public nuisances; provide for the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order; provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and provide

for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. Where a local government seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant. The total fines imposed pursuant to the authority of this section shall not exceed $15,000, per year. Nothing contained within this section prohibits a county or municipality from proceeding against a public nuisance by any other means.

Section 2. This act shall take effect immediately upon becoming law.

Approved as to form and content:

City Attorney (designee)

Attached documents for item Approving the minutes of the City Council meetings held August 1, August 8, and August 22, 2013.

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of December 5, 2013

TO: City Council Chair & Members of City Council

SUBJECT: City Council Minutes

EXPLANATION: City Council minutes of August 1, August 8 and August 22, 2013 are submitted for your approval.

A RESOLUTION APPROVING THE MINUTES OF THE CITY COUNCIL MEETINGS HELD AUGUST 1, AUGUST 8 AND AUGUST 22, 2013 AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the minutes of the City Council meetings held on August 1, August 8 and August 22, 2013 are hereby approved.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM
AND SUBSTANCE:

_____
City Attorney or Designee

minres.wpd

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, AUGUST 1, 2013, AT 8:33 A.M.

****

Chair Karl Nurse called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, William H. Dudley, Leslie Curran, Steven Kornell, Wengay M. Newton, Sr. and Jeff Danner. Mayor Bill Foster, City Administrator Tish Elston, City Attorney John Wolfe, Assistant City Attorneys Jacqueline K, Pam Cichon and Jeannine Williams, City Clerk Eva Andujar and Deputy City Clerk Cathy Davis were also in attendance.

Councilmember Gerdes moved with the second of Councilmember Danner that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes as amended:

ADD — Awards & Presentations: Recognition of Trayvon Bromell, a recent Gibbs High School Graduate named *Boys Athlete of the Year* by the Tampa Bay Times.

ADD C-4 — Rescinding a purchase from Tampa Truck Center, LLC in the amount of $531,888.00; and approving a purchase from Rush Truck Centers of Florida, Inc. D/B/A Rush Truck Center, Tampa in the amount of $535,311.00 for replacement commercial refuse trucks for the Sanitation Department for a net increase of $3,423.00.

REVISE C-5 — ~~A resolution authorizing the Mayor of his designee to accept $23,895 from Pinellas County ("County") as the City's share of the FY2014 Edward Byrne memorial Justice Assistance Grant ("JAG") to continue funding of law enforcement initiatives as set out in the County's grant application~~. Approving the submission of a grant application for FY2014 Edward Byrne Memorial Justice Assistance Grant ("JAG") Funds; accepting $23,895 upon award from Pinellas County as the City's share of JAG funds to continue funding of law enforcement initiatives as set out in the County's Grant Application; and, authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction. *[Revised backup and language]*

INFO F-1 Ordinance amending the St. Petersburg City Code by adding Division 5 to Chapter 2, Article V to create a Construction Incentive Program; amending Section 2-214 to allow for retaining until one hundred percent completion of a construction contract and to allow for a lower percentage retainage upon approval of the POD for participation in the Construction Incentive Program.

ADD G-1 Requesting Council select a Delegate and Alternate Delegate for the Florida League of Cities Annual Conference to the held August 14-17, 2013 in Orlando Florida. (Chair Nurse)

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. Newton.

Councilmember Danner moved with the second of Councilmember Gerdes that the following resolutions be adopted:

13-297 A resolution authorizing the Mayor, or his Designee, to execute a License Agreement with Sunshine Chess Club, Inc., a Florida not-for-profit corporation, for the use of commercially zoned, City-owned property within Mirror Lake Park, which is located at 540 Fourth Avenue North, St. Petersburg, for a period of three (3) years at an aggregate rent of $36.00; and to waive the reserve for replacement requirement. *(Requires affirmative vote of at least six (6) members of City Council.)*

13-298 A resolution authorizing the Mayor, or his Designee, to execute a License Agreement with Beach Drive Banquet, LLC, a Florida limited liability company, for renting and operating vessels in the North Yacht Basin and the surrounding areas for a period of one (1) year for a monthly base rent of $500.00, with the right to request use of the Premises for two (2) additional terms of (1) year each. *(Requires affirmative vote of at least six (6) members of City Council.)*

13-299 Approving a Library Interlocal Agreement for the Pinellas Public Library Cooperative; authorizing the Mayor or his designee to execute the Library Interlocal Agreement and authorizing the City Attorney to make non-substantive changes to the Library Interlocal Agreement to clarify sections of the Library Interlocal Agreement.

13-300 Rescinding a purchase from Tampa Truck Center, LLC in the amount of $531,888.00; and approving a purchase from Rush Truck Centers of Florida, Inc. D/B/A Rush Truck Center, Tampa in the amount of $535,311.00 for replacement commercial refuse trucks for the Sanitation Department for a net increase of $3,423.00.

13-301 Approving the submission of a grant application for FY2014 Edward Byrne Memorial Justice Assistance Grant ("JAG") Funds; accepting $23,895 upon award from Pinellas County as the City's share of JAG funds to continue funding of law enforcement initiatives as set out in the County's Grant Application; and, authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. Newton.

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

1. Vince Cocks, 2950 63rd Avenue South, expressed concern with activities of Bill Edwards and record FDC fine levied against one of his companies and involvement of his company in a federal fraud case.

2. Mike Milvain, 4340 45th Street South, stated Broadwater residents are requesting the City approve a study of the Rahall property for possible purchase by the City.

3. Patrick Donovan, 325 2nd Street North, lives on 2 Street North and spoke to the dangers of the crosswalk to pedestrians. He stated there should be no right turn on read on 2 Street North and 2 Avenue, this is a dangerous intersection. He expressed concern with bicycles stationed on the street without the ability to secure them.

Councilmember Newton was reported present.

4. William Ballard, 1255 Brightwaters Boulevard, representing Concerned Citizens of St. Petersburg, Inc., commented on the WOWSTPETE.COM site which displays the City logo and contains inaccurate and false information (copies provided dated May 13, 2013).

City Attorney John Wolfe stated the City logo is copy righted and should not be used and provided an explanation of Tax Increment Finance funding.

5. Lucy Trimarco, 809 18th Avenue North, thanked City Council and the Mayor for their service to the City. Spoke in support of purchasing two acres in the Rahall Estate. She read her August 1, 2013 letter to City Council into the record.

6. Dan Harvey, 1425 Central Avenue, he commented on TIF fund and the Rahall Estate.

7. Bill Bucolo, 7401 Dartmouth Avenue North, spoke in support of Councilmember Kornell's proposal to purchase part of the Rahall Estate.

8. Joe Saportas, 17079 1st Street East, spoke in support of the proposal to purchase a portion of the Rahall Estate.

The Clerk read the title of proposed Ordinance 1049-V and Zoning Official Philip Lazzara made a PowerPoint presentation. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 1049-V, entitled:

PROPOSED ORDINANCE NO. 1049-V

AN ORDINANCE APPROVING A VACATION OF THAT PORTION OF 17TH AVENUE SOUTH LYING 100 FEET WEST OF THE WESTERN EDGE OF 3RD STREET SOUTH AND THE EASTERN EDGE OF SALT CREEK; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

Councilmember Newton recognized Trayvon Bromell, a recent Gibbs High School graduate, named Boy Athlete of the Year.

The Clerk administered the oath to those present wishing to present testimony in connection with the quasi-judicial proceedings.

The Clerk read the title of proposed Ordinance 085-HL in connection with a quasi judicial public hearing concerning the designation of the Binnie-Bishop Hotel, located at 256 1st Avenue North, as a local landmark (City File HPC 13-90300002), presentations were made by Historic Preservationist Planner Kim Hinder, representing the City, Emily Elwyn, representing the applicant St. Petersburg Preservation, Inc., and Anthony Amico, property owner, who objected to the designation. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Robin Reed, 705 16th Avenue NE, is a member of the Community Preservation Commission, spoke, as a private citizen, in support of the designation.

2. Will Michaels, 6215 Bahama Shores Drive South, spoke to the historical criteria of the property and spoke in support of the proposed designation.

The Clerk administered the oath to those present wishing to present testimony in connection with the quasi-judicial proceedings.

3. Kai Warren, 691 10th Avenue South, spoke in support of the proposed designation.

4. Dan Harvey, 1425 Central Avenue, asked questions about putting the property on the local register and commented on the proposed designation.

Cross examination was waived by Ms. Hinder and Ms. Elwyn and provided by Mr. Amico. Rebuttal was provided by Urban Design & Historic Preservation Manager Derek Kilborn and Mr. Amico and waived by Ms. Elwyn. Assistant City Attorney Pam Cichon responded to questions from Council. Chair Nurse reopened Rebuttal and Mr. Amico, Ms. Hinder and Ms. Elwyn provided additional comments. Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 085-HL, entitled:

PROPOSED ORDINANCE NO. 085-HL

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING THE BINNIE-BISHOP HOTEL (LOCATED AT 256 1ST AVENUE NORTH) AS A LOCAL LANDMARK AND ADDING THE PROPERTY TO THE LOCAL REGISTER PURSUANT TO SECTION 16.30.070, CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second of final reading.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a proposed Ordinance 79-H, Public Works Administrator Michael Connors made a presentation and reviewed changes to the Construction Incentive Program (incorporated apprenticeships into incentive eligibility, defined "disadvantaged worker" and "unemployed or underemployed worker" and the average salary/benefits cost was reduced from $50,000 to $40,000). Councilmember Gerdes and Councilmember Kennedy moved with the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 22, 2013, at 6:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 79-H, entitled:

PROPOSED ORDINANCE NO. 79-H

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE BY ADDING DIVISION 5 TO CHAPTER 2, ARTICLE V TO CREATE A CONSTRUCTION INCENTIVE PROGRAM; AMENDING SECTION 2-214 TO ALLOW FOR RETAINANGE UNTIL ONE HUNDRED PERCENT COMPLETION OF A CONSTRUCTION CONTRACT AND TO ALLOW FOR A LOWER PERCENTAGE RETAINAGE UPON APPROVAL OF THE POD FOR PARTICIPATION IN THE CONSTRUCTION INCENTIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Steve Cona, Jr., 2008 N. Himes Avenue, Tampa, FL, representing the Associated Builders & Contractors, spoke in support of the proposed ordinance.

2. Marty Brinsko, 452 72nd Avenue, St. Pete Beach, FL, member of FAST, spoke in support of the proposed ordinance.

3. Parisrice Robinson, P. O. Box 1808, St. Petersburg, representing FAST, spoke in support of the proposed ordinance.

4. Flo Young, 3801 Kingfish Drive SE, representing FAST, spoke in support of the proposed ordinance.

5. Scott Barancik, 245 26th Avenue North, spoke in support of the proposed ordinance.

The Clerk read the title of proposed Ordinance 79-H. Roll call on the motion to set the public hearing for August 22, 2013. Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

No action was taken in connection with a report item concerning an oral Arts Alliance Update. Arts & International Relations Manager Elizabeth Brincklow introduced Mr. John Collins who provided Council with an update (non profit status approved February 2013, website will be up next week, first $10,000 benefit event checked received and deposited, etc.) on the Arts Alliance.

The Clerk read the title of proposed Ordinance 086-HL. Councilmember Curran moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 22, 2013, at 6:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 086-HL, entitled:

PROPOSED ORDINANCE NO. 086-HL

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING THE ENDICOTT RESIDENCE (LOCATED AT 233 3RD STREET NORTH) 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.

Roll call. Ayes. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. Newton. Absent. Danner.

The Clerk read the title of proposed Ordinance 80-H. Councilmember Curran moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 22, 2013, at 6:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 80-H, entitled:

PROPOSED ORDINANCE NO. 80-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C) (3), ST. PETERSBURG CITY CHARTER, AUTHORIZING THE GRANT OF A PUBLIC UTILITY EASEMENT TO DUKE ENERGY FLORIDA, INC., A FLORIDA CORPORATION, D/B/A DUKE ENERGY,

WITHIN POYNTER PARK LOCATED AT 1000 THIRD STREET SOUTH, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. Newton. Absent. None.

In connection with an oral report item concerning a 34th Street South Corridor Improvement Plan Update, Planner III Gary Jones made a PowerPoint presentation and reviewed the core planning area; the purpose of the plan which is to improve the retail experience, facilitate additional investment/development and increase profits of businesses; reviewed corridor strategies; etc. He invited Council to Community Presentations scheduled to be held on August 13 and October 15, 2013 at the St. Petersburg College Allstate Center at 7:00 p.m. Two public meetings are scheduled; one will be held on November 12 before the Planning & Visioning Commission and the second will be held on December 19, 2013 before City Council. City Council provided comments.

In connection with a report item concerning the Jannus Landing Block, Historic Preservationist Planner Kim Hinder made a presentation. Urban Design & Historic Preservation Manager Derek Kilborn reported the designation process, if initiated, would come back in mid November/December 2013 and any changes to TDRs would come back as an LDR text amendment. Councilmember Danner moved with the second of Councilmember Curran that the following resolution be adopted:

13-302 Resolution initiating a local landmark application for Block 25, Revised Map of St. Petersburg, commonly known as the Jannus Landing Block, to be designated as a local landmark district. This item is a referral from the Community Preservation Commission (CPC).

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. Newton. Absent. None. Chair Nurse suggested removing Lot 5 & 6 from the designation.

In connection with an oral transportation report item, Councilmember Danner moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the oral update on the Pinellas Suncoast Transit Authority (PSTA), the Metropolitan Planning Organization (MPO) and the Tampa Bay Area Regional Transportation Authority (TBARTA) presented by Councilmember Danner.

Roll call. Ayes. Danner. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. Newton. Absent. Gerdes.

In connection with a new business item concerning the selection of a voting delegate and an alternate delegate for the Florida League of Cities Annual Conference, Councilmember Curran moved with the second of Councilmember Danner that the following resolution be adopted:

13-303 Appointing Councilmember Newton as the Voting Delegate for the Florida League of Cities Annual Conference to be held August 14-17, 2013 in Orlando, Florida.

Roll call. Ayes. Danner. Curran. Kornell. Nurse. Newton. Nays. Kennedy. Dudley Absent. Gerdes. Councilmember Curran moved with the second of Councilmember Danner that the following resolution be adopted:

13-304 Appointing Council Chair Nurse as the Alternate Delegate for the Florida League of Cities Annual Conference to be held August 14-17, 2013 in Orlando, Florida.

Roll call. Ayes. Danner. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. Gerdes.

City Attorney John Wolfe provided Council and the public with responses to two questions raised during Open Form concerning TIF - interest is payable from TIF funds and any leftover funds revert back to County and City at the end of the Plan in 2035.

There being no further business, the meeting was adjourned at 12:51 p.m.

_____
Karl Nurse Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, AUGUST 8, 2013, AT 3:10 P.M.

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Chair Karl Nurse called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, William H. Dudley, Leslie Curran, Steve Kornell and Wengay M. Newton,Sr. Absent: Danner. Mayor David Foster, Acting City Administrator Clarence Scott, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn and Deputy City Clerk Cathy E. Davis were also in attendance.

Councilmember Newton moved with the second of Councilmember Kornell that the following resolution be adopted:

> BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes as amended:

ADD Introduction of Mayor's Education Team.

Roll call. Ayes. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. Danner.

In connection with a Legal item concerning Kessler/Grand Bohemian SP, LLC, Real Estate & Property Management Director Bruce Grimes made a presentation with additional remarks from Brian Py Senior Vice-President Investments & Finance Kessler Company and Senior Administrator City Development Rick Mussett. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

13-305 Authorizing the Mayor, or His Designee, to execute a Third Amendment to Promissory Note, as amended between Grand Bohemian SP, LLC (Formerly Grand Bohemian SP, LTD.), as Assignee of the Kessler Enterprise, Inc., and the City of St. Petersburg, Florida ("CITY"); to execute all other documents necessary to effectuate this transaction; and providing an effective date.

Councilmember Gerdes moved with the second of Councilmember Kennedy that the following substitute resolution be adopted:

> BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Resolution No. 2013-305 be approved as amended removing paragraph 8:

WHEREAS, Grand Bohemian states in its August 1, 2013 request that they "have been diligent in our pursuit of this hotel and residential development project with considerable costs expended far in excess of those which we could recoup from the sale of the land. The deterioration of the overall economy, financial lending markets and St. Petersburg hospitality market are all factors beyond our control. We have identified and are under contract with a quality developer who is working with an institutional Investor to bring an institutional quality, luxury multi-family urban development to the City of St. Petersburg. We have introduced you to the developer and they have presented to you and Duke Energy their development plan. We need additional time to consummate the closing of the land sale.

Roll call on Resolution 2013-305 as Amended: Ayes. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. Danner.

In connection with presentation of a Sunshine Ambassador award, Councilmember Kornell introduced Alizza Punzalan, President Executive Committee; and Co-Founders and Artistic Directors Bob Devin-Jones and Dave Ellis and congratulated them in celebration of their 10th Anniversary and their receipt of a very unique grant from the Doris Duke Charitable Foundation. Councilmember Kornell further commented that Studio@620 was one of ten grantee teams chosen nationwide and the only team in the entire Southeastern United States to receive the Doris Duke Charitable Foundation Doris Duke Artist Residency to Build demand for the Arts Grant and will receive $80,000 to partner with vocalist, actor and writer Sharon Scott to create a multi disciplinary artist feature to include Jazz, Contemporary Dance or Theatre work developed by a millennium artist. Mr. Jones, Mr. Ellis and Ms. Punzalan thanked Mayor and council for the recognition.

In connection with two Legal items concerning the approval of polling locations and the appointment of poll workers for the August 27, 2013 Primary Municipal Election, City Clerk Eva Andujar made a brief presentation. Councilmember Kennedy moved with the second of Councilmember Curran that the following resolutions be adopted:

13-306 Approving Polling Locations for the August 27, 2013 Municipal Election; and providing an effective date.

13-307 Approving Appointment of Poll Workers for the August 27, 2013 Municipal Election; and providing an effective date.

Roll call. Ayes. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. Danner.

In connection with presentation of the Mayor's Education Team, Mayor Foster introduced the following individuals: Amanda Kubisiak, City of St. Petersburg School Programs Coordinator; Jozelle Johnson, Pinellas County School Education Services Managing Director and Richard Engwall, Pinellas Education Foundation Director of Development. Mayor Foster commented briefly and stated that previous city initiatives such as Doorway Scholarships, Top Apple Awards, Mayor Mentors and More and other Education Initiatives will continue and that the new initiative would allow direct access to School Resources and Data, Education Foundation and Vocational Initiatives.

There being no further business, the meeting was adjourned at 5:08 p.m.

_____
Karl Nurse Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Cathy Davis, Deputy City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, AUGUST 22, 2013, AT 3:05 P.M.

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Chair Karl Nurse called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, William H. Dudley, Leslie Curran, Steven Kornell, Wengay M. Newton, Sr. and Jeff Danner. Mayor Bill Foster, City Administrator Tish Elston, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn, Assistant City Attorney Jeannine Williams, City Clerk Eva Andujar and Deputy City Clerk Cathy Davis were also in attendance.

Councilmember Newton moved with the second of Councilmember Kornell that the following resolution be adopted:

13-308 Deferring the public hearing for proposed Ordinance 086-HL approving the designation of the Endicott Residence, located at 233 3rd Street North (City File HPC 13-90300001) to October 3, 2013.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

Councilmember Curran moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes as amended:

INFO	CB-9	Approving a contract with the Pinellas County Supervisor of Elections for support services for the 2013 General Election.
ADD	D-1	Proclamation commemorating the 50th Anniversary of the March on Washington for jobs and freedom.
DELETE	F-2	WorkNet Pinellas Youth Economic Opportunity Committee. (Councilmember Newton) (Oral)
REVISE	F-4	Awarding a contract to LEMA Construction & Developers, Inc. in the amount of $817,800 for the construction of the Rio Vista Park Improvements project. (Engineering Project No. 11233-017; Oracle Project No. 13166)

ADD	F-5	Florida League of Cities Annual Conference. (Council Chair Nurse & Councilmember Newton) (Oral)
ADD	G-3	Requesting City Council support a resolution to resolve the dispute between the Florida Department of Transportation and the Florida Gas Transmission which is delaying the design and construction of the Gandy Boulevard limited access project. (Councilmember Kennedy)
ADD	G-4	Requesting City Council extend the proposed southern boundary for the Downtown Waterfront Master Plan study area from the proposed Poynter Park to Lassing Park. (Councilmember Curran)
INFO	H-2	Budget, Finance & Taxation Committee. (8/8/13)
INFO	H-3	Public Service & Infrastructure Committee. (8/8/13)
INFO	H-4	Committee of the Whole - Week Wachee. (8/8/13)

(a) Resolution of the City Council providing for the waiver of Section 21-120 (f) of the City Code relating to approval of projects and allocation of monies from the Weeki Wachee Operating Fund; approving a transfer in the amount of $495,294 from the unappropriated balance of the Weeki Wachee Operating Fund (1041) to the Weeki Wachee Capital Projects Fund (3041); and a supplemental appropriation in the amount of $495,294 from the increase in the unappropriated balance of the Weeki Wachee Capital Projects Fund resulting from this transfer to the Athletic Fields Shade Structure Project.

(b) Accepting a bid from Creative Shade Solutions, Inc. for shade structures for the Parks & Recreation Department at a total cost of $495,294; approving a transfer in the amount of $495,294 from the unappropriated balance of the Weeki Wachee Operating Fund (1041) to the Weeki Wachee Capital Projects Fund (3041); and approving a supplemental appropriation in the amount of $495,294 from the increase in the unappropriated balance of the Weeki Wachee Capital Projects Fund, resulting from this transfer, to the Shade Structure for Athletic Facilities Project (TBD).

(c) Resolution of the City Council providing for the waiver of Section 21-120 (f) of the City Code relating to approval of projects and allocation of monies from the Weeki Wachee Operating Fund; approving a transfer in the amount of $10,000 from the unappropriated balance of the Weeki Wachee operating fund (1041) to the Weeki Wachee Capital Projects Fund (3041); and a supplemental appropriation in the amount of $10,000 from the increase in the unappropriated balance of the Weeki Wachee Capital Projects Fund resulting from this transfer to the Rahall Property Purchase Project.

REVISE J-1 Agreements between All Children's Hospital and the City of St. Petersburg: *[Revised Resolution]*

(a) City of St. Petersburg to All Children's Hospital Sale and Development Agreement.

(b) All Children's Hospital Foundation to City of St. Petersburg Agreement for Sale.

(c) Assignment and Assumption of the YWCA Lease to All Children's Hospital.

DEFER J-7 Ordinance 086-HL approving the designation of the Endicott Residence, located at 233 - 3rd Street North, as a local historic landmark. (City File HPC 13-90300001) *[Requesting an approximate 60 day deferral of public hearing]*

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

1. John Schoepp, 1330 41st Avenue NE, stated that TV Station WSPF is still not broadcasting and that the signal had to be transmitted from Temple Terrace to Ruskin. He commented on the new business item G-2 (from Councilmember Newton to explore transmitting the City television signal to Riverview for broadcast on digital side channel (38.4)). He asked about the direct and indirect cost of providing the signal to the cable station(s) which is a consideration.

2. Monica Abbott, 7220 Central Avenue, shared the West Central Village logo and commented on the possibility of working with The Edge District to submit a joint Main Street application. She commented on the $2 million Roadway Beautification Program

for Central Avenue, along the Pinellas Trail to Sunset Park, and the work the neighborhood has done to change the look of Central Avenue (when you pass Pasadena). She asked Council's assistance to continue improving Central Avenue and thanked the City for eliminating panhandling in the Tyrone area.

Councilmember Curran clarified that The Edge District has not been give $25,000; it is recommended, but not approved at this point. Councilmember Newton commented on planned capital improvements with the County and PSTA. Councilmember Gerdes commented that the $2 million has been assigned a budget tracking number, but it is not in the Pinellas County budget for this year. Councilmember Gerdes spoke with the West Central Village Neighborhood Association President concerning phased funding and confirmed that the County is aware of their commitment under the Interlocal Agreement (it's a timing issue as to implementation).

3. Robin Reed, 705 16th Avenue NE, and Lynn Mormino, 235 10th Avenue North, commented on planned St. Petersburg Museum of History events including the opening of the Schrader's Little Cooperstown Baseball Exhibit on October 22; a Beer, Brats and Baseball Family Field Day on October 19; a Brunch and Public Relations Kickoff officially opening the Exhibit on October 22; a fund raiser Lyceum Gala on October 25; and a New Year's Day Benoit replica flight over Tampa Bay.

Mayor Foster and Councilmember Nurse, in honor of City Attorney John Wolfe's birthday, presented him with a proclamation declaring August 31, 2013 as "John Wolfe Day" in the City of St. Petersburg. Mayor and Council recognized his professionalism, dedication and many years of service to the City and community.

Mayor Foster presented a proclamation proclaiming August 28, 2013 as "March on Washington Day" in the City of St. Petersburg recognizing the 50th Anniversary of the March on Washington, DC on August 28, 1963 to Mr. Sevell Brown.

Councilmember Curran moved with the second of Councilmember Kornell that the following resolutions be adopted:

13-309 Awarding a contract to Metro Equipment Service, Inc. in the amount of $1,685,604 for the construction of Pasadena 36" Force Main Replacement, Phase II. (Engineering Project No. 04040-311; Oracle No. 13367)

13-310 Awarding a three-year blanket purchase agreement for yard waste transport services to Zimmer Equipment, Inc. for the Sanitation Department at an estimated annual cost of $268,561.

13-311 Extending an agreement with Verizon Florida, LLC, a sole source supplier, for one year for communications services for the Stormwater, Pavement, & Traffic Operations Department at an estimated annual cost of $200,000.

13-312 Approving an increase to the allocation for bunker gear to Municipal Emergency Services, Inc in the amount of $95,000, which increases the total contract amount to $165,000.

13-313 Awarding a contract to Bank of America, N.A. and Banc of America Merchant Services, LLC for merchant credit card services at an estimated annual cost of $490,000.

13-314 Authorizing the Mayor or his designee to execute a First Amendment to License Agreement with the Elreha Florida Corporation ("Elreha"), to extend the term for five (5) years, with a fee of $50.00 per year, for use of a strip of City-owned property that is an extension of the Pinellas Trail, for ingress and egress to Elreha's parking lot.

13-315 Approving a supplemental appropriation in the amount of $300,000 from the unappropriated balance of the Neighborhood and Citywide Infrastructure Capital Improvement fund (3027) to the Energy Conservation Measure - Lighting Retrofits Project (TBD); that includes replacement or retrofitting the existing HID lighting in facilities to include, but not limited to, Al Lang parking lot, Fire Stations, Fleet Maintenance, Water Resources facilities, Traffic Engineering, Central Records and the Consolidated Warehouse with new technology LED and Induction lighting; and authorizing the Mayor or his designee to execute all documents necessary to effect this Resolution and the Lighting Retrofits Project.

13-316 Confirming the appointment of Doris Heitzmann as a regular member to the City Beautiful Commission to serve an unexpired three-year term ending December 31, 2014.

13-317 Confirming the appointment of Larry LaDelfa as a regular member to the Public Arts Commission to serve an unexpired four-year term ending February 28, 2014.

13-318 Approving a contract with the Pinellas County Supervisor of Elections for support services for the 2013 General Election and approving a supplemental appropriation in the amount of $262,000 from the unappropriated balance of the General Fund.

13-319 Authorizing the Mayor or his designee to execute a Mentor Recruitment and Training Agreement with the Pinellas County Education Foundation, Inc. in the amount of $75,000 and all other documents necessary to effectuate this transaction.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with an oral report item, Councilmember Curran moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the oral Tourist Development Council report presented by Councilmember Curran.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. Newton.

In connection with a report item concerning a contract with LEMA Construction & Developers, Inc., City Architect Raul Quintana made a PowerPoint presentation. Councilmember Newton moved with the second of Councilmember Curran that the following resolution be adopted:

13-320 Awarding a contract to LEMA Construction & Developers, Inc. in the amount of $817,800 for the construction of the Rio Vista Park Improvements Project. (Engineering Project No. 11233-017; Oracle Project No. 13166)

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a public hearing item concerning agreements between All Children's Hospital and the City, Real Estate & Property Management Director Bruce Grimes made a presentation and provided Council with an overview of the project. Ms. Amy McGuire, All Children's Hospital Vice President of Government & Foreign Relations, provided background information and the importance of this project to All Children's. All Children's Hospital Executive Director of Facilities Scott Nolin was available to respond to questions. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Kai Warren, 691 10th Avenue South, Historic Roser Park, spoke in support of the proposed agreements.

2. Don Mosley, 640 Roser Park Drive South, commented on the multi level parking garages along Roser Park Drive and 10 Avenue South and suggested that the portion of land adjacent to Roser Park, which is to be a children's playground for the hospital, be contributed to the city to expand the park and connect to the green space corridor.

Ms. McGuire introduced additional hospital staff. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

13-321 A resolution find that 1) the disposition of Lots 1 through 7, Block 6, Manhattan Park Subdivision ("Disposition") at less than fair value will enable the future expansion of All Children's Hospital facilities and further the development of the medical district which is consistent with and will further the implementation of the Bayboro Harbor Community Redevelopment Area Plan objectives; and 2) a Public Hearing in accordance with Florida Statute 163.380 has been duly noticed and held; providing that the Disposition shall be to All Children's Hospital, Inc.; approving the following Disposition related agreements: A) City of St. Petersburg to All Children's Hospital Sale and Development Agreement; B) the All Children's Hospital Foundation to City of St. Petersburg Agreement for sale; and C) the Assignment and Assumption of the YWCA Lease to All Children's Hospital; and authorizing the Mayor or his designee to execute the disposition related agreements and all other documents necessary to effectuate this transaction.

The public hearing was closed and the meeting was recessed at 4:47 p.m.

The meeting was reconvened at 4:49 p.m. with all members present.

Councilmember Kennedy moved with the second of Councilmember Curran that the following substitute resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve Resolution 2013-321 as amended.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with an oral report item, Councilmember Newton moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the oral Tampa Bay Regional Planning Council report presented by Councilmember Newton.

Roll call. Ayes. Danner. Gerdes. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. Kennedy.

In connection with an oral Florida League of Cities Annual Conference report, Chair Nurse and Councilmember Newton made a presentation. Councilmember Curran suggested scheduling a Legislative Affairs & Intergovernmental Relations (LAIR) Committee meeting before September 25, 2013; LAIR Chair Danner agreed to schedule same. Councilmember Curran moved with the second of Councilmember Kornell the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the oral Florida League of Cities Annual Conference report presented by Council Chair Nurse and Councilmember Newton.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a new business item, Councilmember Danner moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to the Public Safety & Infrastructure Committee a discussion on design standards for Central Avenue and other corridors.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a new business item, Councilmember Newton moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to the Public Safety & Infrastructure Committee a request to explore transmitting the City television signal to Riverview for broadcast on digital side channel (38.4) Channel 35.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a new business item concerning the Gandy Boulevard limited access project, Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council defer action on a resolution to resolve the dispute between the Florida Department of Transportation and the Florida Gas Transmission which is delaying the design and construction of the Gandy Boulevard limited access project to the September 5, 2013 Council meeting.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a new business item, Councilmember Curran moved with the second of Councilmember Danner that the following resolution be adopted:

13-322 Extending the proposed southern boundary for the Downtown Waterfront Master Plan Study Area from Poynter Park to Lassing Park.

The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Gene Smith, 1023 Locust Street NE #14, spoke in support of extending the proposed southern boundary study area to Lassing Park.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a Co-Sponsored Events Committee report, Councilmember Gerdes moved with the second of Councilmember Kennedy that the following resolution be adopted:

13-323 Resolution approving the applications for Co-Sponsored Event status "In Name Only" for 1) CBS Radio Stations, Inc. ("CBS") for an event entitled Downtown Food & Wine Fest to be held on September 14, 2013, in South Straub Park from 10:00 a.m. to 9:00 p.m.; 2) Farm Sanctuary, Inc. ("Farm") for an event entitled Tampa Bay Walk for farm animals to be held on November 2, 2013, in Spa Beach and adjacent City streets, from 1:00 p.m. to 5:00 p.m.; 3) Florida Adventure Sports, LLC ("Adventure") for an event entitled Run Wild St. Pete to be held on November 2, 2013, in Boyd Hill Nature Park, from 6:00 a.m. to 4:00 p.m.; 4) Cox Radio, Inc. ("Cox") for an event entitled 97x Next Big Thing to be held on December 7, 2013, in Vinoy Park from 10:00 a.m. to 10:00 p.m.; and 5) Flight 2014, Inc. ("Flight") for an event entitled First Airline Centennial to be held on January 1, 2014 on the Pier approach from 8:00 a.m. to 2:00 p.m., in accordance with City Council Resolution No. 2000-562, as amended; ("Resolution 2000-562") provided all City fees are paid 10 days prior to the event taking place; waiving the six month requirement of Section "D" of Resolution 2000-562, as to CBS, waiving the non-profit requirement of Resolution No. 2000-562(a)8 as to CBS, Adventure and Cox; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Newton. Nays. None. Absent. Nurse. Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

13-324 Resolution in accordance with City Code Section 21-38(d) exempting Downtown Food & Wine Fest (South Straub Park) and 97x Next Big Thing (Vinoy Park) from the beer and wine only restrictions on serving of alcoholic beverages in City Code Section 21-38 (d) on the issuance of a permit for alcoholic beverages (for on premises consumption only) to be sold, served, dispensed, possessed, used and/ or

consumed at their respective venues, during the times and on the dates of the events as set forth herein.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Newton. Nays. None. Absent. Nurse. Councilmember Gerdes moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the July 25, 2013 Co-Sponsored Events Committee report presented by Councilmember Gerdes.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Newton. Nays. None. Absent. Nurse.

In connection with a Budget, Finance & Taxation Committee report, Councilmember Kennedy moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the August 8, 2013 Budget, Finance & Taxation Committee report presented by Councilmember Kennedy.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

The meeting was recessed at 5:41 p.m.

The meeting was reconvened at 6:18 p.m. with all members present.

In connection with public hearings confirming preliminary assessments, the Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Danner move with the second of Councilmember Newton that the following resolutions be adopted:

13-325 Confirming and approving preliminary assessment rolls for Lot Clearing No. 1520 and providing for an interest rate of 12% per annum on unpaid assessments.

13-326 Assessing the costs of securing listed on Securing Building No. 1179 (SEC 1179) as liens against the respective real property on which the costs were incurred; providing that said liens have a priority as established by City Code Section 8-270; providing for an interest rate of 12% per annum on unpaid balances; and authorizing the Mayor to execute and record Notices of Lien(s) in the public records of the County.

13-327 Assessing the costs of demolition listed on Building Demolition Nos. 406 and 502 (DMO 406 and 502) as liens against the respective real property on which the costs were incurred; providing that said liens have a priority as established by City Code Section 8-270; providing for an interest rate of 12% on unpaid balances; and authorizing the Mayor to execute and record Notices of Lien(s) in the public records of the County.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 79-H and Public Works Administrator Michael Connors made a presentation and thanked the various stakeholders for their patience and hard work. Councilmember Gerdes moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 79-H, entitled:

PROPOSED ORDINANCE NO. 79-H

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE BY ADDING DIVISION 5 TO CHAPTER 2, ARTICLE V TO CREATE A CONSTRUCTION INCENTIVE PROGRAM; AMENDING SECTION 2-214 TO ALLOW FOR RETAINANGE UNTIL ONE HUNDRED PERCENT COMPLETION OF A CONSTRUCTION CONTRACT AND TO ALLOW FOR A LOWER PERCENTAGE RETAINAGE UPON APPROVAL OF THE POD FOR PARTICIPATION IN THE CONSTRUCTION INCENTIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading as amended.

The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Linda Sue Gleason Varonich, 1482 Premier Village Way, Clearwater, representing Faith & Action for Strength Together (FAST), thanked Council for doing the right thing.

2. Marty Brinsko, 452 72nd Avenue, St. Pete Beach, representing FAST, expressed appreciation to all individuals who worked on this proposed ordinance.

3. Flo Young, 3801 Kingfish Drive SE, representing FAST, thanked Mayor Foster and Council for their hard work. Ms. Young expressed a desire to ensure small businesses are supported.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 80-H. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Gerdes moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 80-H, entitled:

PROPOSED ORDINANCE NO. 80-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C) (3), ST. PETERSBURG CITY CHARTER, AUTHORIZING THE GRANT OF A PUBLIC UTILITY EASEMENT TO DUKE ENERGY FLORIDA, INC., A FLORIDA CORPORATION, D/B/A DUKE ENERGY, WITHIN POYNTER PARK LOCATED AT 1000 THIRD STREET SOUTH, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final hearing.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a Public Services & Infrastructure report, Councilmember Dudley moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the August 8, 2013 Public Services & Infrastructure Committee report presented by Councilmember Dudley.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None.

In connection with a Committee of the Whole report, Councilmember Newton moved with the second of Councilmember Dudley that the following resolutions be adopted:

13-328 Resolution of the City Council providing for the waiver of Section 21-120 (f) of the City Code relating to approval of projects and allocation of monies from the Weeki Wachee Operating Fund; approving a transfer in the amount of $495,294 from the unappropriated balance of the Weeki Wachee Operating Fund (1041) to the Weeki Wachee Capital Projects Fund (3041); and a supplemental appropriation in the amount of $495,294 from the increase in the unappropriated balance of the Weeki Wachee Capital Projects Fund resulting from this transfer to the Athletic Fields Shade Structure Project.

13-329 Accepting a bid from Creative Shade Solutions, Inc. for shade structures for the Parks & Recreation Department at a total cost of $495,294; approving a transfer in the amount of $495,294 from the unappropriated balance of the Weeki Wachee Operating Fund (1041) to the Weeki Wachee Capital Projects Fund (3041); and approving a supplemental appropriation in the amount of $495,294 from the increase in the unappropriated balance of the Weeki Wachee Capital Projects Fund, resulting from this transfer, to the Shade Structure for Athletic Facilities Project (TBD).

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Newton. Nays. None. Absent. None. City Development Senior Administrator Rick Mussett stated the proposed Rahall Property Purchase Project requires two bid appraisals and discussed the related timeline. Staff is recommending the supplemental appropriation be increased from $10,000 to $12,000 as one of the bids came in this morning at $5,400. Councilmember Kornell made a brief presentation. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Cathy Harrelson, 1527 5th Street North #B2, commented on the very large trees on the property; the entire property is impressive. She suggested partnering with universities and business to do something with these types of properties. Suggested moving forward with the appraisals, looking at the property in its entirety and bringing in partners. The house would be an incredible Marine study center. We should look at protecting some of these coastal properties.

2. Lucy Trimarco, 809 18th Avenue North, stated she was excited about the Rahall property and expressed a desire to see the property become a park.

Councilmember Kornell moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council amend the draft resolution to provide for up to $12,000 for the appraisals (1.7 acre parcel and the entire property), discuss with the property owner regarding sharing the appraisal cost, that staff bring this item back to Council, if at all possible on the October 17 Council agenda, and that Council approve the following resolution as amended:

13-330 Resolution of the City Council providing for the waiver of Section 21-120 (f) of the City Code relating to approval of projects and allocation of monies from the Weeki Wachee Operating Fund; approving a transfer in the amount of $12,000 from the unappropriated balance of the Weeki Wachee Operating Fund (1041) to the Weeki Wachee Capital Projects Fund (3041); and a supplemental appropriation in the amount of $12,000 from the increase in the unappropriated balance of the Weeki Wachee Capital Projects Fund resulting from this transfer to the Rahall Property Purchase Project.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Newton. Nays. Curran. Absent. None.

There being no further business, the meeting was adjourned at 7:35 p.m.

_____
Karl Nurse Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk