

COUNCIL MEETING

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

CITY OF ST. PETERSBURG

November 6, 2014
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 call our TDD number, 892-5259, or the Florida Relay Service at 711 as soon as possible. The City requests at least 72 hours advance notice, prior to the scheduled meeting, and every effort will be made to provide that service for you. If you are a person with a disability who needs an accommodation in order to participate in this/these proceedings or have any questions, please contact the City Clerk's Office at 893-7448.

A. Meeting Called to Order and Roll Call.

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

“A moment of silence will be observed to remember fallen officers of the St. Petersburg Police Department. The officers(s) depicted today were killed in the line of duty during this month.”

Officer Gene A. Bessette – November 10, 1961

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. Correspondence - NOTE: Only the person who has written the letter, or an authorized representative, will be permitted to speak in connection with an item of correspondence. The person speaking will be given three minutes ONLY to state the request. In some instances and at the discretion of City Council, more than three minutes speaking time will be granted.

1. [Mr. Sevell C. Brown, III, Director of National Christian League of Councils, is requesting to appear before City Council to seek support of a new policy that would require City of St. Petersburg Police Officers to be equipped with "Body Cameras."](#)

E. 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.*

Quasi-Judicial Proceedings

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

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

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

1. [Two appeals of the Development Review Commission \(DRC\) approval of a site plan with a variance and bonuses to construct an 18-story, 80,080 square foot, 30-unit, multi-family residential development located at 176 - 4th Avenue Northeast \(City File 14-31000015 Appeal\).](#)

F. Reports

1. Police Quarterly Update. (Oral)
2. [Resolution recommending that Project B4060636763 \("Project"\), a confidential project, pursuant to 288.075 F.S., be approved as a Qualified Target Industry \("QTI"\) Business, committing \\$36,000 as the City's share of the local financial support for the Project.](#)
3. [Resolution authorizing the Mayor or his designee to execute a Temporary Parking Validation Agreement and all other necessary documents between the City of St. Petersburg and Carmike Cinemas, Inc., a Delaware corporation registered in Florida.](#)
4. [Southwest Water Reclamation Facility Reclaimed Water Storage Project:](#)
 - (a) Awarding a contract to Precon Corporation in the amount of \$3,058,000 for Southwest Water Reclamation Facility 15 MG Reject Water Storage Tank. (Engineering Project No. 14013-111; Oracle No. 14231)
 - (b) Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-05-URS/W, to the Agreement between the City of St. Petersburg, Florida and URS Corporation Southern, in the amount not to exceed \$56,526, for construction phase professional engineering services for the Southwest Water Reclamation Facility (WRF) 15 MG Reject Storage Tank Project. (Engineering Project No. 14013-111; Oracle No. 14231)
5. Public Art Commission. (Councilmember Rice) (Oral)
6. [Accepting a bid from Willie A. Roundtree, Sr. and Willie A. Roundtree, Jr. d/b/a Credible Security Services for security guard services at The Pier at an estimated annual cost of \\$192,545.](#)
7. [Authorizing the Mayor or his designee to execute a License Agreement and all other necessary documents with Progressive Waste Solutions of FL, Inc., a Delaware corporation, for use of a portion of land lying in the Northwest corner of the City-owned Woodlawn Lake property located on the North side of 9th Avenue North on the East side](#)

of I-275, St. Petersburg, to install two (2) ground water monitoring wells for a period of three (3) years at an aggregate use fee of \$150.00.

8. Approving a two percent (2%) Ad Hoc increase to the monthly pension benefits of the retirees and beneficiaries receiving benefits from the Supplemental Firefighter's Retirement System due to normal retirement, early retirement, service connected disability or death, non-service connected disability or death, or termination of employment, occurring prior to October 1, 2008.

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

Setting November 24, 2014 as the public hearing date for the following proposed Ordinance(s):

1. Approving the vacation of a 5-foot wide street radius easement lying at the southwest corner of 37th Street South and 34th Avenue South. (City File 14-33000007)
2. Approving the vacation of a 10-foot wide street radius easement lying at the northwest corner of 37th Street South and 38th Avenue South. (City File 14-33000006)
3. Ordinances amending Article 4, Chapter 22 of the St. Petersburg City Code relating to the Employees Retirement System Plan:
 - (a) Ordinance amending Chapter 22 of the St. Petersburg City Code relating to Retirement Systems by (1) amending Section 22-126 to define the terms designated beneficiary and survivor annuitant, and (2) amending Section 22-132 to provide the method and timing for the return of contributions, clarify how benefits are paid upon the death of a member, clarify the process for reexamination of members retired on account of disability and restoration of members to service, clarify the forms of retirement payment, provide for changes to survivor annuitants and designated beneficiaries and provide that the sum of accumulated contributions will be refunded.
 - (b) Ordinance amending Chapter 22 of the St. Petersburg City Code relating to Retirement Systems by (1) amending Section 22-162 to define the terms accrued pension benefit and designated beneficiary, and (2) amending section 22-165 to clarify the benefits payable upon retirement for ordinary disability or accidental disability and in the event of death of a member receiving service retirement income or disability retirement income for ordinary disability or accidental disability.
4. Ordinance amending Article 4, Chapter 22 of the St. Petersburg City Code relating to the Supplemental Firefighter's Retirement System ('Plan') to provide a definition of the terms 'spouse', as such term pertains to the Normal Form of the benefit payment, and 'survivor annuitant'; to provide that the Fire Chief may choose to participate in the City's Defined Contribution Plan and to provide that retirees may change their beneficiary, if a beneficiary was designated at the time of retirement, up to two times after their retirement date.
5. Amending the land use and zoning of an estimated 2.1 acre subject property, is the Harris School site, generally located at 4600 Haines Road. (City File FLUM-21-A)
 - (a) Amending the Future Land Use Map designation from Institutional to Residential Medium.

- (b) Amending the Official Zoning Map designation of the above described property from NT-1 (Neighborhood Traditional) to NSM-1 (Neighborhood Suburban Multifamily), or other less intensive use.
- 6. [Amending the land use and zoning of an estimated 0.80 acre or 35,000 sq. ft. subject property, generally located on the southwest corner of 11th Avenue South and 4th Street South. \(City File FLUM-22-A\)](#)
 - (a) Amending the Future Land Use Map designation from Residential Medium to Planned Redevelopment-Mixed Use.
 - (b) Amending the Official Zoning Map designation of the above described property from NSM (Neighborhood Suburban Multifamily) to CCT-1 (Corridor Commercial Traditional), or other less intensive use.
- 7. [Amending St. Petersburg City Code, Section 1-2, Section 8-5 and Chapter 16, Land Development Regulations \(“LDRs”\) pertaining to community gardens and fertilizer regulations. \(City File LDR 2014-01\)](#)
- 8. [Ordinance amending Chapter 27 of the St. Petersburg City Code; creating definitions for single-family residence and terms related to recycling; adding references to curbside recycling and recyclable materials; establishing regulations for the use of City-issued bulk recycling containers and frequency of collection by City; providing rates for universal curbside recycling for single-family residences and providing for clarifying language.](#)

H. New Business

- 1. [Referring to the Public Services and Infrastructure Committee an amendment to our development ordinances relating to the allowable hours for pile driving projects within 1,000 feet of residential units. \(Councilmember Nurse\)](#)
- 2. [Referring to City Council to discuss and consider the co-naming of 2nd Street, between 6th Avenue South and 5th Avenue North to University Way. \(Councilmember Nurse\)](#)
- 3. [Referring to the Public Services & Infrastructure Committee, an update on the Historic Roser Park Plan. \(Chair Dudley\)](#)
- 4. [Referring to the Budget, Finance and Taxation Committee for a staff presentation on the existing Fire Service Pension Plans and the differences between the terms of those plans. \(Councilmember Gerdes\)](#)

I. Council Committee Reports

- 1. [Budget, Finance & Taxation Committee. \(10/23/2014\)](#)
- 2. [Public Services & Infrastructure Committee. \(10/23/2014\)](#)
- 3. [Committee of the Whole. \(10/23/2014\)](#)
- 4. [Co-Sponsored Events Committee. \(10/30/2014\)](#)
 - (a) Approving events for co-sponsorship in name only by the City for Fiscal Year 2015; waiving the non-profit requirement of Resolution No. 2000-562(a)8 for the co-sponsored events to be presented by Blossom Montessori School for the Deaf, Paragon

Fine Arts Festivals, Inc., No Clubs Entertainment Inc., Ledge Entertainment, LLC, AOS Group, LP, Beast Athletics, Inc., Cox Radio, Inc., Active Endeavors, Inc., and Grand Citrus Group, LLC.; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.

- (b) Ordinance providing for the sale and consumption of alcoholic beverages in Elva Rouse Park on March 7, 2015, and Seminole Park on April 18, 2015.
- (c) Resolution in accordance with City Code Section 21-38(d) exempting AVP St Pete Open (Spa Beach Park), 97X BBQ (Vinoy Park), and Extreme Mudwars (Spa Beach Park) from the beer and wine only restrictions in City Code Section 21-38 (d) upon 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 their events as set forth herein.

J. Legal

- 1. An Attorney-Client Session, to be heard at 11:00 a.m., or soon thereafter, pursuant to Florida Statute 286.011(8), in conjunction with the case of Quade Everett v. City of St. Petersburg, Florida, Case No. 8:14-cv-2508-T-36AEP.
- 2. Announcing an Attorney/Client Session of City Council for November 17, 2014 in the case of Karen Krause-Honsinger and Paul Honsinger v. City of St. Petersburg, Case No. 14-000145CI-8.

K. Open Forum

L. Adjournment

- 1. On Thursday, November 6, 2014, in City Council Chambers at 11:00 a.m. or as soon thereafter as the same may be heard, an attorney-client session, pursuant to Florida Statute 286.011(8), will be held in conjunction with the lawsuit styled Quade Everett, an individual, and Laquanda Everett, as natural mother of Quade Everett, a minor child v. The City of St. Petersburg, a municipal corporation, Brian Fernandez, a former police officer, in his individual capacity, and Brian Prest, a police officer in his individual capacity, Case No. 8:14-cv-2508-T-36AEP. Any or all of the following persons will be attending: Mayor Rick Kriseman, Charles Gerdes, James Kennedy, Bill Dudley, Chair, Darden Rice, Steve Kornell, Vice Chair, Karl Nurse, Wengay “Newt” Newton, Amy Foster, John C. Wolfe, City Attorney, Mark A. Winn, Chief Assistant City Attorney, Joseph P. Patner, Assistant City Attorney, and Jane Wallace, Assistant City Attorney. The session will commence in City Council Chambers, 175 Fifth Street North, St. Petersburg, Florida. After the commencement of the session at the public meeting, the session will be closed and only those persons described above together with a certified court reporter will be allowed to be present. The subject matter of the meeting shall be confined to settlement negotiations and/or strategy related to litigation expenditures. At the conclusion of the session the meeting will be re-opened and the session will be terminated.

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda A
November 6, 2014

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.

(Public Works)

1. [Awarding a contract to M.T.M. Construction, Inc. in the amount of \\$1,857,039.92 for the construction of the SR 682 Pinellas Bayway Trail North project. \(Engineering Project No. 13018-112; FPN 424532 5 - Oracle No. 13639\)](#)

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda B November 6, 2014

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

(Purchasing)

1. [Awarding a one year blanket agreement for office supplies to Staples Contract and Commercial, Inc., at an estimated annual cost of \\$480,000.](#)
2. [Awarding a contract to Island Marine Group, LLC, in the amount of \\$339,079 for improvements to the Demen's Landing boat ramps under the Boat Ramp Facility Improvements Project and Demen's Landing Improvements Project. \(Engineering Project No. 11236-217 and 13210-017; Oracle Project No. 13181 and 13739\)](#)
3. Accepting a bid from Willie A. Roundtree, Sr. and Willie A. Roundtree, Jr. d/b/a Credible Security Services for security guard services at The Pier at an estimated annual cost of \$192,545. [Moved to Reports as F-6]
4. [Renewing a blanket purchase agreement with Hach Company for laboratory supplies and equipment repairs for the Water Resources Department at an estimated annual cost of \\$125,000.](#)

(City Development)

5. [Authorizing the Mayor or his designee to execute a License Agreement and all other necessary documents with Bright House Networks, LLC, a Delaware limited liability company authorized to conduct business in the State of Florida, for the use of the pipe railing on the perimeter of Air Traffic Control Tower roof within Albert Whitted Airport to install, maintain, and operate camera equipment for a period of five \(5\) years at a rental rate of \\$100.00 annually, with the right to request extensions for five \(5\) additional terms of one \(1\) year each, subject to approval by City Council. \(Requires affirmative vote of at least six \(6\) members of City Council\)](#)
6. Authorizing the Mayor or his designee to execute a License Agreement and all other necessary documents with Progressive Waste Solutions of FL, Inc., a Delaware corporation, for use of a portion of land lying in the Northwest corner of the City-owned Woodlawn Lake property located on the North side of 9th Avenue North on the East side of I-275, St. Petersburg, to install two (2) ground water monitoring wells for a period of three (3) years at an aggregate use fee of \$150.00. [Moved to Reports as F-7]
7. [Authorizing the Mayor or his designee to execute a Lease and Development Agreement and all other necessary documents with Tampa Bay Innovation Center, operated by STAR-TEC Enterprises, Inc., a Florida non-profit corporation, to lease and develop City-](#)

owned property located at the southwest corner of 4th Street South and 11th Avenue South within the Bayboro Harbor Community Redevelopment Area.

8. Authorizing the Mayor or his designee to execute a License Agreement and all other necessary documents with Advantage Village Academy, Inc., a Florida non-profit corporation, for use of the City-owned block of unimproved parcels located between 22nd Street South and 23rd Street South bounded by 7th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, to provide staging and parking for the public while hosting a charitable community event for a nominal use fee of \$10.00.

(Leisure & Community Services)

9. Authorizing the Mayor or his designee to accept an Assistance Funding Purchase Order (“Order”) from the Florida Fish and Wildlife Conservation Commission (“FFWCC”) Gopher Tortoise Habitat Management Program for a Gopher Tortoise Habitat Management Plan Phase III Project at Boyd Hill Nature Preserve at a maximum reimbursement amount of \$15,000; and to execute all other documents necessary to effectuate the Order; and approving a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund (0001), resulting from these additional revenues, to the Parks & Recreation Boyd Hill Nature Trail (1902389) Gopher Tortoise Habitat Management Plan Phase III Project (TBD).

(Public Works)

10. Approving a Traffic Signal Maintenance and Compensation Agreement between the City of St. Petersburg ("City") and the Florida Department of Transportation ("FDOT") to provide for the FDOT annual reimbursement of expenses associated with the City's operation and maintenance of traffic signals and the traffic signal systems serving state routes within the City limits.

(Appointments)

11. Confirming the reappointment of John L. Green, Jr., as a regular member to the Health Facilities Authority to serve a four-year term ending December 31, 2018.
12. Confirming the reappointment of Sadie W. Camon as a regular member to the Nuisance Abatement Board to serve a three-year term ending December 31, 2017.
13. Confirming the reappointment of M. Lee Gunter as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.
14. Confirming the reappointment of Doris Heitzmann as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.
15. Confirming the appointment of Carol Moore as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.
16. Confirming the appointment of Peter J. Ford as an alternate member to the Nuisance Abatement Board to serve a two-year term ending August 31, 2016.

(Miscellaneous)

17. Approving the minutes of the City Council Meetings held on June 5, June 12 and June 19, 2014.

18. Approving the minutes of the City Council Meetings held on July 10, July 17 and July 24, 2014.
19. Authorizing the Mayor or his designee to accept a grant from the Florida Department of Transportation (“FDOT”) in the amount of \$110,434.32 to fund Police Department overtime costs incurred by the high visibility enforcement for the Pedestrian and Bicycle Safety Campaign; and to execute all documents necessary to effectuate this transaction; and approving a supplemental appropriation in the amount of \$110,434.32 from the increase in the unappropriated balance of the Operating Grants Fund (1720) resulting from these additional revenues to the Police Department, Traffic & Marine (140-1477), and High Visibility Enforcement Grant (TBD).
20. Approving a two percent (2%) Ad Hoc increase to the monthly pension benefits of the retirees and beneficiaries receiving benefits from the Supplemental Firefighter’s Retirement System due to normal retirement, early retirement, service connected disability or death, non-service connected disability or death, or termination of employment, occurring prior to October 1, 2008. [Moved to Reports as F-8]
21. Authorizing the Mayor or his designee to enter into a maintenance agreement between the City of St. Petersburg, Florida (“City”) and Transfield Services Infrastructure, Inc. (“Transfield”) for the purpose of the City performing roadway sweeping, various roadway repairs, and other services on selected State roadways in Pinellas County, Florida for an estimated annual cost not to exceed \$326,784.25, which will be reimbursed by Transfield.
22. Approving the donation of outdated fire extrication equipment that has exceeded its useable life to the St. Petersburg College Firefighting Academy.

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

CITY OF ST. PETERSBURG

Board and Commission Vacancies



Arts Advisory Committee

1 Regular Member
(Terms expire 9/30/15)

Civil Service Board

3 Alternate Members
(Terms expire 6/30/16 & 6/30/17)

City Beautiful Commission

2 Regular Members
(Terms expire 12/31/14 & 12/31/16)

Code Enforcement Board

2 Alternate Members
(Terms expire 12/31/16)

Commission on Aging

4 Regular Members
(Terms expire 12/31/14 & 12/31/16)

Public Arts Commission

1 Regular Member
(Term expires 4/30/18)

Nuisance Abatement Board

1 Alternate Member
(Term expires 11/30/14)

Affordable Housing Advisory Committee

6 Regular Members
(One Term)

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.

**COUNCIL AGENDA
CORRESPONDENCE ITEM**

TO: Members of City Council

DATE: October 21, 2014

COUNCIL DATE: November 6, 2014

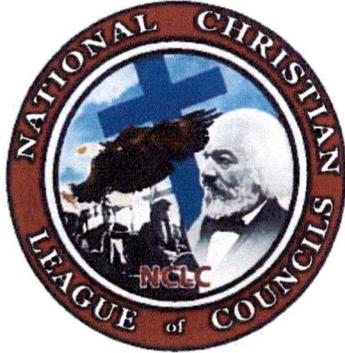
SUBJECT MATTER:

Respectfully requesting to appear before City Council to discuss St. Petersburg Police Department patrol officers be equipped with "Body Cameras".

CORRESPONDENT:

Sevell C. Brown, III, National Director
National Christian League of Councils

Bill Dudley, Chair
St. Petersburg City Council



NCLC

National Christian League of Councils

nclcnational@gmail.com

Bobby Doctor, National President

Sevell C. Brown, III, National Director

October 17, 2014

Hon. Bill Dudley, Chairman
St. Petersburg City Council
175 5th Street North
St. Petersburg, Florida 33701

Dear Chairman Dudley,

The NCLC respectfully request to speak before Council under Correspondence on November 6, 2014 to seek Council's support, to set new policy for those SPPD patrol officers that carry both a badge and gun, to be equipped with "Body Cameras".

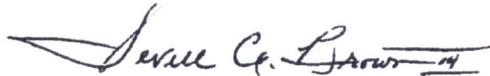
It is our earnest desire to have a police department that is proactive and inclined to take preventive measures to lessen complaints from the communities whom it is sworn to serve and protect. Additionally, we now lay witness to the growing trend of Police

Agencies throughout the nation adopting the use of Body Cams for their officers as a standard policing practice.

The growth of this trend can be directly attributed to the nationally televised well documented tragic and deadly encounters in Ferguson and St. Louis, Missouri; the Marlene Pinnock incident that occurred in California where a 51 year old great grandmother was plummeted by a California State Trooper; the tasing of a 61 year old African American woman in Tallahassee, Florida; and the Quade Everett shooting in St. Petersburg; all of which paint a horrific picture that it is "Open Season" on African Americans across America.

We would like to work with Council, the Mayor and the Police Chief to facilitate this initiative being implemented as a mechanism to protect both our officers and the community.

Respectfully,

A handwritten signature in cursive script that reads "Sevell C. Brown, III". The signature is written in dark ink and includes a horizontal line at the end.

Sevell C. Brown, III, National Director
National Christian League of Councils



SAINT PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable Bill Dudley, City Council Chair, and Members of City Council

SUBJECT: **Appeals of the Development Review Commission (DRC) approval of a site plan with a variance and bonuses to construct an 18-story, 80,080 square foot, 30-unit, multi-family residential development located at 176 - 4th Avenue Northeast (Case No.: 14-31000015).**

RECOMMENDATION: The Administration recommends that the appeals be **DENIED**, thereby **UPHOLDING** the Development Review Commission's **approval** of the application.

INTRODUCTION: The subject property is located on the south side of 4th Avenue Northeast in between Beach Drive Northeast and 1st Street North. The applicant proposes to construct an 18-story, 80,080 (plus exemptions) square foot, 30-unit, multi-family residential development. The applicant is seeking bonuses to floor area ratio (F.A.R.) and a variance to the Albert Whitted Airport Overlay Height Standards. The Development Review Commission (DRC) heard the application at the October 1, 2014 hearing. After hearing testimony from staff, the applicant, the registered opponent and the public, the DRC approved the application 7 to 0. Two appeals to City Council were received, the first from the registered opponent and the second from an attorney representing the contract purchasers of the future condominium building currently under construction on the parcel abutting to the west, which are the subject of this report.

CURRENT PROPOSAL: The existing property is developed with a 2,380 square foot commercial building and a 30 space surface parking lot. The applicant proposes to demolish the existing commercial building and surface parking lot and construct an 18-story 80,080 square foot (plus exemptions), 30-unit, multi-family residential development with a 4-story parking garage. The applicant requested F.A.R. bonuses and a variance to the Albert Whitted Airport Overlay. The plan is described in detail within the attached DRC staff report. Staff found that the application complies with the applicable provisions of the Land Development Regulations (LDRs) and the Comprehensive Plan, and recommended approval to the DRC.

DRC REVIEW AND DECISION: The DRC considered the application during the public hearing on October 1, 2014. The DRC heard testimony from City staff, the applicant, the registered opponent and the general public. The details of the testimony are provided in the attached meeting minutes. After considering all of the information provided, the DRC voted to approve the application, subject to the special condition of approval of the site plan as offered by the

applicant at the hearing and additional special conditions set forth in the staff report, by a vote of 7 to 0.

THE APPEAL: The City Clerk's office received two appeals. The first appeal was submitted by David Bacon and Christopher Furlong of Bacon, Bacon and Furlong, P.A. [First Appeal] who are representing the Park Shore Plaza Condominium Association, Inc. The second appeal was submitted by Jackson H. Bohman, Esq. of Moore, Bowman and Rix, P.A. [Second Appeal] Staff's analyses of both appeals are addressed in this report.

STAFF'S ANALYSIS: Staff has reviewed the arguments set forth in the attached appeal letters. The Administration recommends that the City Council deny both appeals and uphold the DRC based on the following analysis. Appellants' issues are outlined below followed by Staff analysis and response.

Issue No#1: Parking Garage does not comply with code.
First Appeal (Item 1.) and Second Appeal (Item II.B.)

Both appellants contend that the garage does not comply with *Section 16.40.90.3.5., Parking Garages, sub-section 1.g., Minimum vehicle stacking requirements at entry points.*

Staff Response:

City staff finds the garage in compliance and offers the following in support of this finding:

The garage location, design and access meet all stipulations of Section 16.40.090.3.5. In particular, pursuant to subsection f., to "*minimizes disruption to pedestrian corridors and the streetscape*", vehicular ingress and egress is required to be from the alley.

Subsection 1.g., as follows, lists specific stacking requirements at the entry point to a parking garage:

16.40.90.3.5.1.g. Minimum vehicle stacking requirements at entry points:

- (1) Free flow entries means an entry into a parking garage without controls, such as attendants or automatic ticket dispensing controls: one vehicle space per entry lane.*
- (2) Automatic ticket dispensing entries means an entry into a parking garage controlled by a machine dispensing tickets for garage use: two vehicle spaces per entry lane.*
- (3) Manual ticket dispensing entries means an entry into a parking garage controlled by a person manually dispensing tickets for garage use: four vehicle spaces per entry lane.*
- (4) Manual key card entries means an entry into a parking garage controlled by a key card for garage use: two vehicle spaces per entry lane.*

The purpose of this section is to minimize vehicular conflict at the entrance to a garage. These standards were developed for a traditional parking garage, designed with separate entry and exit lanes, and ramps. The applicant has proposed a new technology for accessing the garage, not contemplated when this code section was written.

The applicant proposes to use two garage elevators to access levels two through four of the parking garage. Vehicles will both enter and exit either garage at a single point, and thus the traditional method of stacking in front of the elevator is not possible or practical. If vehicle stacking were provided in a traditional stacking lane in front of the elevator, a driver would need to back-up to allow a vehicle exiting the elevator prior to proceeding, which does not meet the

intent of this section of the code. As an alternative method of compliance, the applicant has proposed several methods to limit the potential for cars to block the alley.

The site plan submitted to the DRC provides for two parallel waiting spaces on the parcel adjacent to the garage elevator entry/exit point. An exterior light will be mounted to the building so that as a vehicle approaches, the driver will know if either elevator is available. If the light indicates that the elevator is vacant, the driver will activate the door with a key fob, and proceed directly into the elevator. If the light indicates that both are occupied, the driver can then pull into one of these waiting spaces until one of the elevators is available.

To reduce waiting time, the elevators will be programmed to remain on the first level when not in use. The maximum total trip time for an elevator going from the ground floor to the 4th floor and back is 78 seconds. (See additional information, Elevator Exhibit).

A letter provided by the applicant from the elevator company documents these operational methods. In addition, testimony by the applicant during the DRC hearing indicated that there will be an emergency generator which will operate one of the elevators if there is a power failure.

Staff determined that two waiting spaces were reasonable and appropriate given the projected trips. The applicant's traffic engineering report provides data on the projected number of trips for the 30 residential units and the first floor retail. At the projected peak hour, in the evening, the report indicates that there may be up to 22 trips. In response to concerns expressed by the adjacent neighbors prior to the hearing, the applicant amended the site plan prior to the DRC hearing to add a third space, and then at the hearing the applicant volunteered to amend the site plan to add three additional spaces, for a total of six waiting spaces. A special condition was then added by DRC to require these spaces (see additional information, Site Plan Approved with Amended Special Condition Exhibit).

Regarding the location of the waiting spaces and the potential need for maneuvering in the alley to enter the elevator, staff finds the design in compliance with the intent and purpose of code and consistent with policy and practice for allowing such maneuvering in alleys for garage access throughout Downtown.

An alley is treated differently than a street right-of-way. Streets are designed to provide continuous vehicular movement, including pedestrian and bicycle travel with minimal interruptions. Alleys provide access to parking and garages, solid waste pick-up, and loading. Staff allows parking to back into alleys throughout the City. There is no setback requirement for garage entrances from alleys. As specified in the definition, 16.90.020.3., "Alleys are not designed or maintained for pedestrian and bicycle use".

Based on this data and the documentation provided by the applicant regarding the method and operation of the vehicle elevators, staff found the proposed design and method of stacking in compliance with the purpose and intent of this subsection.

Issue No#2: Revision to site plan during DRC hearing.

First Appeal (Item B) and Second Appeal (Item B)

In response to public comments, the applicant at the hearing offered to provide three additional parallel waiting spaces along the east side of the building for a total of six waiting spaces. The Commissioners agreed that the additional waiting spaces will help mitigate any potential access issues. The Commissioners at the hearing amended the staff report to include Special

Condition of Approval number 16 that requires the three additional waiting spaces along the east side of the building. The applicant provided an exhibit, referred to as Exhibit A that illustrates the additional waiting spaces.

First Appeal

Appellant argues the site plan that was revised by the DRC was approved without having been reviewed, evaluated and commented upon by the City's development review staff and engineering staff. The revised site plan ignores staff and engineers regarding the width of the east alley, but also eliminates eight feet and seven inches from the storm water retention area in order to locate another vehicle on private property.

Staff Response:

Per City Code Section 16.70.040.1.4.C.2.b., the DRC may impose conditions upon its approval of a site plan application, including a modification to the site plan as proposed by the applicant. The applicant will need to demonstrate compliance with all applicable City codes during the site permitting process. The modifications made at the hearing in response to public comments did not cause any material conflicts with code, and technical details will be addressed on the construction drawings.

The modification to the proposed widening of a portion of the 15-foot alley north-south does not conflict with Special Condition of Approval number 15. This condition refers to the Engineering Departments Memorandum dated July 9, 2014, which specifies under Condition 7 that the proposed widening of the alley "be in compliance with City Engineering Standards and Specifications". It does not require that the alley be widened.

Issue No#3: Building Setback Requirement

First Appeal (Item C) and Second Appeal (Item II.A.)

Appellants argue that the site plan does not comply with Section 16.20.120.7.2., Minimum Building Setbacks, with respect to the building separation on the east side.

Staff Response:

Under Section 16.20.120.7.2. (B)(2), the distance between buildings is determined based on the following: *"buildings should be designed and situated to allow for air and light circulation between adjacent buildings on site and off site. In some cases, this separation requirement will be accommodated through existing rights-of-way, including alleys. In other cases, buildings with internal lot lines and development proposals with multiple buildings on a single site should be designed and situated accordingly."*

The width of rights-of-way shall be included within the distance between buildings measurement. The minimum distance between buildings shall be split equally along a shared property line to determine the minimum building setback required. For example, when an existing building on a neighboring property is located within its half of the split distance, the proposed building is only required to provide a minimum distance between buildings equal to one-half of the required distance between buildings regardless of whether the resulting distance between buildings is less than the requirement stated in the following table"

Staff has determined that the proposed building does comply with the required distance between buildings. Specifically, along the east side, staff has determined that the applicant is required to provide 30-feet from the centerline of the adjacent alley. This is calculated as follows. Code specifies that the "width of the rights-of-way shall be included within the distance"

and “the minimum distance between buildings shall be split equally along a shared property line”. In this instance, “the shared property line” is the centerline of the 15-foot wide alley. The equal split of the required 60-foot separation is 30-feet. Therefore, as measured from the “shared property” line, there is 7.5-feet of alley plus 23-feet provided on the subject property which equals 30.5-feet, which is greater than the required 30-feet. (See additional information, Schematic A 9.2 Exhibit)

**Issue No#4: Consistency with the Comprehensive Plan
Second Appeal (Item I)**

The appellant argues that the DRC approval is inconsistent with the Comprehensive Plan Objective LU 17B and Policies LU 17B.1, LU 17 B.3, LU 17B.4 LU 17B.5 and the Intown Redevelopment Plan, which is incorporated into the Comprehensive Plan by Objective LU 13 and Policy LU 13.1.

In particular, the appellant argues that the Bliss Condominium is inconsistent with the above referenced Comprehensive Plan provisions related to preservation of view corridors, requirement to terrace buildings away from Beach Drive, the maximum F.A.R. in this district and with the Intown Redevelopment Plan with respect to open space the scale of the development. The following is an excerpt from the Second Appeal with sections in bold per their appeal

*“All buildings within the development project should **integrate** architecturally, aesthetically and functionally through building design, materials, **open spaces**, scale, circulation systems, pedestrian level activities, and uniform signage and lighting.*

Staff Response:

Staff finds the proposed development in compliance with the City’s Comprehensive Plan. The three primary topics of the Second Appeal are addressed below.

View Corridors and terracing:

The Comprehensive Plan discourages the blocking of views from the existing east-west streets and views from the waterfront. Staff finds that views might be blocked if a project included a request to reduce or vacate an east-west street, or build a structure in the right-of-way such as a pedestrian bridge. The Bliss project does not include a request to vacate nor any such structures which would impede such a view from 4th Avenue Northeast, the abutting east-west roadway.

The Land Development Regulations further this policy by establishing additional setbacks, distance between buildings, maximum floor plate and maximum building width for portions of a building above fifty feet in height.

Regarding the terracing requirement from Beach Drive, the project is not located on Beach Drive, and therefore staff finds that terracing requirement is not directly applicable. The parcel itself is setback, and therefore any building upon the parcel is naturally terraced away from Beach Drive.

4.0 F.A.R. Limit:

The appellant argues that the Comprehensive Plan does not provide for exemptions or bonuses that would enable the F.A.R. to exceed 4.0.

Staff has historically interpreted that exemptions are not included in the calculation of maximum F.A.R. An exemption, by definition, is an exclusion, and therefore is not included in such a

calculation. Under the previous CBD-3 zoning designation for this area, multiple exemptions were granted and not included in maximum F.A.R. calculations, including one in 2003 for 400 Beach Drive, which received a 5,400 SF MOL exemption for retail on the first level. Since the implementation of the DC-3 district standards in 2007, exemptions have similarly not been included in calculations of F.A.R.

Furthermore, F.A.R. bonuses and exemptions are precisely the types of innovative tools in the LDRs that the City shall use, per the Comprehensive Plan, to effectuate its goals in the Intown Activity Center. Applicable provisions are as follows, with bold to emphasize particularly relevant language.

Future Land Use Element

1.2.2.3 Goals, Objectives, and Policies

*The Goals, Objectives, and Policies have been developed in response to and in accordance with the needs and **directions of growth** and determined levels of service requirements as identified within the Inventory and Analysis which can be found in the accompanying 1989 Technical Support Documents and the 1996 and 2007 Evaluation and Appraisal Reports.*

All objectives are designed to identify the measurable achievements necessary to support the related goal. In those cases, where the Objective is not specific or measurable, but rather, the actual specificity and measurability is found in the supporting policy(ies), the policy(ies) shall be used for the purposes of monitoring and evaluation.

The Policies are intended to act as implementation mechanisms identifying programs and procedures to be used to accomplish the related objective.

This Comprehensive Plan is intended to be utilized as a document in its entirety. It shall hereby be established that no single goal, objective or policy or minor group of goals, objectives, or policies, be interpreted in isolation of the entire Plan.

1.3.1.2 Competing Policies

Where two or more policies are competing when applied to a particular set of factual circumstances, such conflict shall be resolved first by administrative interpretation of the Comprehensive Plan policies. The objective of any such interpretation shall be to obtain a result which maximizes the degree of consistency between the proposed development or public sector activity and this Comprehensive Plan, considered as a whole.

Policy: LU17B.3 Floor Area Ratio (F.A.R.) for buildings within the downtown waterfront area (DC-3 zoning district) shall not exceed 4.0. Land development regulations have been adopted to implement this policy.

OBJECTIVE LU21:

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

*Policy: LU21.1 **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.

Policy: LU2.2 **The City shall concentrate growth in the designated Activity Centers and prioritize infrastructure improvements to service demand in those areas. (Note: Site is located within Intown Activity Center, established in LU2.1.)**

Policy: LU2.3 **To attract large scale quality development and assure the proper coordination, programming and timing of City services in the activity centers the City shall continue to develop, evaluate and implement appropriate activity center development incentives.**

Policy: LU3.1. B.3. **Central Business District (CBD) - Allowing a mixture of higher intensity retail, office, industrial, service and residential uses up to a floor area ratio of 4.0 and a net residential density not to exceed the maximum allowable in the land development regulations. Increased floor area ratios may be permitted as a bonus for developments that provide additional amenities or other improvements that achieve CBD design and development objectives. Application of this category is limited to the Intown Sector. This category shall not be applied without development of, and CPA approval of, a special area plan.**

LU3.2 **Development shall not exceed the densities and intensities established within this Future Land Use Element except where allowed by the land development regulations.**

LU3.6 **Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.**

OBJECTIVE LU17B:

The City shall continue to implement a downtown waterfront zoning district (DC-3) that enhances the waterfront park system, preserves view corridors and ensures pedestrian oriented, human scale development and redevelopment.

Policies:

LU17B.1 **Development within the downtown waterfront area, generally extending westward to 1st Street between the 5th Avenues, should be sensitive to the aesthetic quality of the waterfront by addressing design issues related to building heights terraced away from the water, building orientation, scale and mass; creating open spaces and view corridors; and creating a pedestrian oriented, human scale environment at the street level.**

LU17B.3 **Floor Area Ratio (F.A.R.) for buildings within the downtown waterfront area (DC-3 zoning district) shall not exceed 4.0. Land development regulations have been adopted to implement this policy.**

LU17B.4 **Recognizing that all development has an impact on an existing view from one vantage point or another, waterfront development projects shall be designed in a manner that minimizes adverse impacts on all identified view corridors. Land development regulations have been adopted to implement this policy. Important view corridors include, in descending order of importance:**

- 1. direct views of parks and the waterfront;**
- 2. views resulting from east-west roadways terminating at the waterfront;**
- 3. views of the city from the waterfront, with an emphasis to promote a terracing (low buildings to tall buildings) skyline away from the waterfront;**
- 4. views of the central business district resulting from north-south roadways.**

*LU17B.5 Human scale waterfront development shall be promoted through DC-3 Zoning District regulations that require building facades to terrace away from Beach Drive (building envelope standards). **Land Development Regulations have been adopted to implement this provision.***

LU23.3 The City's LDRs shall continue to support greater development intensity within the Corridor and Center zoning districts, particularly where located along fixed transit lines and around transit stops and stations.

Vision Element

2.3

The basic physical framework of Neighborhoods, Corridors and Centers provides three fundamental areas where second generation growth may occur. The City is already experiencing this trend as Traditional Neighborhoods undergo reinvestment and revitalization, and various Corridors and Downtown experience significant redevelopment. This pattern is natural to the organic changing nature of cities. There is new opportunity to use Citizen Based Themes as a Value system to protect special places, improve areas to better meet desired themes, and remake areas that are not consistent with the desired Vision. In short, the strategy is:

Centers: *St. Petersburg has three City Centers (Downtown, Tyrone, Gateway) where people come together for shopping, entertainment, work and play.*

Traditional City Center-Downtown:

The Downtown was the City's original city center. Since the beginning, the downtown was a dynamic 24-hour activity center. The downtown offered all aspects of living. Housing was a large component of the downtown with numerous tourist oriented hotels and apartment buildings.

*The downtown consists of a gridded roadway network with wide streets, on-street parking, wide sidewalks and substantial commercial style buildings which created a pleasant pedestrian environment. **Alleys allow utilitarian functions to take place separately from the public realm.** Street cars assisted with public transportation and connected outward to the City's surrounding neighborhoods. Throughout the downtown there was a generous sprinkling of parks and civic buildings.*

Shortly after the financial boom of the late 1960's the downtown began to decline. Retail, restaurants and entertainment uses favored suburban locations. National solutions to redevelopment such as the creation of business centers, major sporting venues and upscale retail and entertainment complexes were utilized. By the 1990's, the downtown was starting to re-awake. Today the downtown offers many amenities, a unique traditional setting with large scale, mixed use commercial buildings, renovated historic buildings, and an active street life.

Centers:

The City's Downtown is beginning an exciting period of rediscovery and renewal that provides a Vision for 2020. With the functional completion of greenfield residential development on the peninsula, there is new activity in downtown housing. This is a result of several factors including available land, frustration with extensive auto

commutes, desire for proximity to employment, and renewed interest in the vitality of urban living.

**This practice of decreasing the physical distance between home, work, shopping and schooling is a highly sustainable practice that leads to innumerable benefits to the City. Resulting reinvestment into downtown's historic structures and neighborhoods is being coupled with new infill development in traditional urban formats such as townhomes and mixed use apartment buildings that have not been offered for decades. Refurbishment of the Vinoy Hotel, the recently constructed Baywalk shopping center, and an anticipated grocery bring new activity to downtown as evidence of the rebirth. As in the decades before, commercial activities are following housing growth and the result is the renewal of the public realm: **

Downtown.

Consistent with Citizen Themes and Values, Downtown is envisioned as an urban village, led by an active mix of uses based on the denominator of healthy residential in many forms. Streets should be livable and active with pedestrian life, suitable for both retailing and residential. This requires improved streetscapes, calm traffic, on-street parking, proximate transit access and two-way road relationships. The streets should link to enhanced civic parks, celebrated public buildings and a waterfront with increased public access.

Center Recommendations:

Downtown Recommendations:

- Protect and enhance the unique character of the downtown including the waterfront parks system, and wide pedestrian oriented streets.**
- Encourage mixed use projects which provide appropriate densities, buildings with continuous street edges and share amenities such as parking.**
- Streets should be lively, active, pedestrian oriented, safe and clean.**
- There should be a variety of transit opportunities including pedestrians, trolleys, taxis, bikes and vehicles.**
- Surface parking lots should be encouraged to be redeveloped with urban style buildings. Encourage shared parking in well designed structures featuring retail and other pedestrian activities on the first floor.**
- Civic uses should be reinforced, protected and expanded and should be available to all members of the community.**
- Preserve noteworthy buildings through renovation and adaptive reuse.**
- Where existing buildings are replaced, quality redevelopment shall occur which is consistent with the context of St. Petersburg. Architecture which is generic or utilitarian should be discouraged.**
- Evaluate existing redevelopment plans to reflect desired community form and development potential.**

OBJECTIVE V1:

When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.

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.

Intown Redevelopment Plan:

LU13.1 Development proposals in community redevelopment areas shall be reviewed for compliance with the goals, objectives and policies of the Comprehensive Plan and the goals, objectives and policies of the applicable adopted redevelopment plan including:

1. Intown Redevelopment Plan;

Staff finds that the proposed building complies with the Intown Redevelopment Plan. The proposed building is compatible in scale, mass and height to the buildings that surround it. The building has been sited and designed to enhance the pedestrian environment, and has provided more open space than required by Code. The proposed architecture of the building will enhance the neighbourhood and will also respect the architectural styles of the other buildings.

Other buildings of comparable mass and scale which surround the project include Parkshore Plaza, located directly to the south, 400 Beach Drive, located to the northeast and the approved Silhouette, located to the northwest of the subject property; all were approved with a maximum (see additional information, Elevator Exhibit).F.A.R. of 4.0. Parkshore Plaza is 29-stories and was approved with a building height of 351 feet, 400 Beach Drive is 30-stories and was approved with a building height of 320 feet, Silhouette was approved with 14-stories and a building height of 168 feet, Presbyterian Towers located directly north of the subject property is 15-stories. The subject building was approved at 18-stories and a building height of 204 feet. The proposed building is therefore of similar scale and mass of the surrounding buildings and neighborhood (see additional information, 3-D images).

SUMMARY: Staff found that the application for a site plan to construct an 18-story 80,080 square foot, 30-unit multi-family residential development, with F.A.R. bonuses and variance to the Albert Whitted Airport Overlay Height Standards complies with the Comprehensive Plan as well as the applicable provisions of the Land Development Regulations (LDR's) and recommended approval to the Development Review Commission (DRC). The DRC considered all of the information presented during the public hearing and approved the project by a vote of 7 to 0. Given the findings set forth in this report, Staff recommends that both appeals of the DRC decision should be denied and that the decision of the DRC should be upheld.

RECOMMENDATION:

The Administration recommends that the City Council **APPROVE Resolution "A"** and **Resolution "B"** to deny the appeals, thereby upholding the decision of the DRC to approve the application.

"A"

RESOLUTION NO. _____

A RESOLUTION **DENYING** THE APPEAL RECEIVED ON OCTOBER 8, 2014, (PARK SHORE PLAZA CONDOMINIUM ASSOCIATION INC. APPEAL) AND **UPHOLDING** THE DEVELOPMENT REVIEW COMMISSION'S APPROVAL OF A SITE PLAN WITH A REQUEST FOR A VARIANCE TO THE ALBERT WHITTED AIRPORT OVERLAY HEIGHT STANDARDS AND FLOOR AREA RATIO BONUSES FOR 176 – 4TH AVENUE NORTHEAST (CASE NO. 14-31000015); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 2014, the Development Review Commission (DRC) held a public hearing for a proposed site plan with a request for a floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards for 176 – 4th Avenue Northeast; and

WHEREAS, the City Council finds that it is appropriate to **deny** the appeal by **upholding** the DRC's approval of the site plan, variance and bonuses.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings:

1. The site plan, variance and bonuses comply with the City's applicable Land Development Regulations and Comprehensive Plan; and
2. The City Council finds that it is appropriate to **DENY** the appeal and **UPHOLD** the DRC's approval of the site plan, variance and bonuses, subject to the conditions of the Staff Report, as adopted by the DRC at the public hearing.

BE IT FURTHER RESOLVED that under its de novo and appellate authority, based upon the foregoing findings of fact based on evidence, this Council **approves** the site plan, variance and bonuses, subject to the conditions in the Staff Report, and **denies** the appeal herein; and

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

APPROVED AS TO FORM AND SUBSTANCE:



Planning and Economic Development Department 10-27-14
Date



City Attorney 10/27/14
Date

"B"

RESOLUTION NO. _____

A RESOLUTION **DENYING** THE APPEAL RECEIVED ON OCTOBER 13, 2014, (ROWLAND PLACE APPEAL) AND **UPHOLDING** THE DEVELOPMENT REVIEW COMMISSION'S APPROVAL OF A SITE PLAN WITH A REQUEST FOR A VARIANCE TO THE ALBERT WHITTED AIRPORT OVERLAY HEIGHT STANDARDS AND FLOOR AREA RATIO BONUSES FOR 176 – 4TH AVENUE NORTHEAST (CASE NO. 14-3100015); MAKING FINDINGS BASED ON THE EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 2014, the Development Review Commission (DRC) held a public hearing for a proposed site plan with a request for a floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards for 176 – 4th Avenue Northeast; and

WHEREAS, the City Council finds that it is appropriate to **deny** the appeal by **upholding** the DRC's approval of the site plan, variance and bonuses.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings:

3. The site plan, variance and bonuses comply with the City's applicable Land Development Regulations and Comprehensive Plan; and
4. The City Council finds that it is appropriate to **DENY** the appeal and **UPHOLD** the DRC's approval of the site plan, variance and bonuses, subject to the conditions of the Staff Report, as adopted by the DRC at the public hearing.

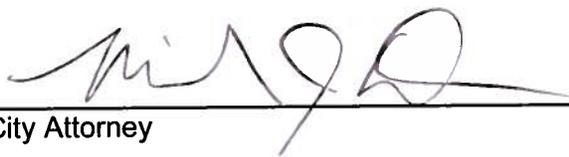
BE IT FURTHER RESOLVED that under its de novo and appellate authority, based upon the foregoing findings of fact based on evidence, this Council **approves** the site plan, variance and bonuses, subject to the conditions in the Staff Report, and **denies** the appeal herein; and

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

APPROVED AS TO FORM AND SUBSTANCE:



Planning and Economic Development Department 10-27-14
Date



City Attorney 10/27/14
Date

"C"

RESOLUTION NO. _____

A RESOLUTION **APPROVING** THE APPEAL RECEIVED ON OCTOBER 8, 2014, (PARK SHORE PLAZA CONDOMINIUM ASSOCIATION INC. APPEAL) AND **OVERTURNING** THE DEVELOPMENT REVIEW COMMISSION'S APPROVAL OF A SITE PLAN WITH A REQUEST FOR A VARIANCE TO THE ALBERT WHITTED AIRPORT OVERLAY HEIGHT STANDARDS AND FLOOR AREA RATIO BONUSES FOR 176 – 4TH AVENUE NORTHEAST (CASE NO. 14-31000015); MAKING FINDINGS BASED ON EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 2014, the Development Review Commission (DRC) held a public hearing for a proposed site plan with a request for floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards for 176 – 4th Avenue Northeast; and

WHEREAS, the City Council finds that it is appropriate to **approve** the appeal by **denying** the DRC's approval of the site plan, variance and bonuses.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings based on the evidence:

1. The requested site plan does not comply with the applicable City Land Development Regulations or Comprehensive Plan.

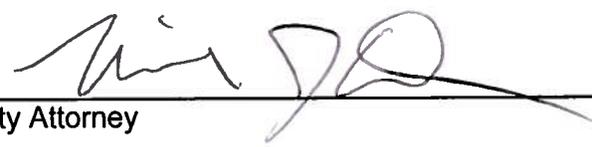
BE IT FURTHER RESOLVED that under its de novo and appellate authority, based upon the foregoing findings based on the evidence, this Council **denies** the site plan, variance and bonuses and **approves** the appeal herein; and

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

APPROVED AS TO FORM AND SUBSTANCE:



Planning and Economic Development Department 10-27-14
Date



City Attorney 10/27/14
Date

"D"

RESOLUTION NO. _____

A RESOLUTION **APPROVING** THE APPEAL RECEIVED ON OCTOBER 13, 2014, (ROWLAND PLACE APPEAL) AND **OVERTURNING** THE DEVELOPMENT REVIEW COMMISSION'S APPROVAL OF A SITE PLAN WITH A REQUEST FOR A VARIANCE TO THE ALBERT WHITTED AIRPORT OVERLAY HEIGHT STANDARDS AND FLOOR AREA RATIO BONUSES FOR 176 – 4TH AVENUE NORTHEAST (CASE NO. 14-31000015); MAKING FINDINGS BASED ON EVIDENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 2014, the Development Review Commission (DRC) held a public hearing for a proposed site plan with a request for floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards for 176 – 4th Avenue Northeast; and

WHEREAS, the City Council finds that it is appropriate to **approve** the appeal by **denying** the DRC's approval of the site plan, variance and bonuses.

NOW, THEREFORE BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida that the City Council makes the following findings based on the evidence:

2. The requested site plan does not comply with the applicable City Land Development Regulations or Comprehensive Plan.

BE IT FURTHER RESOLVED that under its de novo and appellate authority, based upon the foregoing findings based on the evidence, this Council **denies** the site plan, variance and bonuses and **approves** the appeal herein; and

BE IT FURTHER RESOLVED that this resolution shall become effectively immediately upon adoption.

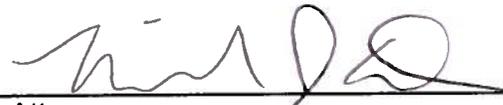
APPROVED AS TO FORM AND SUBSTANCE:



Planning and Economic Development Department

10-27-14

Date



City Attorney

10/27/14

Date

The Appeals

176 4th Avenue Northeast
DRC Case No. 14-31000015

LAW OFFICES
OF
Bacon, Bacon & Furlong, P.A.
A Professional Association

2959 FIRST AVENUE NORTH
ST. PETERSBURG, FLORIDA 33713

ADRIAN S. BACON (19242001)
DAVID A. BACON
CHRISTOPHER S. FURLONG

TELEPHONE: 727-327-3935
FACSIMILE: 727-323-4936
DBACON@BACONANDBACON.COM
CFIRIS@BACONANDBACON.COM

October 8, 2014

VIA HAND DELIVERY

City Council
City of St. Petersburg
Attn: City Clerk
175 5th Street North
St. Petersburg, FL 33701

Re: Notice of Appeal of Development Review Commission Decision
Appellant: Park Shore Plaza Condominium Association Inc.
Case No.: 14-31000015
Applicant: Patricia B. Moss Revocable Trust
Project: The Bliss



Dear City Council Members:

This law firm represents Park Shore Plaza Condominium Association, Inc. ("Park Shore"), whose address is 9887 Fourth Street North, #301, St. Petersburg, Florida 33702. Please accept this letter as confirmation that Park Shore hereby files its Notice of Appeal of the October 1, 2014 decision of the Development Review Commission ("DRC") in Case No. 14-31000015.

SUMMARY OF DECISION TO BE REVIEWED

At the public hearing on October 1, 2014, the DRC considered the application of Patricia B. Moss Revocable Trust (the "Applicant") for approval of a site plan with grant of FAR bonuses (the "Site Plan") to allow the construction of an 18 story building that will incorporate 29 residential units, one commercial unit and a four story parking garage on a parcel of land having dimensions of approximately 100' x 200' located at 176 4th Avenue Northeast (the "Property"). Park Shore appeared before the DRC as the registered opponent to that application, presenting facts and legal arguments that included opposition to the location of the two (2) vehicle elevators (the "Elevators") that would provide the sole means of ingress and egress between the multi-level parking garage and the east-west alley (the "Alley") on the grounds that the Site Plan fails to comply with specific requirements of the City's Code of Ordinances and Land Development Regulations ("City Code") applicable to parking garages. The Site Plan does not provide sufficient distance between the elevator door and the Alley to allow on-site stacking of vehicles waiting to use the Elevators in order to reduce occurrences of traffic flow obstruction caused by vehicles waiting to use the Elevators.

At the conclusion of the public hearing on the Application, the Applicant proposed a revision to the Site Plan to add three parking spaces along the edge of the north-south alley located immediately east of the Property. City Staff had not earlier viewed that revision and did not provide to DRC any comments as to whether the revision complies with requirements of the City Code. Neither the Registered Opponent nor any witness or person opposing the application had the opportunity to question or make comment on the Site Plan revision. The Site Plan with that revision was approved by the DRC (the "Revised Site Plan"). Approval by DRC of the Revised Site Plan and the granting of FAR bonuses related thereto are the subjects of this appeal.

SUMMARY OF THE BASIS FOR THE APPEAL

Park Shore respectfully contends that approval of the Revised Site Plan by DRC was in error because the Revised Site Plan failed to satisfy certain requirements and violates specific provisions of City Code, as summarized below:

1. **Parking Garage Requirements:** In order for the Revised Site Plan and the granting of FAR bonus allowances to be approved, the proposed parking garage must satisfy the requirements of Section 16.40.90.3.5 of City Code, entitled "Parking Garages". That section of City Code states specific design standards, consisting of requirements that shall apply to parking garages. Subsection 1(g) clearly states the "minimum vehicle stacking requirements at entry points" and requires "two vehicle spaces per entry lane" to provide for vehicle stacking for a parking garage controlled by a key card for garage use. It is apparent that the purpose and intent of such requirement is to mitigate obstruction of traffic upon the right-of-way that would be caused by vehicles stopped in that right-of-way while waiting for garage entry. The proposed development is required to have at least two spaces for each of the entry lanes to the Elevators, for a total of four spaces. The Revised Site Plan does not provide any space per entry lane to allow vehicle stacking.

The requirements of Section 16.40.90.3.5 were not addressed in the written report prepared by the City's Zoning Official. Neither the Zoning Official nor the City's legal counsel advised DRC members as to the requirements of that Section of City Code as to the subject application. However, a single member of DRC questioned the parking garage requirement of City Code following the closing of the public hearing and after closing arguments, causing the Applicant to amend the Site Plan to add three vehicle parking spaces along the side of the north-south alley at a location which is separated by a considerable distance from the Elevator. There was no discussion regarding that revision, and no party in opposition had the opportunity to address it. The Revised Site Plan, incorporating that change, was approved by DRC.

The addition of three vehicle parking spaces along the north-south alley, or at any other location of the Property, does not satisfy the purpose and intent of Section 16.40.90.3.5. Parking spaces which are not at the point of entry into the Elevators do not provide any allowance for stacking of vehicles waiting in line for use of the Elevator in order avoid the intrusion of waiting vehicles into the Alley and the resulting obstruction of traffic flow.

The undisputed evidence presented to DRC clearly shows that the current conditions and circumstances do not allow safe and reasonable flow of traffic in the Alley. Traffic is already obstructed by regular parking of commercial delivery trucks, garbage dumpsters, and very substantial vehicular and pedestrian traffic. The evidence presented to DRC shows recognition and concern regarding traffic flow, including the following:

- a. The City Staff report dated September 25, 2014, page 6, Special Conditions of Approval, #15, requires the Site Plan to be modified as necessary to comply with comments in the Engineering Department's Memorandum dated July 9, 2014, which states "Widening of Eastern Alley shall be in conformance with current city engineering standards and specifications";
- b. The traffic engineering report prepared by Kimley Horn, dated August 7, 2014 and submitted by the Applicant states, in part, that the "Alley on the east side of the proposed development will expand to 22 feet. This 22' cross-section will be accomplished as the developer is providing 7' to the existing 15' Alley the additional 7' of Alley to be provided by the developer and is anticipated to improve future safety and circulation conditions." That report did not include any evaluation of the actual current conditions of the Alley affecting flow and safety of traffic; and
- c. The Applicant's Project Narrative dated June 21, 2014 states: "Finally, to help alleviate congestion on the 15' wide Alley to the East we are proposing to widen the Alley to 20' and dedicate this property to the City's right of way".

Clearly, the placement of parking spaces along that same north-south alley will not contribute to the Alleviation of congestion, as suggested by the Applicant, on either the north-south alley or the Alley.

B. Compliance Review: The Revised Site Plan, first proposed after the closing of the public hearing and closing arguments segments of the public hearing before DRC, was approved without having been reviewed, evaluated and commented upon by the City's development review services and engineering staff. The Revised Site Plan not only ignores the recommendations of City Staff and engineers regarding the width of the East Alley, but also eliminates eight feet and seven inches (8'7") from the storm water retention area in order to locate another vehicle on the Property.

C. Building Set-Back Requirement: Applicant has failed to satisfy the requirements of City Code 16.20.120.7.2, Minimum Building Setbacks. The location of the proposed building is zoned DC-3 and, pursuant thereto, the minimum distance between buildings permitted, for all conditions fifty feet to three hundred feet high, is sixty (60) feet. The Revised Site Plan, as approved, fails to satisfy the 60' requirement for minimum "Distances Between Buildings". The Revised Site Plan shows that the proposed building, above fifty feet, will be approximately forty (40) feet from the Birchwood Inn which is located east of the proposed building.

Enclosed herewith is a copy of the Staff Report of the DRC, together with a check in the amount of \$300.00 made payable to the City of St. Petersburg, Florida for this appeal. It is our understanding that the final Decision of the DRC has not been issued. Thanking you for your attention to the foregoing.

Bacon, Bacon & Furlong, P.A.



David A. Bacon

Christopher S. Furlong



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

st.petersburg
www.stpete.org

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**SITE PLAN REVIEW
PUBLIC HEARING**

According to Planning & Economic Development Department records, no Commission member resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on October 1, 2014 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 14-31000015 **PLAT SHEET:** E-4

REQUEST: Approval of a site plan to construct an 18-story, 30 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards.

APPLICANT: Patricia B Moss Revocable Trust
105 Dogwood Lane
Radford, Virginia 24141-3917

ARCHITECT: Tim Clemmons
Mesh Architecture
2900 44th Avenue North
Saint Petersburg, Florida 33714

ADDRESS: 176 4th Avenue Northeast
PARCEL ID NO.: 19/31/17/77238/000/0040

LEGAL DESCRIPTION: On File
ZONING: DC-3

SITE AREA TOTAL: 20,020 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	2,380 square feet	0.12 F.A.R.
Proposed:	80,080 square feet	4.0 F.A.R.
Permitted:	80,080 square feet	4.0 F.A.R.

BUILDING COVERAGE:

Existing: 2,380 square feet	12% of Site MOL
Proposed: 10,012 square feet	50% of Site MOL
Permitted: 19,019 square feet	95% of Site MOL

IMPERVIOUS SURFACE:

Existing: 15,420 square feet	77% of Site MOL
Proposed: 14,266 square feet	71% of Site MOL
Permitted: N/A	

OPEN GREEN SPACE:

Existing: 4,600 square feet	23% of Site MOL
Proposed: 5,754 square feet	29% of Site MOL

PAVING COVERAGE:

Existing: 13,040 square feet	65% of Site MOL
Proposed: 4,254 square feet	21% of Site MOL

PARKING:

Existing: 30; including 2 handicapped spaces
Proposed: 65; including 3 handicapped spaces
Required 33; including 2 handicapped spaces

BUILDING HEIGHT:

Existing: 20 feet from grade; N/A
Proposed: 204 feet from grade; 224 above mean sea level (Above Mean Sea Level (AMSL))
Permitted: 300 feet from grade; 158 above mean sea level (Above Mean Sea Level (AMSL))

APPLICATION REVIEW:

- I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-3 Zoning District.
- II. **DISCUSSION AND RECOMMENDATIONS:**

Request:

The applicant seeks approval of a site plan to construct an 18-story, 30-unit multi-family development. The applicant is requesting a floor area ratio bonus and a variance to the Albert Whitted Airport Overlay Height Standards. The subject property is located on the south side of 4th Avenue Northeast in between Beach Drive Northeast and 1st Street North.

Proposal:

The existing property is developed with a 2,380 square foot commercial building and a 30 space surface parking lot. Ingress to the parking lot is from 4th Avenue Northeast and egress is to the existing north-south alley located on the east side of the subject property. The applicant proposes to demolish the existing commercial building and surface parking lot and construct an 18-story residential tower and a 4-story parking garage.

The residential tower will be located along the front of the subject property and the parking garage will be located along the rear of the subject property. The building will be set back off of

the front property line to allow landscaping and green space between the building and the public sidewalk along 4th Avenue Northeast. A private outdoor court yard will be located on the west side of the building.

The ground floor of the residential tower will consist of a lobby and retail space. Floors two through four will have one (1) residential unit per floor. Floors five through 17 will have two (2) residential units per floor. The 18th floor will have a common area with a roof-top terrace and one residential unit. Vehicular access to the first level of the parking garage will be from an existing 15-foot wide north-south alley that is located along the east side of the subject property. The existing north-south alley connects to 4th Avenue Northeast and an existing east-west alley. The first level of the parking garage will have nine (9) parking spaces, owner storage, dumpster room and bicycle parking. Vehicular access to the second through fourth levels of the parking garage will be from an existing 20-foot wide east-west alley (Fareham Avenue NE) at the rear of the subject property. The second through fourth levels of parking will have 18 parking spaces per floor for a total of 54 parking spaces. Access to the upper levels of parking will be from two automobile elevators, instead of a traditional ramp. The applicant will be widening the existing north-south alley to 20-feet to improve vehicular access within the alley system. Pedestrian access to the building will be from the public sidewalk along 4th Avenue Northeast.

The City is fortunate to have created and maintained a strong pedestrian-oriented streetscape that is a key asset in the downtown. Development should reinforce the pedestrian scale by protecting the right-of-way through selection and location of pedestrian-oriented businesses at the street level and restricting vehicular access. The City Code encourages and in some cases requires access to parking from an alley. Since the proposed parking garage provides parking for more than 25 parking spaces, City Code requires vehicular ingress and egress from the alley or a secondary street. 4th Avenue Northeast is a primary street. Further, not having ingress and egress from 4th Avenue Northeast is good urban design because it 1) promotes a walkable, pedestrian friendly sidewalk system, and 2) allows for a pedestrian oriented commercial tenant space on 4th Avenue Northeast. The commercial tenant space will have an active use that will engage the pedestrian along the street and reinforce the purpose and intent of the City Code.

The applicant hired Kimley-Horn and Associates to prepare a trip generation study. According to the study dated August 7, 2014, the proposed condominium development is projected to generate 22 two-way, trip-ends (15 entering/7 exiting) in the PM peak hour during the 4:00 to 6:00 PM time period and 20 two-way trip ends (3 entering/17 exiting) in the AM peak hour during the 7:00 AM to 9:00 AM time period. The City's Transportation and Parking Management Department concurs with the transportation consultant's findings. The projected number of trips will have a minimal impact on Fareham Avenue NE, since the development will generate approximately one trip every three minutes in the PM and AM peak hours. Two waiting spaces are proposed for vehicles waiting to use the car elevators. Both the car elevators and two waiting spaces are on the proposed development's property. Consequently, the waiting spaces will further reduce the impact of the development on the alley since vehicles will not need to stop and wait in the alley for the elevators to become available.

The existing north-south alley is 15-feet wide. As discussed above, the applicant will widen the alley to 20-feet to improve vehicular access. Fareham Avenue NE is 20-feet wide. The north side of Fareham Avenue NE is signed no parking and the south side permits temporary parking for loading and unloading of vehicles. Access to the parking garage of Parkshore Tower is from Fareham Avenue NE.

The proposed architectural style of the building will be contemporary. The base of the tower will have ample amount of glazing and will be oriented towards 4th Avenue Northeast. The upper portion of the tower will be oriented towards the east to take advantage of the water views. The majority of the eastern façade above the fourth floor will be glass. The applicant will integrate projecting balconies along the 4th Avenue Northeast and the eastern façade. The balconies help break down the mass of the building. The applicant proposes an architectural feature on the north facade that helps define the top of the building. The architectural feature is a window surround and encroaches into the setback by two (2) feet. The architectural feature most closely resembles a bay window, which is allowed to encroach into the setback by three (3) feet.

FLOOR AREA RATIO BONUSES:

The base Floor Area Ratio (FAR) within the DC-3 district is 2.0. The applicant is requesting a bonus of 2.0 FAR for a total FAR of 4.0, which can only be granted by the Development Review Commission (DRC) upon demonstration that the project qualifies for the bonuses.

The applicant is requesting approval of the following bonus:

- 1. 0.5 FAR - Provide financial support to the City's Housing Capital Improvements Projects (HCIP) Trust Fund or its successor fund equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. The total construction cost of the project is approximately 30 million dollars. Since the applicant is seeking to utilize this bonus to achieve a bonus of 0.5, the applicant will be required to provide one quarter of one percent of the total construction cost to the HCIP Trust Fund. Based on the estimated construction cost, a minimum of \$75,000 shall be paid to the HCIP Trust Fund. The applicant shall provide the funds to the City prior to the release of building permits. A condition has been added to this report to address this.

- 2. 0.5 FAR – Use transfer of development rights from a locally designated landmark or landmark site.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to purchase 10,010 square feet of transfer of development rights (TDRs) from a locally designated landmark or landmark site who have TDRs available. Currently, there are five landmarks that the applicant can purchase TDRs from. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

- 3. 1.0 FAR - Make structured parking not visible to the streets with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base to create an attractive and architectural screen to structured parking.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 1.0. To qualify for the bonus, the applicant will be required to screen the first two stories of the parking garage along 4th Avenue Northeast with a liner building and an architecturally compatible design above the second floor. The entire four story garage is screened from 4th Avenue Northeast by the proposed 18 story tower. The criterion has been satisfied.

Variance:
Airport Zoning Overlay Height Standards

Required:	158 AMSL
Proposed:	224 AMSL
Variance:	40 AMSL

The DC-3 zoning district has a maximum building height of 300 feet, measured from grade. The Albert Whitted Airport Zoning Ordinance permits a maximum building height of 158 feet AMSL by right. The proposed building will be 204 feet from grade and 224 AMSL. The applicant is requesting a variance to allow for a height of 224 feet AMSL. The applicant has submitted an application to the Federal Aviation Administration requesting approval of the height encroachment. The FAA issued a Notice of No Hazard to Air Navigation on September 19, 2014, for a building of 224 feet AMSL. The applicant has secured FAA approval and provided sufficient responses to each of the review criteria required by the Code. The DRC has granted a number of variances for similar projects elsewhere in the downtown area. To promote an urban downtown and urban form, variances to the airport zoning restrictions are appropriate where no safety concerns are identifiable related to airport operations. Given these considerations, Staff recommends approval of the variance.

Public Comments:

Staff has heard from residents of Parkshore Plaza, which is located directly south of the proposed project. Some residents have expressed concerns and some have expressed support. Concerns that were expressed by the residents have to do with the parking garage being accessed off of the alley, increased traffic congestion in the alley, and potential for vehicular accidents.

III. RECOMMENDATION:

- A. Staff recommends the following:**
- 1. APPROVAL of the floor area ratio bonuses.**
 - 2. APPROVAL of the variance to the Airport Zoning Overlay Height Standards.**
 - 3. APPROVAL of the site plan, subject to the conditions in the staff report.**
- B. SPECIAL CONDITIONS OF APPROVAL:**
- 1. The project shall be subject to final review and approval by the Community Redevelopment Agency.**
 - 2. The structured parking shall be screened from 4th Avenue Northeast with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.**
 - 3. The applicant shall provide one-quarter of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
 - 4. City Staff shall approval the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
 - 5. The public sidewalk abutting the subject property shall be widened to a minimum of 8-feet.**

6. The surface parking spaces along the east side of the subject property shall be revised to provide the required back-out space of 24 feet.
7. The proposed wall along the north side of the outdoor courtyard shall be finished to match the building.
8. Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.
9. The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.
10. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.
11. Bicycle parking shall be provided as required by Section 16.40.090.
12. Exterior lighting shall comply with Section 16.40.070.
13. Mechanical equipment shall be screened from the abutting rights-of-way.
14. Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.
15. The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated July 9, 2014.

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The use/proposal shall be consistent with Concurrency Certificate No. 6458.
2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.

3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."
2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.
4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.
5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

- A. The use is consistent with the Comprehensive Plan.
- B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;
- C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;
- D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;
- E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;
- F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;
- G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;
- H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

- I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;
- J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;
- K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;
- L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
- M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
- N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
- O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
 - 1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
 - 2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).
- P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
- Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
 - a. Water.
 - b. Sewer.
 - c. Sanitation.
 - d. Parks and recreation.
 - e. Drainage.
 - f. Mass transit.
 - g. School Concurrency.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North: **Central Business District**
South: **Central Business District**
East: **Central Business District**
West: **Central Business District**

REPORT PREPARED BY:


Corey Malyszka, Interim Zoning Official


DATE

**BACON & BACON PA
CLIENT TRUST ACCOUNT
2959 FIRST AVE NORTH
ST PETERSBURG, FLORIDA 33713
PH 727-327-3935**

**REGIONS BANK
83-466/631**

9228

10/8/2014

PAY TO THE ORDER OF City Of St. Petersburg

\$ **300.00

Three Hundred Only*****

DOLLARS |

MEMO Bliss - Notice of Appeal



AUTHORIZED SIGNATURE

⑈00009228⑈ ⑆063104668⑆ 7965831888⑈

MOORE BOWMAN & RIX, P.A.
EMINENT DOMAIN & PROPERTY RIGHTS LAWYERS

October 11, 2014

Via Hand Delivery Only



City Council Members
City of St. Petersburg
In care of the City Clerk
175 5th Street North
St. Petersburg, Florida 33701

Re: Notice of Appeal of The Development Review Commission's Site Plan and Bonus Approval for the Bliss Condominium
Case No.: 14-31000015
Address: 176 4th Avenue Northeast
Applicant: Patricia B. Moss Revocable Trust

Dear City Council Members,

This Notice of Appeal concerns a decision made on October 1, 2014, by the Development Review Commission (hereinafter "DRC") that approved a proposed Site Plan and associated Floor Area Ratio ("FAR") Bonuses for a project known as the Bliss Condominium. Our Firm has the privilege of representing as Appellants several owners from Rowland Place, a six-story condominium of seventeen homes currently under construction that is located immediately west of the proposed Bliss Condominium.¹ Our Clients are City residents, and as future Rowland Place homeowners, they are aggrieved and adversely affected parties because the DRC's above-referenced approval was and is inconsistent and incompatible with both the City's Comprehensive Plan and the City's Land Development Regulations ("LDR's"). This Appeal seeks to have the DRC approval reversed for the reasons set forth below.

SUMMARY OF DECISION TO BE REVIEWED

On October 1, 2014, the DRC approved a Site Plan and associated FAR Bonuses that, if approved by the City Council, will result in an excessive 18-story, 30 unit, mixed-use

¹ Our Clients include Charles Locke and Sandy Lohndorf; Tim Walsh; Karen Clark; Gerry and Lynne Krueger; and John and Kimberly Santamaria.

Sarasota Office
3277 Fruitville Rd., Unit E
Sarasota, Florida 34237
941.365.3800
800.380.3337
Fax: 941.952.1414

www.mbrfirm.com

Tampa Office
300 W. Platt St., Ste. 100
Tampa, Florida 33606
813.318.9000
877.908.2800
Fax: 877.203.5748

development being constructed on a relatively small 20,020 Square Foot site located one lot west of Beach Drive, along the south side of 4th Avenue Northeast in the downtown waterfront zoning district known as DC-3 (Downtown Center-3). The City's Staff Report, prepared by the Development Review Services Division, Planning and Economic Development Department, recommends approval of the request with conditions (The Staff Report is attached and incorporated into this Appeal as Exhibit "A"). The DRC's approval also included a supplemental condition to the original Site Plan submitted. This supplemental condition requires three parking spaces to be placed along the 15-foot alley located on the east side of the property. A revised Site Plan (attached to this Appeal as Exhibit "B") with a rudimentary sketch incorporating this condition was submitted by the Applicant and approved by the DRC at the conclusion of its Hearing.

THE BASIS FOR THE APPEAL

I. Comprehensive Plan Inconsistencies and Incompatibilities

The DRC is tasked with ensuring that "[t]he use is consistent with the Comprehensive Plan." LDR Code, Section 16.70.040.1.4(D)(1). This is more than a recommendation, it is a legal requirement. See § 163.3194(1)(a) Fla. Stat. (2014); LDR Code, Section 16.02.050. The DRC's approval is inconsistent with the Comprehensive Plan Objective LU17B and Policies LU17B.1, LU17B.3, LU17B.4, LU17B.5, and the Intown Redevelopment Plan, which is incorporated into the Comprehensive Plan by Objective LU13 and Policy LU13.1. The objectives and policies state:

OBJECTIVE LU17B:

The City shall continue to implement a downtown waterfront zoning district (DC-3) that enhances the waterfront park system, **preserves view corridors** and ensures pedestrian oriented, human scale development and redevelopment.

Policies:

LU17B.1 Development within the downtown waterfront area, generally extending westward to 1st Street between the 5th Avenues, should be sensitive to the aesthetic quality of the waterfront by addressing design issues related to **building heights terraced away from the water, building orientation, scale and mass; creating open spaces and view corridors;** and creating a pedestrian oriented, human scale environment at the street level.

LU17B.3 Floor Area Ratio (F.A.R.) for buildings within the downtown waterfront area (DC-3 zoning district) **shall not exceed 4.0**. Land development regulations have been adopted to implement this policy.

LU17B.4 Recognizing that all development has an impact on an existing view from one vantage point or another, **waterfront development projects shall be designed in a manner that minimizes adverse impacts on all identified view corridors**. Land development regulations have been adopted to implement this policy. Important view corridors include, in descending order of importance:

1. direct views of parks and the waterfront;
2. views resulting from east-west roadways terminating at the waterfront;
3. views of the city from the waterfront, with an emphasis to promote a terracing (low buildings to tall buildings) skyline away from the waterfront;
4. views of the central business district resulting from north-south roadways.

LU17B.5 Human scale waterfront development shall be promoted through DC-3 Zoning District regulations **that require building facades to terrace away from Beach Drive (building envelope standards)**. Land Development Regulations have been adopted to implement this provision.

OBJECTIVE LU13:

All development proposals in community redevelopment areas shall be consistent with the Comprehensive Plan's adopted goals, objectives, and policies and the goals, objectives and policies of the adopted redevelopment plan.

Policies:

LU13.1 Development proposals in community redevelopment areas shall be reviewed for compliance with the goals, objectives and policies of the Comprehensive Plan and the goals, objectives and policies of the applicable adopted redevelopment plan including:

1. Intown Redevelopment Plan

The **Intown Redevelopment Plan** provides on Pages 36 and 38 the City's vision and guidance for new residential development:

All buildings within the development project should **integrate** architecturally, aesthetically and functionally through building design, materials, **open spaces, scale**, circulation systems, pedestrian level activities, and uniform signage and lighting.

...

Residential

All infill development should create a sense of place and neighborhood identity by relating to old and new architecture and by developing interrelated open and pedestrian spaces. All new development within and adjacent to residential areas **should relate in building scale and mass** with the surrounding neighborhood.

The clearest and easiest way to demonstrate that the proposed Bliss Condominium is inconsistent with the above-referenced Comprehensive Plan provisions is to analyze the available information related to the Bliss FAR.

The Gross Floor Area proposed for the Bliss is indicated in the City's Staff Report to be 80,080 Square Feet. This is also indicated to be the permitted or maximum Gross Floor Area. The Lot Area is indicated to be 20,020 Square Feet. These measurements reflect a Floor Area Ratio ("FAR") of 4.0 (80,080 SF ÷ 20,020 SF).²

The Comprehensive Plan defines Gross Floor Area in Chapter 1, Section 1.7 as:

Gross floor area of a structure shall be the total area of all floors, including stairwells, elevator shafts, etc., measured from the outside face of enclosing walls or supports. The Land Development Regulations may exclude parking areas.

Please note that other than parking areas, the Comprehensive Plan does not provide for "exemptions" or "bonuses" that would enable the FAR to exceed 4.0.

While no FAR calculations were provided at the DRC Public Hearing, and none were requested by the DRC, it is evident from data provided by the Applicant that the required FAR limit of 4.0 is being exceeded.³

² This is consistent with the Comprehensive Plan definition of Floor Area Ratio found in Chapter 1, Section 1.7, as: "A measure of the intensity of a development. The ratio of gross floor area to the area of the lot."

³ In response to a Public Records Request that asked for FAR calculations prepared by the City, the author of the Staff Report indicated that no such calculations had been performed. Please see the City response attached and incorporated to this Notice of Appeal as Exhibit "C." How is the

Attached to the Staff Report are Schematic Design drawings showing the building elevations prepared by Mesh Architecture. The bottom of the Sixth Floor appears to be at elevation 55.5 feet. While the indication is difficult to read, it is clearly in excess of 50 feet. Thus, Floors 5 through 17, which are shown to have the same gross floor area dimensions account for 13 floors, which are above 50 feet. The "Project Narrative" attached to the Staff Report states on unnumbered Page two: "At more than 50 feet high the building is 114 feet long in the north-south direction and 52 feet wide in the east-west direction." Thus, the 13 floors account for 77,064 Square Feet of Gross Floor Area as defined in the Comprehensive Plan (13 Floors x (114 Feet x 52 Feet)).

Floors 1 through 4 and 18 still need to be added to the 77,064 Square Feet. Recall the maximum Gross Floor Area is 80,080 Square Feet. The "Project Narrative" indicates that "the ground level has 2,890 square feet. . . . Floors 2, 3, and 4 each have 2,900 square feet." This totals 11,590 Square Feet (2,890 SF + (3 x 2,900 SF)). Thus, the Gross Floor Area, without the 18th Floor is 88,654 Square Feet. With the 18th Floor, the Gross Floor Area approximates 93,500 Square Feet. At 93,500 Square Feet, the FAR is 4.67 (93,500 SF ÷ 20,020 SF). Please see the FAR Calculations, which include the exemptions, scaled on the building elevation drawing attached hereto as Exhibit "D."⁴

If one accurately accounts for the square footage as required by the Comprehensive Plan, the 4.0 FAR threshold is exceeded. This inconsistency with the Comprehensive Plan violates the law.

The Bliss Condominium as proposed violates the above cited provisions as to scale and mass, in relation to the scale and mass of the adjacent buildings on its block, Rowland Place and The Birchwood Inn. Rowland Place, located immediately to the west of the Bliss property, is 65 feet high, consists of 17 residences, and is being built on a larger parcel of land (120 feet x 200 feet) and reflects an FAR of 2. The Birchwood Inn, located immediately east of the Bliss project, is 74 feet high. Immediately to the north of the Birchwood Inn, directly east and across from the Bliss Project, is a small, private, two-story residence. Immediately to the south of the Birchwood Inn is the Moon Under Water Restaurant, and Smith & Associates Realtors, both of which are small, one-story buildings. **When compared to these nearby buildings, the Bliss**

City to ensure that development occurs consistently with the Comprehensive Plan if no independent, objective analysis of Applicant submissions is undertaken? This of course is not the acceptable process since the DRC is tasked with ensuring site plan compliance with the Comprehensive Plan and LDR's. See LDR Code, Section 16.70.040.1.4(D).

⁴ Including the exemptions, which are not provided for in the Comprehensive Plan in order to exceed the maximum FAR, the scaled square footage equals 89,922 Square Feet (11,590 SF – 3,620 SF Exemption) + 81,952 SF)). The resulting 4.49 FAR is still far in excess of the maximum 4.0 FAR.

project, at over 200 feet high, will stand out in contrast by both its scale and mass, in contradiction of Policy LU17B.1 of the Comprehensive Plan.

The Bliss Condominium also must be examined in light of the explicit mandate of the City's Comprehensive Plan that all development should be designed in a manner to **minimize adverse impacts on all identified view corridors**. As proposed, the Bliss tower will be constructed in a North-South building orientation, thereby blocking the nearby East to West view corridors which cannot suffer an "adverse impact" according to Policy LU17 B.4 of the Comprehensive Plan. This is a crucial element of the Comprehensive Plan, which was ignored by the DRC in reaching its approval of the Bliss Condominium Site Plan.

Closely related to the FAR exceedance is the failure of the Bliss design to comply with the City's LDR's. These additional shortcomings are discussed below in Section II.

II. LDR Inconsistencies and Incompatibilities

The proposed Bliss Condominium is inconsistent and incompatible with the LDR Sections 16.20.120.7.2, and 16.40.90.3.5.

A. Section 16.20.120.7.2 – Minimum Building Setbacks

With regard to Minimum Setbacks, **Section 16.20.120.7.2** states:

The downtown center allows the most intensive development within the City. Conversely, the downtown retains the charm and scale of a small city. To maintain the small scale character, all buildings should create a strong presence at the sidewalk edge, consistent with development within the traditional downtown. Buildings should be constructed within a building envelope, stepping back from the street, or provide for a smaller floor plate. Either method **creates space between buildings to allow light and air** at the sidewalk level. Buildings which create blank walls along all edges of the development, without breaks, are discouraged.

The massing of buildings must be regulated by setbacks, **distances between buildings**, maximum floor plates, and in some districts, building width. Buildings should be designed and situated to **allow for air and light circulation between adjacent buildings** on site and off-site.

The Building Massing and Form table from the **Section 16.20.120.7.2** of the LDR's provides in pertinent part:

DC-3	
Distances between buildings	
All conditions 50 ft. to 300 ft. high	60 ft.
Exemptions: For all conditions above 50 ft. on lots of record with an average lot width equal to or less than 120 ft., the property shall qualify for this reduced minimum building setback, as measured from the interior, shared property line. <u>This reduction is not a substitute for the "distance between buildings" requirement when measured across public alleys</u> or between multiple buildings on a single property.	25% of lot width or 15 ft., whichever is greater

The Applicant fails to meet the 60-foot requirement for **Distances Between Buildings** over the East Alley. Per measurements submitted by the Applicant, the Bliss building above 50 feet will be approximately 40 feet from the Birchwood Inn. This measurement is calculated by using the Applicant's 23-foot setback from its east property line, plus an additional 15 feet for the East Alley, plus approximately 2 feet to the Birchwood building. As a result, the Bliss Site Plan is in violation of the **Distances Between Buildings** requirement which flowed from the City's Comprehensive Plan to allow light and air circulation between adjacent buildings on-site and off-site.

The Applicant states in its "Project Narrative:" "The project complies with all setback and height requirements of the land development regulations." However, no mention is made of the **Distances Between Buildings** requirement. The DRC did not address this requirement either.

B. Section 16.40.90.3.5 – Parking Garages

The proposed Bliss Condominium has two elevators on the south side to provide ingress and egress to the parking garage. Neither the Site Plan nor the Revised Site Plan conforms with the requirements of LDR Section 16.40.090.3.5, which requires every entry into a parking garage that has access controls (in other words, not unimpeded) to provide vehicle stacking at entry points of "two vehicles per entry lane."

This requirement cannot be met given the 20-foot width of the adjacent alley (Fareham Place Northeast), and the lack of adequate building setback, which is a reflection of the large building and small site size.

A further complication has been created because the Applicant submitted a different, Revised Site Plan at the end of the DRC Hearing. See previously referenced Exhibit "B," the Revised Site Plan.

The DRC included conditions in its approval in an attempt to correct the Applicant's violation of Section 16.40.90.3.5. The supplemental conditions the DRC included, however, did not cure the need for "two vehicle spaces per entry lane" at the entry point of the garage, as the LDR's require. Rather, the DRC accepted the proposal of three parking spaces to be designed on the East side of the building around the corner from the parking elevators, and removed the City's condition that the East Alley is to be extended to twenty feet in that section of the Alley. City Staff and engineering reports had made a condition to approval of the Site Plan the dedication of an additional 5 feet to the 15 foot East Alley. This condition was deemed important by all reports submitted, as documented by the following:

1. See City Staff Report dated September 25, 2014, Page 6, Special Conditions of Approval, Number 15;
2. See Applicant's "Project Narrative" dated June 21, 2014, Page 3, stating: "Finally, to help alleviate congestion on the 15-foot wide Alley to the East we are proposing to widen the Alley to 20 feet and dedicate this property to the City's right of way";
3. See Engineering Department Memorandum dated July 9, 2014 page 2, Paragraph Number 7, stating: "Widening of Eastern Alley shall be in conformance with current city engineering standards and specifications";
4. See Applicants Traffic Engineer Report from Kimley Horn, dated August 7, 2014, Page 4, stating the: "Alley on the east side of the proposed development will expand to 22 feet. This 22-foot cross-section will be accomplished as the developer is providing 7 feet to the existing 15-foot Alley the additional 7 feet of Alley to be provided by the developer and is anticipated to improve future safety and circulation conditions."

The last minute exchange of site plans is an affront to due process. The Revised Site Plan was not vetted or reported on by City Staff. Specifically, the Site Plan revised at the Hearing (attached hereto as Exhibit "B") removes 8 feet, 7 inches from the storm water retention area in order to locate another vehicle on the Applicant's property. The DRC did not notice this impact and did not acknowledge the domino effect that the last-minute changes had on the original Site Plan. Neither the Registered Opponent nor the Public was allowed to question or make comment on this Revised Site Plan.

Regardless of the due process issues, maneuvering vehicles to align with the parking elevators is impractical at best, and potentially poses a serious safety concern. From an

engineering perspective, multiple turning movements will be needed to align a vehicle with the entry lane to the elevators. These engineering issues were conveyed to the DRC at the Public Hearing, but they were disregarded. Importantly, the 20-foot, east-west alley (Fareham Place Northeast) is too narrow to permit a 180 degree turn from the East, 15-Foot alley. Please see Exhibit "E" attached hereto which is an excerpt from the American Association of State Highway and Transportation Officials, "Green Book," that shows the necessary distance for making a 180 degree turn in a standard passenger vehicle. The Turning Path diagram shows that over 50 feet will be needed to make the 180 degree turn moving from east to west, and over 25 feet will be needed from the property line moving south. The referenced distances reflect a best-case scenario as well, since most drivers do not operate their vehicles to achieve the optimum turning paths.

In addition to the maneuvers discussed above, the Revised Site Plan, which now reflects a design for vehicles to park along the east side of the building while waiting for an available elevator, inherently includes a parallel parking need. In order to stack and wait for the parking elevator (not in a lane at the point of entry as the LDR's require), one will potentially need to parallel park.

The inherent multiple-maneuver design of the parking garage ingress and egress is inconsistent with the LDR's.

CONCLUSION:

As the Intown Redevelopment Plan indicates,

"[A]ll new development within and adjacent to residential areas should relate in building scale and mass with the surrounding neighborhood."

The Bliss Condominium does not comply with the stated vision of the City which is reflected in its Comprehensive Plan.

One final comparison demonstrates the out-of-scale proportions of the proposed Bliss Condominium: When comparing the number of units per acre of the Bliss to its neighboring residential condominium, Rowland Place, it is clear that the density of the Bliss is more than double:

	#UNITS	ACRES	UNITS/ACRE
ROWLAND PLACE	17	0.55	30.9
BLISS	30 ⁵	0.46	65.2

⁵ There has been discussion that two units might actually be combined. With 29 units, the density is 63.0 units per acre—still more than double Rowland Place.

Similarly, the Bliss project is by far more intense and dense than other condominium projects that have been constructed relatively recently in the Downtown Center area: In this density and intensity context, the table below demonstrates the stark contrast between the listed projects and the proposed Bliss.

Project	#UNITS	ACRES	UNITS/ACRE
CLOISTERS	32	0.74	43.2
FLORENCIA	50	1.10	45.5
PARKSHORE PLAZA	117	2.39	49.0
400 BEACH	91	2.16	42.1
OVATION	45	1.2	37.5
ROWLAND PLACE	17	0.55	30.9
BLISS	30	0.46	65.2

Based on the reasons set forth above, the undersigned, on behalf of the named Appellants, respectfully requests that you reverse the DRC decision on the grounds that it is in violation of the City's Comprehensive Plan and LDR's. To allow the creation of this development as proposed, with its excessive density and intensity, would be to forever violate the character and quality of life as envisioned by and for the City of St. Petersburg.

Sincerely,



Jackson H. Bowman, Esq.
COUNSEL FOR THE APPELLANTS

SCHEDULE OF ATTACHED EXHIBITS:

- Exhibit A, City Staff Report dated September 25, 2014
- Exhibit B, Revised Site Plan of the Bliss Project
- Exhibit C, City Response to Public Records Request
- Exhibit D, Building Elevation Drawing with FAR Calculations
- Exhibit E, AASHTO, Green Book excerpt, Passenger Vehicle Turning Path

**Appeal of The Development Review Commission's
Site Plan and Bonus Approval for the Bliss
Condominium**

Case No.: 14-31000015
Address: 176 – 4th Avenue Northeast
Applicant: Patricia B. Moss Revocable Trust

EXHIBIT A

2249

68-107731

GILSHORE BANK
TAMPA, FL 33602

MOORE BOWMAN & RIX, P.A.
OPERATING ACCOUNT
(813) 318-9000
300 WEST PLATT STREET, STE. 100
TAMPA, FL 33606

10/09/2014

\$ 300.00

PAY TO THE
ORDER OF

City of St. Petersburg

Three Hundred Dollars and 00/100

DOLLARS

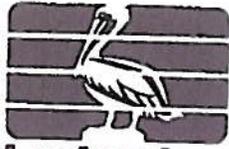
City of St. Petersburg
175 5th Street North
St. Petersburg, FL 33701

MEMO



AUTHORIZED SIGNATURE

⑆002249⑆ ⑆063116371⑆ 1007905⑆



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

st.petersburg
www.stpete.org

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**SITE PLAN REVIEW
PUBLIC HEARING**

According to Planning & Economic Development Department records, no Commission member resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on October 1, 2014 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 14-31000015 **PLAT SHEET:** E-4

REQUEST: Approval of a site plan to construct an 18-story, 30 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards.

APPLICANT: Patricia B Moss Revocable Trust
105 Dogwood Lane
Radford, Virginia 24141-3917

ARCHITECT: Tim Clemmons
Mesh Architecture
2900 44th Avenue North
Saint Petersburg, Florida 33714

ADDRESS: 176 4th Avenue Northeast
PARCEL ID NO.: 19/31/17/77238/000/0040

LEGAL DESCRIPTION: On File
ZONING: DC-3

SITE AREA TOTAL: 20,020 square feet or 0.46 acres

GROSS FLOOR AREA:

Existing:	2,380 square feet	0.12 F.A.R.
Proposed:	80,080 square feet	4.0 F.A.R.
Permitted:	80,080 square feet	4.0 F.A.R.

Exhibit "A"

BUILDING COVERAGE:

Existing: 2,380 square feet	12% of Site MOL
Proposed: 10,012 square feet	50% of Site MOL
Permitted: 19,019 square feet	95% of Site MOL

IMPERVIOUS SURFACE:

Existing: 15,420 square feet	77% of Site MOL
Proposed: 14,266 square feet	71% of Site MOL
Permitted: N/A	

OPEN GREEN SPACE:

Existing: 4,600 square feet	23% of Site MOL
Proposed: 5,754 square feet	29% of Site MOL

PAVING COVERAGE:

Existing: 13,040 square feet	65% of Site MOL
Proposed: 4,254 square feet	21% of Site MOL

PARKING:

Existing: 30; including 2 handicapped spaces
Proposed: 65; including 3 handicapped spaces
Required: 33; including 2 handicapped spaces

BUILDING HEIGHT:

Existing: 20 feet from grade; N/A
Proposed: 204 feet from grade; 224 above mean sea level (Above Mean Sea Level (AMSL))
Permitted: 300 feet from grade; 158 above mean sea level (Above Mean Sea Level (AMSL))

APPLICATION REVIEW:

- I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-3 Zoning District.
- II. **DISCUSSION AND RECOMMENDATIONS:**

Request:

The applicant seeks approval of a site plan to construct an 18-story, 30-unit multi-family development. The applicant is requesting a floor area ratio bonus and a variance to the Albert Whitted Airport Overlay Height Standards. The subject property is located on the south side of 4th Avenue Northeast in between Beach Drive Northeast and 1st Street North.

Proposal:

The existing property is developed with a 2,380 square foot commercial building and a 30 space surface parking lot. Ingress to the parking lot is from 4th Avenue Northeast and egress is to the existing north-south alley located on the east side of the subject property. The applicant proposes to demolish the existing commercial building and surface parking lot and construct an 18-story residential tower and a 4-story parking garage.

The residential tower will be located along the front of the subject property and the parking garage will be located along the rear of the subject property. The building will be set back off of

the front property line to allow landscaping and green space between the building and the public sidewalk along 4th Avenue Northeast. A private outdoor court yard will be located on the west side of the building.

The ground floor of the residential tower will consist of a lobby and retail space. Floors two through four will have one (1) residential unit per floor. Floors five through 17 will have two (2) residential units per floor. The 18th floor will have a common area with a roof-top terrace and one residential unit. Vehicular access to the first level of the parking garage will be from an existing 15-foot wide north-south alley that is located along the east side of the subject property. The existing north-south alley connects to 4th Avenue Northeast and an existing east-west alley. The first level of the parking garage will have nine (9) parking spaces, owner storage, dumpster room and bicycle parking. Vehicular access to the second through fourth levels of the parking garage will be from an existing 20-foot wide east-west alley (Fareham Avenue NE) at the rear of the subject property. The second through fourth levels of parking will have 18 parking spaces per floor for a total of 54 parking spaces. Access to the upper levels of parking will be from two automobile elevators, instead of a traditional ramp. The applicant will be widening the existing north-south alley to 20-feet to improve vehicular access within the alley system. Pedestrian access to the building will be from the public sidewalk along 4th Avenue Northeast.

The City is fortunate to have created and maintained a strong pedestrian-oriented streetscape that is a key asset in the downtown. Development should reinforce the pedestrian scale by protecting the right-of-way through selection and location of pedestrian-oriented businesses at the street level and restricting vehicular access. The City Code encourages and in some cases requires access to parking from an alley. Since the proposed parking garage provides parking for more than 25 parking spaces, City Code requires vehicular ingress and egress from the alley or a secondary street. 4th Avenue Northeast is a primary street. Further, not having ingress and egress from 4th Avenue Northeast is good urban design because it 1) promotes a walkable, pedestrian friendly sidewalk system, and 2) allows for a pedestrian oriented commercial tenant space on 4th Avenue Northeast. The commercial tenant space will have an active use that will engage the pedestrian along the street and reinforce the purpose and intent of the City Code.

The applicant hired Kimley-Horn and Associates to prepare a trip generation study. According to the study dated August 7, 2014, the proposed condominium development is projected to generate 22 two-way, trip-ends (15 entering/7 exiting) in the PM peak hour during the 4:00 to 6:00 PM time period and 20 two-way trip ends (3 entering/17 exiting) in the AM peak hour during the 7:00 AM to 9:00 AM time period. The City's Transportation and Parking Management Department concurs with the transportation consultant's findings. The projected number of trips will have a minimal impact on Fareham Avenue NE, since the development will generate approximately one trip every three minutes in the PM and AM peak hours. Two waiting spaces are proposed for vehicles waiting to use the car elevators. Both the car elevators and two waiting spaces are on the proposed development's property. Consequently, the waiting spaces will further reduce the impact of the development on the alley since vehicles will not need to stop and wait in the alley for the elevators to become available.

The existing north-south alley is 15-feet wide. As discussed above, the applicant will widen the alley to 20-feet to improve vehicular access. Fareham Avenue NE is 20-feet wide. The north side of Fareham Avenue NE is signed no parking and the south side permits temporary parking for loading and unloading of vehicles. Access to the parking garage of Parkshore Tower is from Fareham Avenue NE.

The proposed architectural style of the building will be contemporary. The base of the tower will have ample amount of glazing and will be oriented towards 4th Avenue Northeast. The upper portion of the tower will be oriented towards the east to take advantage of the water views. The majority of the eastern façade above the fourth floor will be glass. The applicant will integrate projecting balconies along the 4th Avenue Northeast and the eastern façade. The balconies help break down the mass of the building. The applicant proposes an architectural feature on the north facade that helps define the top of the building. The architectural feature is a window surround and encroaches into the setback by two (2) feet. The architectural feature most closely resembles a bay window, which is allowed to encroach into the setback by three (3) feet.

FLOOR AREA RATIO BONUS:

The base Floor Area Ratio (FAR) within the DC-3 district is 2.0. The applicant is requesting a bonus of 2.0 FAR for a total FAR of 4.0, which can only be granted by the Development Review Commission (DRC) upon demonstration that the project qualifies for the bonuses.

The applicant is requesting approval of the following bonus:

- 1. 0.5 FAR - Provide financial support to the City's Housing Capital Improvements Projects (HCIP) Trust Fund or its successor fund equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. The total construction cost of the project is approximately 30 million dollars. Since the applicant is seeking to utilize this bonus to achieve a bonus of 0.5, the applicant will be required to provide one quarter of one percent of the total construction cost to the HCIP Trust Fund. Based on the estimated construction cost, a minimum of \$75,000 shall be paid to the HCIP Trust Fund. The applicant shall provide the funds to the City prior to the release of building permits. A condition has been added to this report to address this.

- 2. 0.5 FAR – Use transfer of development rights from a locally designated landmark or landmark site.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to purchase 10,010 square feet of transfer of development rights (TDRs) from a locally designated landmark or landmark site who have TDRs available. Currently, there are five landmarks that the applicant can purchase TDRs from. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

- 3. 1.0 FAR - Make structured parking not visible to the streets with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base to create an attractive and architectural screen to structured parking.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 1.0. To qualify for the bonus, the applicant will be required to screen the first two stories of the parking garage along 4th Avenue Northeast with a liner building and an architecturally compatible design above the second floor. The entire four story garage is screened from 4th Avenue Northeast by the proposed 18 story tower. The criterion has been satisfied.

Variance:

Airport Zoning Overlay Height Standards

Required:	158 AMSL
Proposed:	224 AMSL
Variance:	40 AMSL

The DC-3 zoning district has a maximum building height of 300 feet, measured from grade. The Albert Whitted Airport Zoning Ordinance permits a maximum building height of 158 feet AMSL by right. The proposed building will be 204 feet from grade and 224 AMSL. The applicant is requesting a variance to allow for a height of 224 feet AMSL. The applicant has submitted an application to the Federal Aviation Administration requesting approval of the height encroachment. The FAA issued a Notice of No Hazard to Air Navigation on September 19, 2014, for a building of 224 feet AMSL. The applicant has secured FAA approval and provided sufficient responses to each of the review criteria required by the Code. The DRC has granted a number of variances for similar projects elsewhere in the downtown area. To promote an urban downtown and urban form, variances to the airport zoning restrictions are appropriate where no safety concerns are identifiable related to airport operations. Given these considerations, Staff recommends approval of the variance.

Public Comments:

Staff has heard from residents of Parkshore Plaza, which is located directly south of the proposed project. Some residents have expressed concerns and some have expressed support. Concerns that were expressed by the residents have to do with the parking garage being accessed off of the alley, increased traffic congestion in the alley, and potential for vehicular accidents.

III. RECOMMENDATION:

- A. Staff recommends the following:**
- 1. APPROVAL of the floor area ratio bonuses.**
 - 2. APPROVAL of the variance to the Airport Zoning Overlay Height Standards.**
 - 3. APPROVAL of the site plan, subject to the conditions in the staff report.**
- B. SPECIAL CONDITIONS OF APPROVAL:**
- 1. The project shall be subject to final review and approval by the Community Redevelopment Agency.**
 - 2. The structured parking shall be screened from 4th Avenue Northeast with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.**
 - 3. The applicant shall provide one-quarter of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
 - 4. City Staff shall approval the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
 - 5. The public sidewalk abutting the subject property shall be widened to a minimum of 8-feet.**

6. The surface parking spaces along the east side of the subject property shall be revised to provide the required back-out space of 24 feet.
7. The proposed wall along the north side of the outdoor courtyard shall be finished to match the building.
8. Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.
9. The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.
10. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.
11. Bicycle parking shall be provided as required by Section 16.40.090.
12. Exterior lighting shall comply with Section 16.40.070.
13. Mechanical equipment shall be screened from the abutting rights-of-way.
14. Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.
15. The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated July 9, 2014.

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The use/proposal shall be consistent with Concurrency Certificate No. 6458.
2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.

3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."
2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.
4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.
5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

- A. The use is consistent with the Comprehensive Plan.
- B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;
- C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;
- D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;
- E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;
- F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;
- G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;
- H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

- I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;
- J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;
- K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;
- L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
- M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
- N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
- O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
 - 1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
 - 2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).
- P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
- Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
 - a. Water.
 - b. Sewer.
 - c. Sanitation.
 - d. Parks and recreation.
 - e. Drainage.
 - f. Mass transit.
 - g. School Concurrency.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North: **Central Business District**

South: **Central Business District**

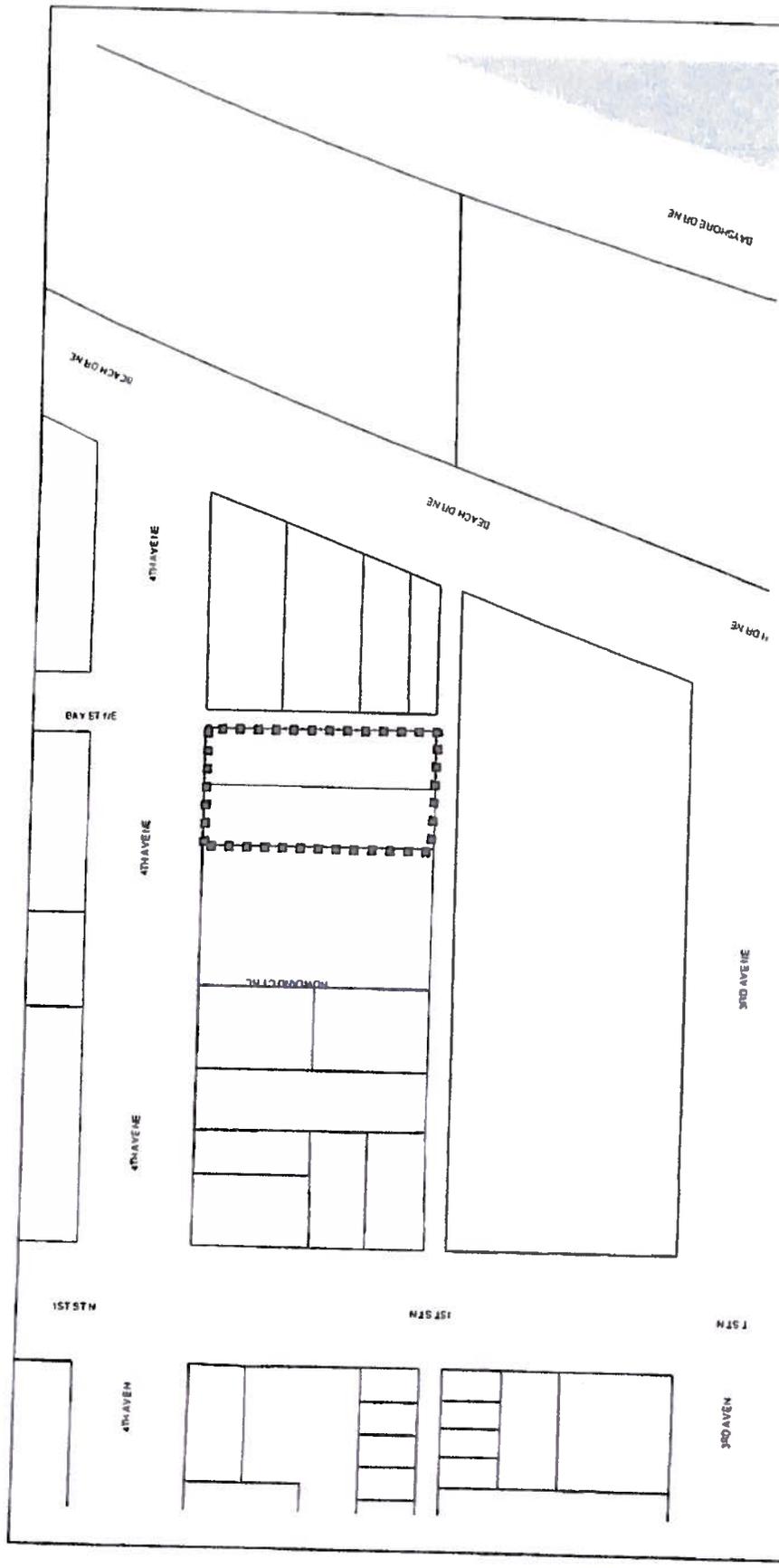
East: **Central Business District**

West: **Central Business District**

REPORT PREPARED BY:

Corey Malyszka
Corey Malyszka, Interim Zoning Official

9/25/19
DATE



Planning & Economic Development Department
 Case No.: 14-31000015
 Address: 176 4th Avenue Northeast





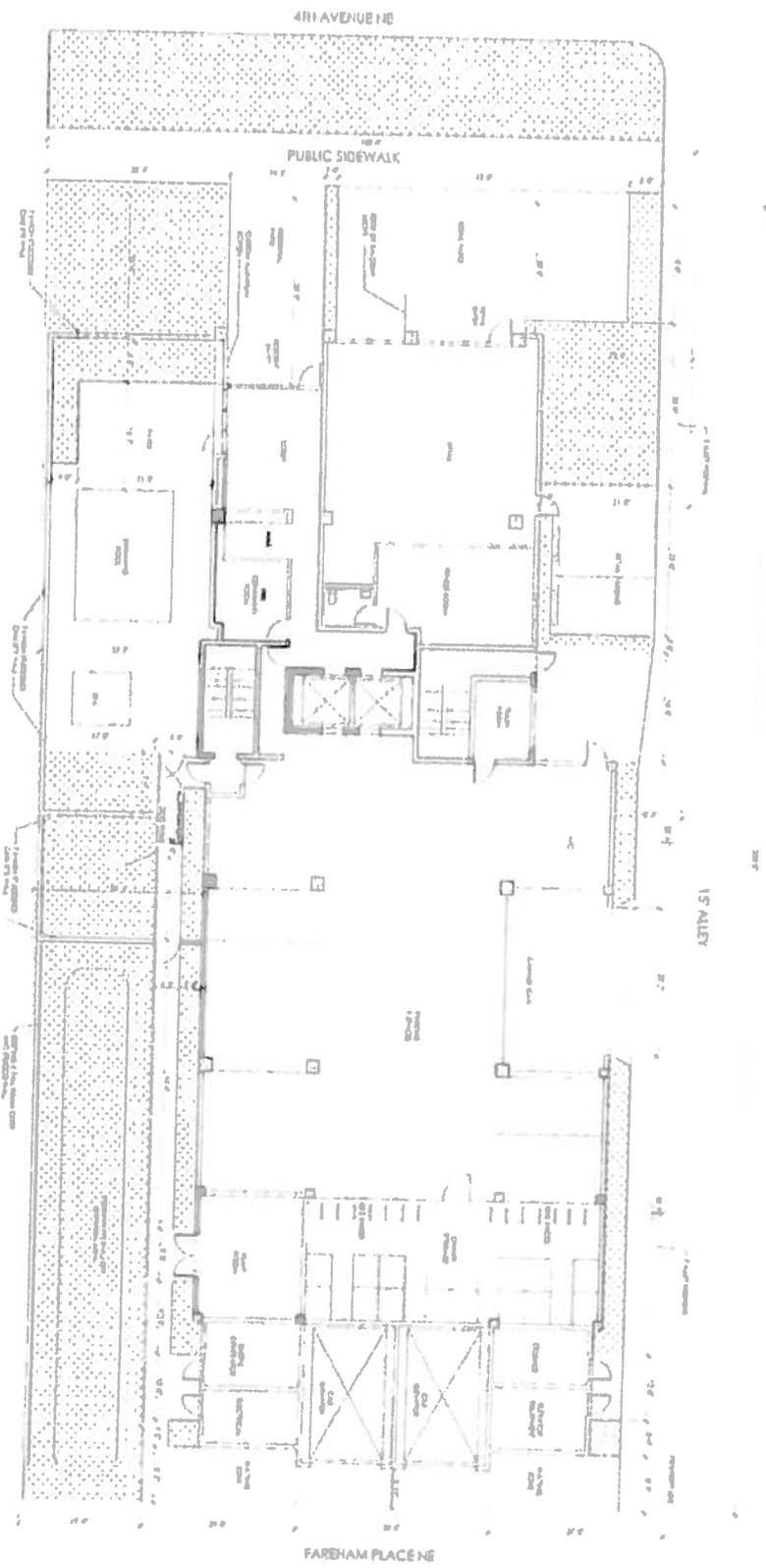
Planning & Economic Development Department
Case No.: 14-31000015
Address: 176 4th Avenue Northeast



Vicinity Plan
SCALE: SITE PLAN



Site Plan
SCALE: 1/8" = 1'-0"



DATE: 04/11/11
 PROJECT: BLISS CONDOMINIUMS
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN

bliss condominiums
 176 4th Ave NE
 St Petersburg, Florida 33701

mesh
 ARCHITECTURE
 2700 4th Ave NE #1
 St Petersburg, FL 33714
 P: 727 823 3700
 F: 727 823 0800
 WWW: MESH.WEBSITE.COM
 AIA 26002337

1 South Elevation



- 1. מרפסת
- 2. חלון
- 3. חלון
- 4. חלון
- 5. חלון
- 6. חלון
- 7. חלון
- 8. חלון
- 9. חלון
- 10. חלון
- 11. חלון
- 12. חלון
- 13. חלון
- 14. חלון
- 15. חלון
- 16. חלון
- 17. חלון
- 18. חלון
- 19. חלון
- 20. חלון
- 21. חלון
- 22. חלון
- 23. חלון
- 24. חלון
- 25. חלון
- 26. חלון
- 27. חלון
- 28. חלון
- 29. חלון
- 30. חלון
- 31. חלון
- 32. חלון
- 33. חלון
- 34. חלון
- 35. חלון
- 36. חלון
- 37. חלון
- 38. חלון
- 39. חלון
- 40. חלון
- 41. חלון
- 42. חלון
- 43. חלון
- 44. חלון
- 45. חלון
- 46. חלון
- 47. חלון
- 48. חלון
- 49. חלון
- 50. חלון
- 51. חלון
- 52. חלון
- 53. חלון
- 54. חלון
- 55. חלון
- 56. חלון
- 57. חלון
- 58. חלון
- 59. חלון
- 60. חלון
- 61. חלון
- 62. חלון
- 63. חלון
- 64. חלון
- 65. חלון
- 66. חלון
- 67. חלון
- 68. חלון
- 69. חלון
- 70. חלון
- 71. חלון
- 72. חלון
- 73. חלון
- 74. חלון
- 75. חלון
- 76. חלון
- 77. חלון
- 78. חלון
- 79. חלון
- 80. חלון
- 81. חלון
- 82. חלון
- 83. חלון
- 84. חלון
- 85. חלון
- 86. חלון
- 87. חלון
- 88. חלון
- 89. חלון
- 90. חלון
- 91. חלון
- 92. חלון
- 93. חלון
- 94. חלון
- 95. חלון
- 96. חלון
- 97. חלון
- 98. חלון
- 99. חלון
- 100. חלון

2 East Elevation



- 1. מרפסת
- 2. חלון
- 3. חלון
- 4. חלון
- 5. חלון
- 6. חלון
- 7. חלון
- 8. חלון
- 9. חלון
- 10. חלון
- 11. חלון
- 12. חלון
- 13. חלון
- 14. חלון
- 15. חלון
- 16. חלון
- 17. חלון
- 18. חלון
- 19. חלון
- 20. חלון
- 21. חלון
- 22. חלון
- 23. חלון
- 24. חלון
- 25. חלון
- 26. חלון
- 27. חלון
- 28. חלון
- 29. חלון
- 30. חלון
- 31. חלון
- 32. חלון
- 33. חלון
- 34. חלון
- 35. חלון
- 36. חלון
- 37. חלון
- 38. חלון
- 39. חלון
- 40. חלון
- 41. חלון
- 42. חלון
- 43. חלון
- 44. חלון
- 45. חלון
- 46. חלון
- 47. חלון
- 48. חלון
- 49. חלון
- 50. חלון
- 51. חלון
- 52. חלון
- 53. חלון
- 54. חלון
- 55. חלון
- 56. חלון
- 57. חלון
- 58. חלון
- 59. חלון
- 60. חלון
- 61. חלון
- 62. חלון
- 63. חלון
- 64. חלון
- 65. חלון
- 66. חלון
- 67. חלון
- 68. חלון
- 69. חלון
- 70. חלון
- 71. חלון
- 72. חלון
- 73. חלון
- 74. חלון
- 75. חלון
- 76. חלון
- 77. חלון
- 78. חלון
- 79. חלון
- 80. חלון
- 81. חלון
- 82. חלון
- 83. חלון
- 84. חלון
- 85. חלון
- 86. חלון
- 87. חלון
- 88. חלון
- 89. חלון
- 90. חלון
- 91. חלון
- 92. חלון
- 93. חלון
- 94. חלון
- 95. חלון
- 96. חלון
- 97. חלון
- 98. חלון
- 99. חלון
- 100. חלון

Bliss Condominiums
 176 4th Ave NE
 St. Petersburg, Florida 33701

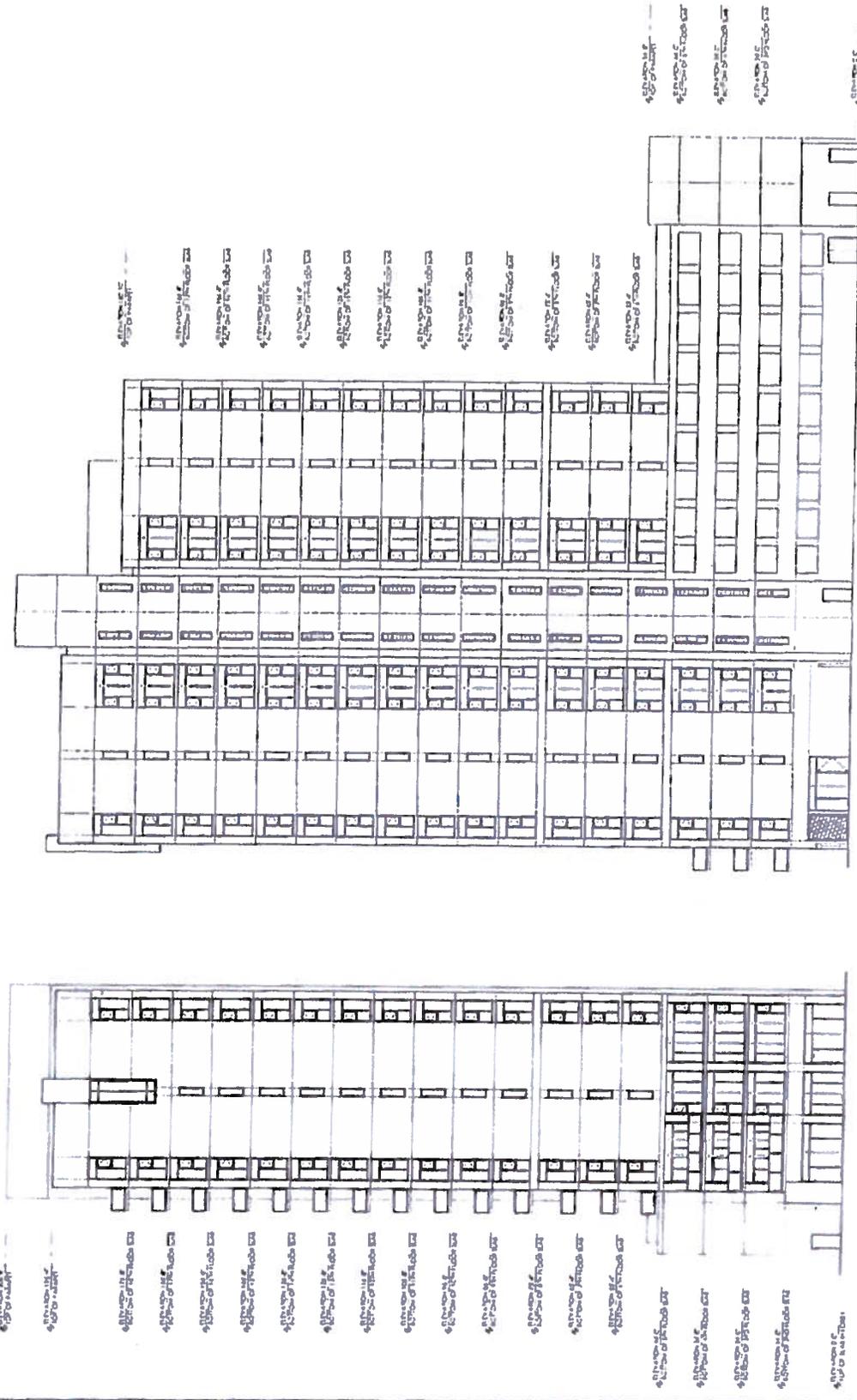
SCHEMATIC DESIGN
 ARCHITECTURE

mesh
 ARCHITECTURE

176 4th Ave NE
 St. Petersburg, FL 33701
 Tel: 727 823 3724
 Fax: 727 823 3724
 A/E/C 35003337

2 West Elevation

1 North Elevation



2900 4th Ave
11 Ft. Lauderdale, FL 33304
Tel: 754.561.1111
Fax: 754.561.1112
www.mesharchitecture.com

mesh
ARCHITECTURE

Bliss Condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE: 02/11/11
PROJECT: Bliss
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1/8" = 1'-0"

**SCHMIDT
DESIGN**
ARCHITECTS
1000 1st St. N.
St. Petersburg, FL 33701
Tel: 727.823.1111

AS.2



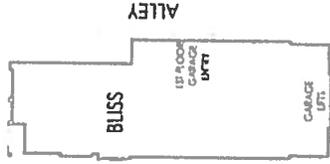
4TH AVE. NE

ROWLAND PLACE

BIRCHWOOD

MOON UNDER WATER
SMITH &
ASSOCIATES

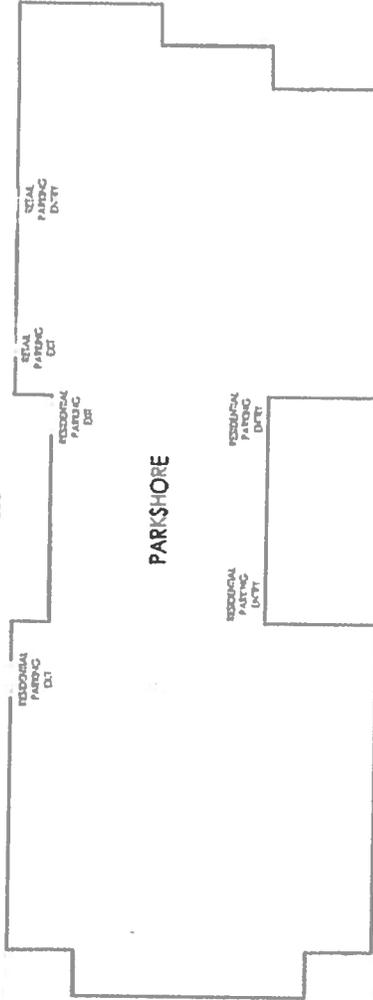
BEACH DR. NE



ALLEY

PARKSHORE

1ST ST. N



3RD AVE. NE



3900 45th Ave N
St. Petersburg, FL 33714
813 277 8253
www.mesharch.com
ARCHITECTURE AAS 24002337

BLISS CONDOMINIUM
176 4th Avenue NE, St. Petersburg, Florida
Taub Ventures, Inc.
SEPTEMBER 24, 2014

Project Narrative
Bliss Condominiums
176 4th Avenue NE
June 21, 2014

The proposed project consists of the redevelopment of a 20,020 square foot lot located at 176 4th Avenue Northeast. The site has frontage to 4th Avenue NE to the north, a 15' wide alley to the east and a 20' wide alley to the south. The project is located within the DC-3 zoning district and is designed to be consistent with the goals of the Land Development Regulations and the Intown Redevelopment Plan. Currently the site contains a one-story commercial building (last used as an art gallery and frame shop) located near the northeast corner of the property with the balance of the site utilized as surface automobile parking. The existing building and parking lot will be demolished.

The new project is an 18-story building located towards the north end of the site with a four-story parking garage to the south. The building will have a retail space and lobby on the ground floor and 29 residential units above. There will be one unit per floor on the 2nd, 3rd and 4th floors and two units per floor on the 5th – 17th floors. The 18th floor consists of a common area space with roof terrace and the upper level of a penthouse unit. The building is designed in a contemporary architectural style. Major exterior building materials consist of painted cement plaster on concrete block and aluminum framed windows. Balcony railings are made of aluminum and glass.

The parking garage has 63 parking spaces on four levels. On the first level of the parking garage are 9 parking spaces plus owner storage and bicycle parking. There are 18 parking spaces per level on floors 2, 3 and 4. Rather than using fixed ramps, two automobile elevators will provide access to the upper levels of the garage. The elevators are 11'-4" x 20'-1" clear inside and are rated for 7,000 pounds each.

The project qualifies for 3,620 square feet of F.A.R. exemptions as defined in the DC zoning district regulations. The ground level has 2,890 square feet. It contains a retail space and building lobby and is therefore 50% exempt. Floors 2, 3 and 4 each have 2,900 square feet. The residential units on these floors make the parking garage not visible from 4th Avenue NE and are therefore 25% exempt.

The base F.A.R. in DC-3 is 2.0. The project qualifies for several bonuses thereby increasing the allowable F.A.R. to 4.0, or 80,080 square feet. The bonuses consist of a contribution of 0.25% of the construction cost to City's

housing capital improvements project (HCIP) trust fund for a bonus of 0.5 F.A.R.; transfer of development rights from a locally designated landmark for a bonus of 0.5 F.A.R.; and by making structured parking not visible from public streets with a liner for at the first two floors for a bonus of 1.0 F.A.R. In addition the project provides an additional five percent ground level open space, but this bonus is not needed.

The project will comply with the bonuses as follows. The developer will contribute 0.25% of the project's construction cost to the city's housing capital improvements project (HCIP) trust fund in accordance with the procedures established by the city. The developer has negotiated the purchase of 10,000 square feet of development rights from the Snell Arcade building located at 405 Central Avenue, which is a locally designated historic landmark. The building has been designed such that the four level parking garage has been located to the rear (south) end of the property. In front of the parking garage and making it not visible from 4th Avenue NE are the lobby and retail space on the first floor and residential units on floors two through four. The project has been designed to enhance the pedestrian experience as much as possible along 4th Avenue NE.

The project complies with all setback and height requirements of the Land Development Regulations. The proposed ground level setbacks are 25 feet on the west side, 19 feet on the north side, 7 feet on the east side and 5 feet on the south side. At more than 50 feet high, the proposed setbacks are 25 feet on the west side, 20 feet on the north side, 23 feet on the east side and 66 feet on the south side. At more than 50 feet high the building is 114 feet long in the north-south direction and 52 feet wide in the east-west direction.

The allowable building height is 300 feet and the proposed building is 210 feet high. The minimum required ground level open space is 1001 square feet (5.0% of the site area) and the proposed project has 5,754 square feet of ground level green space (28.7% of the site area).

At 210 feet in height above adjacent grade, the proposed building exceeds the height limitation of the Albert Whitted Airport "Horizontal Zone" and therefore requires a variance. A "Notice of Proposed Construction" has been submitted to the FAA and we are awaiting a "Determination of No Hazard to Air Navigation". The proposed building is located north of Parkshore Place and south of 400 Beach Drive and is approximately 100 feet shorter than both of these buildings which were previously approved by the FAA. Please see the attached Review Criteria concerning this variance.

As is common on 4th Avenue North between Beach Drive and 2nd Street the proposed building is setback from the north property line. This allows for more generous landscaping along the public sidewalk. Two existing oak trees are maintained between the sidewalk and street curb. New landscaping between the sidewalk and buildings consist of ground cover beds with ornamental trees. A private courtyard is proposed to the west of the new building. The parking garage has been setback from the alleys to the south and east to allow adequate space for perimeter landscaping.

Finally, to help alleviate congestion on the 15 foot wide alley to the east we are proposing to widen the alley to 20 feet and dedicate this property to the city's right-of-way.

Review Criteria (Section 16-1053 City Code)

bliss Condominium

176 4th Ave NE

June 10, 2014

1. The nature of the terrain and height of existing structures.

The site slopes from the northwest to the southeast with the highest elevation at 16.78 feet above sea level and the lowest elevation at 12.46 feet above sea level. There is an existing one-story commercial building on site with the roof peak at 20 feet, or 37 feet above sea level.

2. Public and private interests and investments.

The existing and proposed property and improvements are privately owned. The proposed mixed-use project is consistent with the city's redevelopment goals as stated in the Intown Redevelopment Plan and Zoning Ordinance.

3. The character of flying operations and planned development of airports.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

4. Federal airways as designated by the FAA that lie within the radii described in section 16-1049.

The proposed structure lies within the Horizontal Zone of the Albert Whitted Airport.

5. Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

6. Technological advances.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

Review Criteria (Section 16-1053 City Code), continued

bliss Condominium

176 4th Ave NE

June 10, 2014

7. The safety of persons on the ground and in the air.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

8. Land use density.

The proposed project has an overall F.A.R. of 4.0. The property has a base F.A.R. of 2.0 and the project as designed qualifies for bonus F.A.R. of 2.0. This is consistent with the zoning regulations for properties located within the DC-3 zoning district.

9. The safe and efficient use of navigable airspace.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

10. The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions comprehensive plans, and all other known proposed structures in the area.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

Bliss Condominiums
176 4th Avenue NE
Public Participation Process Report
July 23, 2014

Brian Taub of Taub Ventures, Inc., the developer of Bliss Condominiums, has initiated and held the following meetings with neighbors of the proposed project:

1. Tuesday, June 10, 3 pm: Bob Glazer, owner of 330 Beach Drive NE.
2. Wednesday, June 11, 5 pm: Peter and Helen Wallace, owner of 196 4th Avenue NE.
3. Thursday, June 12, 12 pm: Chuck Prather, owner of 340 Beach Drive NE and 145 4th Avenue NE.
4. Thursday, June 12, 2 pm: Janet Crane, president of the Parkshore Condominium Association, 300 Beach Drive NE.
5. Friday, June 13, 11 am: Mike Cheezem, developer of Rowland Place, 146 4th Avenue NE.
6. Tuesday, June 17, 7 pm: Parkshore Condominium Association, 300 Beach Drive NE.
7. Friday, June 27, 5 pm: Augie (last name?), owner of top floor of Rowland Place, 146 4th Avenue NE.
8. Thursday, July 10, 7 pm: St. Petersburg Downtown Neighborhood Association.
9. Monday, July 14, 3:30 pm: John Hamilton, owner of retail properties at Parkshore and 400 Beach Drive.
10. Thursday, July 17, 3 pm: Alan Lucas, owner of 332 Beach Drive NE.
11. Monday, July 21, 6 pm: 400 Beach Drive Condominium Association.
12. Tuesday, July 22, 4 pm: Joan Peterson, manager of Presbyterian Towers, 430 Bay Street NE.

Corey Malyszka - RE: Bliss Condominium Trip Generation Memorandum

From: <Danni.Jorgenson@kimley-horn.com>
To: <Tom.Whalen@stpete.org>
Date: 8/7/2014 1:38 PM
Subject: RE: Bliss Condominium Trip Generation Memorandum
CC: <Christopher.Hatton@kimley-horn.com>, <taubventures@verizon.net>
Attachments: image001.jpg; Bliss Condominiums 080714.pdf

Good afternoon Tom,

Please find the updated Bliss Condominium Trip Generation Memorandum attached. In response to the comments and questions from your August 5th email, please find the following responses:

- 1. In Table 2 on page 3, how was the peak-hour peak direction LOS standard service volume determined? Please explain how the figures in FDOT's generalized table were converted to 2,858. How was the existing peak season volume of 353 determined?**

The peak-hour, peak direction LOS standard service volume was determined using Table 7 of the "2012 FDOT Quality/Level of Service Handbook Tables." The Class II (35 mph or slower posted speed) Level of Service D service volume for a 3-lane divided roadway of 2,520 was multiplied by a factor of 1.2 (one-way facility adjustment), 0.9 (non-state signalized roadway), and 1.05 (exclusive right lanes). The existing peak season volume of 353 was determined by summing the eastbound hourly volumes at the intersection of 4th Avenue NE & Bay Street Northeast/North-South Alley (34+317+2). A peak season factor of 1.0 was applied to the existing hourly volume.

- 2. For the stop sign that is recommended on page 3, is "The Alley" the north-south alley located east of the proposed condominiums and are you proposing that vehicles traveling southbound on the north-south alley be required to stop before they turn left or right on Fareham Place North? Please explain in more detail how the stop sign will improve conditions from a safety and site circulation perspective. It is noted that stop signs do not exist at either end of Fareham Place North between 1st Street and Beach Drive NE. Is this an observation rather than a recommendation at this time?**

Page 3 of the report was updated to reflect the revised language as suggested in Comment 2.

Please call or email me should you have any additional comments or questions.

Thanks!

Kimley»Horn

Danni Hirsch Jorgenson, P.E.
Kimley-Horn | 655 North Franklin Street, Suite 150, Tampa, Florida 33602
Direct 813 635 5533 | Main 813 620 1460
Connect with us [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

Proud to be one of FORTUNE magazine's 100 Best Companies to Work For

From: Tom Whalen [Tom.Whalen@stpete.org]

Kimley»Horn

August 7, 2014

Mr. Tom Whalen
Transportation and Parking Management Department
One Fourth Street North
St. Petersburg, Florida 33701

RE: *Bliss Condominiums*
Southwest Quadrant of 4th Avenue North & Beach Drive Northeast
Trip Generation Memorandum
City of St. Petersburg, Florida

Dear Mr. Whalen:

The proposed Bliss Condominiums development site is located in the southwest quadrant of the intersection of 4th Avenue North & Beach Drive Northeast in the City of St. Petersburg, Florida. Access to the project site will be provided via a north-south alley to the east (which connects with 4th Avenue Northeast and Fareham Place North) and Fareham Place North to the south (which connects with 1st Street North and Beach Drive Northeast). Fareham Place North will remain unchanged for the proposed project, while it is proposed to add 5' to the north-south alley to provide additional space for improved traffic circulation. There is an existing, vacant building on site which is to be demolished. It is proposed construct up to 30 residential condominium dwelling units. A detailed site plan is attached hereto as Figure 1.

Based upon previous discussions with City of St. Petersburg transportation staff, the transportation study requirements consist of submitting a transportation memorandum describing the proposed land use, including a trip generation estimate and a preliminary review of available transportation capacity on the nearest concurrency maintained roadway links (4th Avenue Northeast). A description of the land use and the results of the trip generation and available capacity analysis are provided below.

Narrative (Description of Land Use)

The project site located at 176 4th Avenue Northeast currently contains a vacant building which is to be demolished. It is proposed to construct up to 30 residential condominium dwelling units (Land Use Code (LUC) 230, Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition).

The new trip generation potential of the proposed development for the a.m. and p.m. peak-hours were estimated using information contained in the ITE *Trip Generation Manual*, 9th Edition, for land use code (LUC), 230, Residential Condominium/Townhouse. The estimated total new trips expected to be generated by the proposed development are 22 two-way, trip-ends (15 entering/7 exiting) in the p.m. peak hour of adjacent roadways during the 4:00 p.m. to 6:00 p.m. time period and 20 two-way trip ends (3 entering/17 exiting) in the a.m. peak-hour of adjacent roadways during the 7:00 a.m. to 9:00 a.m. time as listed below in Table 1. No internal capture or pass-by trips were considered for this site. The 22 two-way p.m. peak-hour trips anticipated to be generated by the proposed

development represent less than 1% of the peak-hour, peak-direction roadway capacity of 4th Avenue Northeast.

TABLE 1

ITE Code	Land Use Type	Size	AM [PM] Peak-Hour Trips In	AM [PM] Peak-Hour Trips Out	AM [PM] Peak-Hour Total Trips
230	Residential Condominium/Townhouse	30 dwelling units	3 [15]	17 [7]	20 [22]

The existing, vacant 2,300 square foot retail building produced approximately 10 p.m. peak-hour trips when the retail use was operating (according to ITE Trip Generation estimate for LUC 813, Specialty Retail). As the retail use is vacant and to be demolished prior to the construction of the proposed Bliss Condominium project, the approximately 10 p.m. peak-hour trips from this use are no longer impacting the adjacent roadway network.

Existing Data

The closest concurrency regulated roadway was determined to be 4th Avenue Northeast (from 4th Street North to Beach Drive Northeast). In Table 2 below, the link information outlined for the existing data on the first directionally accessed functionally classified (concurrency regulated) roadway segment has been provided.

Vehicle turning movement volume counts were obtained by Kimley-Horn at the intersections of 4th Avenue Northeast & The Alley/Bay Street Northeast and Fareham Place Northeast & The Alley during the p.m. peak-period (4:00 P.M. to 6:00 P.M.) to quantify existing p.m. peak-hour conditions in the study area. Counts were collected on July 16, 2014. The raw counts are provided as an attachment to this memorandum.

The vehicle counts at the study intersections were adjusted to reflect seasonal conditions. This modification was performed using the FDOT's most recent (2013) seasonal factors (SF), which correspond to the data collection date.

TABLE 2

Road Name	From Street	To Street	Cross Section	Peak-Hour, Peak Direction LOS Standard Service Volume	Existing Peak Season Volume	Volume/Capacity Ratio	Adequate Capacity?
4 th Avenue Northeast	4 th Street North	Beach Drive Northeast	3LD (One-way)	2,858	353	0.124	Yes

Source: FDOT Q/LOS 2013 Handbook; FDOT Florida Traffic Online (2013)

As can be seen in Table 1, 4th Avenue Northeast currently has sufficient adequate capacity. In addition, Rowland Place, an adjacent 17 dwelling unit condominium building which is currently under construction, is also anticipated to add 14 P.M. peak hour trips (9 inbound/5 outbound) to 4th Avenue Northeast roadway.

Even after the trips anticipated to be generated from the Rowland Place and Bliss Condominium developments are added to the adjacent roadway network, the 4th Avenue Northeast roadway segment will operate with adequate capacity.

Safety Evaluation and Site Circulation Analysis

Site visits were performed during the A.M. (7:00 A.M. to 9:00 A.M.) and P.M. (4:00 P.M. to 6:00 P.M.) peak hours. During the site visits, the following observations were made with regard to existing traffic and circulation patterns and potential safety/circulation recommendations:

Existing Conditions Evaluation

- Very little traffic was observed on 4th Avenue Northeast, Bay Street Northeast, 1st Street North, and Beach Drive Northeast during the peak hours. There was relatively little traffic observed in the alley ways as well.
- It was observed that Fareham Place North currently is used by commercial delivery vehicles for loading and unloading. Photos documenting this activity and signage indicating the 30-minute loading zone are attached to this memorandum.
- No parking is currently permitted on the north side of Fareham Place North, adjacent to this project.

Safety Evaluation and Site Circulation Recommendations

- Fareham Place North should remain as two-way operations.
- At the intersection of Fareham Place North & the North-South Alley (located immediately east of the proposed condominium development), it is recommended that vehicles traveling in the southbound direction on the North-South Alley on the southbound approach be required to stop before making a southbound left or southbound right turn. Installation of a "Stop Sign" is

therefore recommended for the southbound approach on the North-South Alley. No "Stop Signs" are recommended for either the westbound or eastbound approaches at the intersection of Fareham Place North & the North-South Alley.

- No "Stop Signs" were observed at the westbound approach to the Fareham Place North & 1st Street North and eastbound approach to the Fareham Place North & Beach Drive Northeast intersections.
- Per the attached site plan, car elevators with two waiting spaces for when elevators are in use are proposed. Both the car elevators and two waiting spaces are on the proposed Bliss Condominium's property.
- It is recommended that the commercial vehicle 30-minute loading area on Fareham Place North on the south side of the road be formalized via a striped area. Formalizing the commercial loading area will allow for unobstructed ingress and egress to the alley on the east side of the proposed development.
- Parking restrictions are recommended to continue on the north side of Fareham Place North.
- The alley on the east side of the proposed development will be expanded to 22'. This 22' cross-section will be accomplished as the developer is providing 7' to the existing 15' alley. The additional 7' of alley to be provided by the developer and is anticipated to improve future safety and circulation conditions.

Summary

Based upon the above information, the proposed Bliss Condominium development is expected to have a minimal impact on the operating conditions of the surrounding public roadway system. In addition, the adjacent roadway (specifically 4th Avenue Northeast) is expected to have adequate roadway capacity to handle the anticipated additional project traffic from the Bliss Condominium project site.

If you have any questions or comments regarding the above matter, please contact us as soon as possible.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

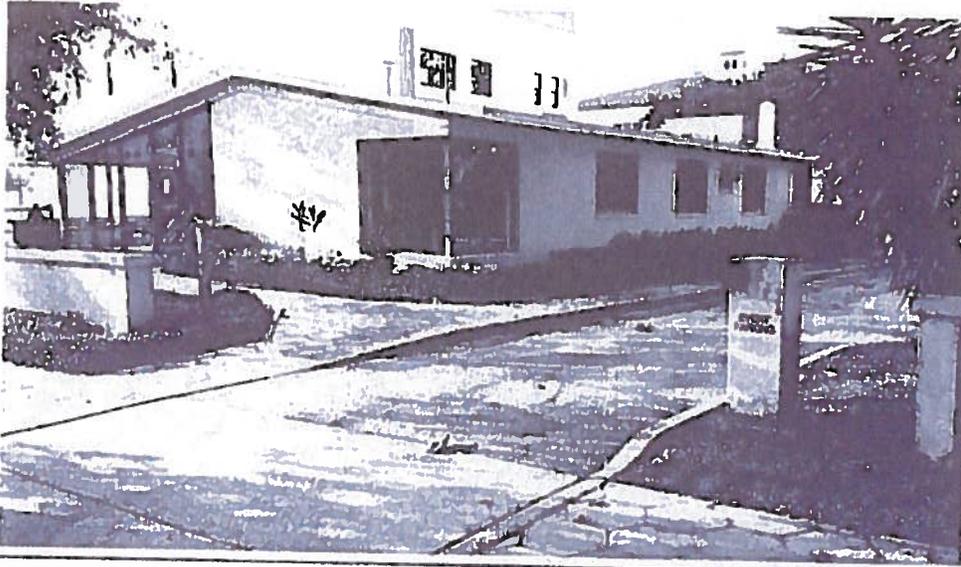


Christopher C. Hatton, P.E.
Senior Vice-President



Danni H. Jorgenson, P.E.
Project Manager

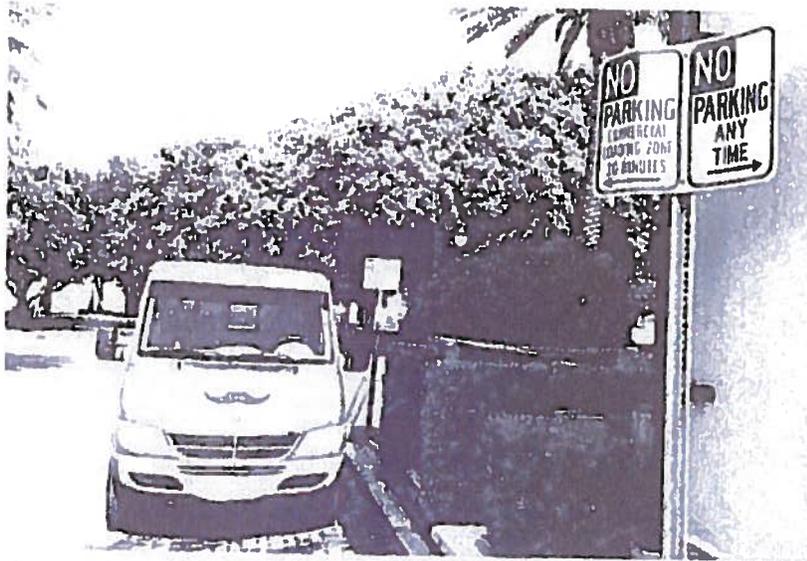
CC: Brian Taub (Taub Entities – St. Pete, LLC)



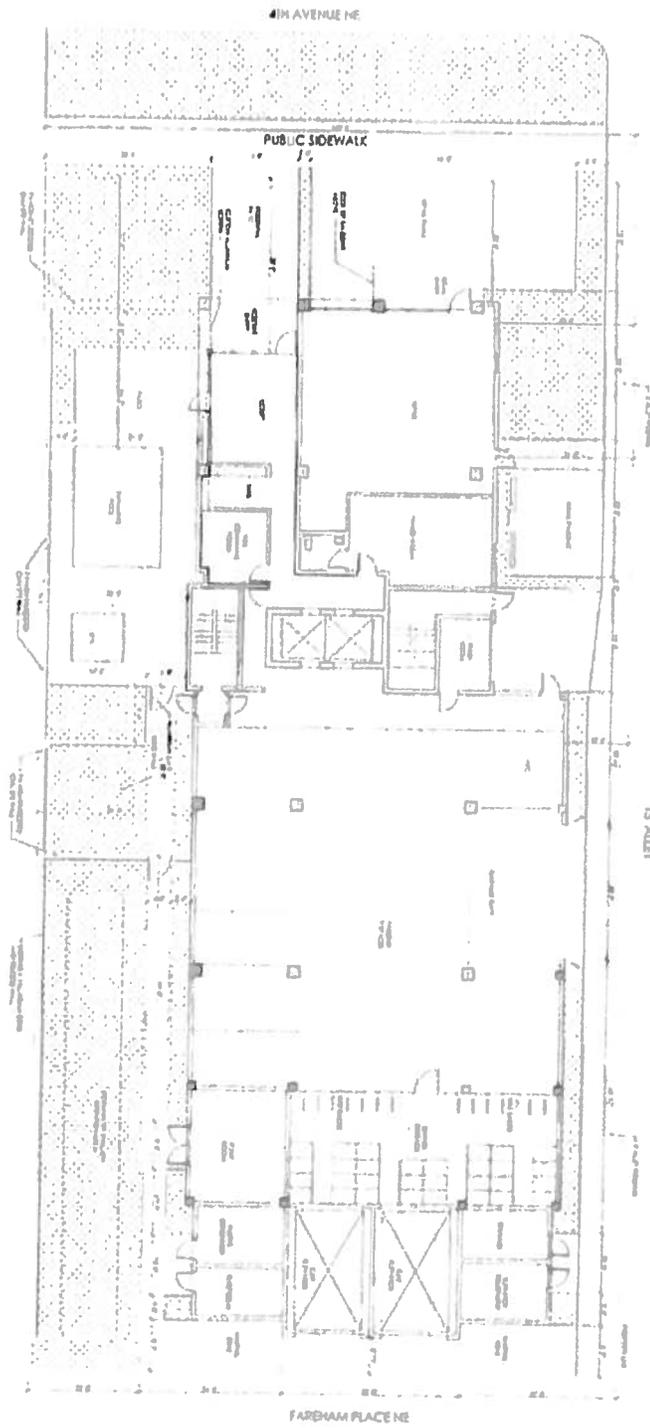
Building to be demolished and existing driveway to parking lot. View from 4th Avenue Northeast.



Building to be demolished and existing alley. View from 4th Avenue Northeast.



Existing Commercial Loading Zone sign on the south side of Fareham Place North.



Site Plan
Scale: 1/8" = 1'-0"

DATE: 04/14/18	DESIGNER: MESH ARCHITECTURE
PROJECT: 176 4th Ave NE	CLIENT: MESH ARCHITECTURE
DATE: 04/14/18	SCALE: 1/8" = 1'-0"
DATE: 04/14/18	SCALE: 1/8" = 1'-0"

bliss condominiums
176 4th Ave NE
St Petersburg, Florida 33701

mesh
ARCHITECTURE

2909 44th Ave NE
St Petersburg, FL 33716
T: 727 833 3740
F: 727 833 0881
www.mesh.us
A# 26002337



Quality Counts

Site Code: 12742201

Date: 7-16-2014

Weather: Rainy

City: St. Petersburg

County: Pinellas

Count Times: 4:00 PM - 6:00 PM

N Δ

N/S Street: Bay St NE

Speed: 25

Presbyterian
Towers

Brick

Shops



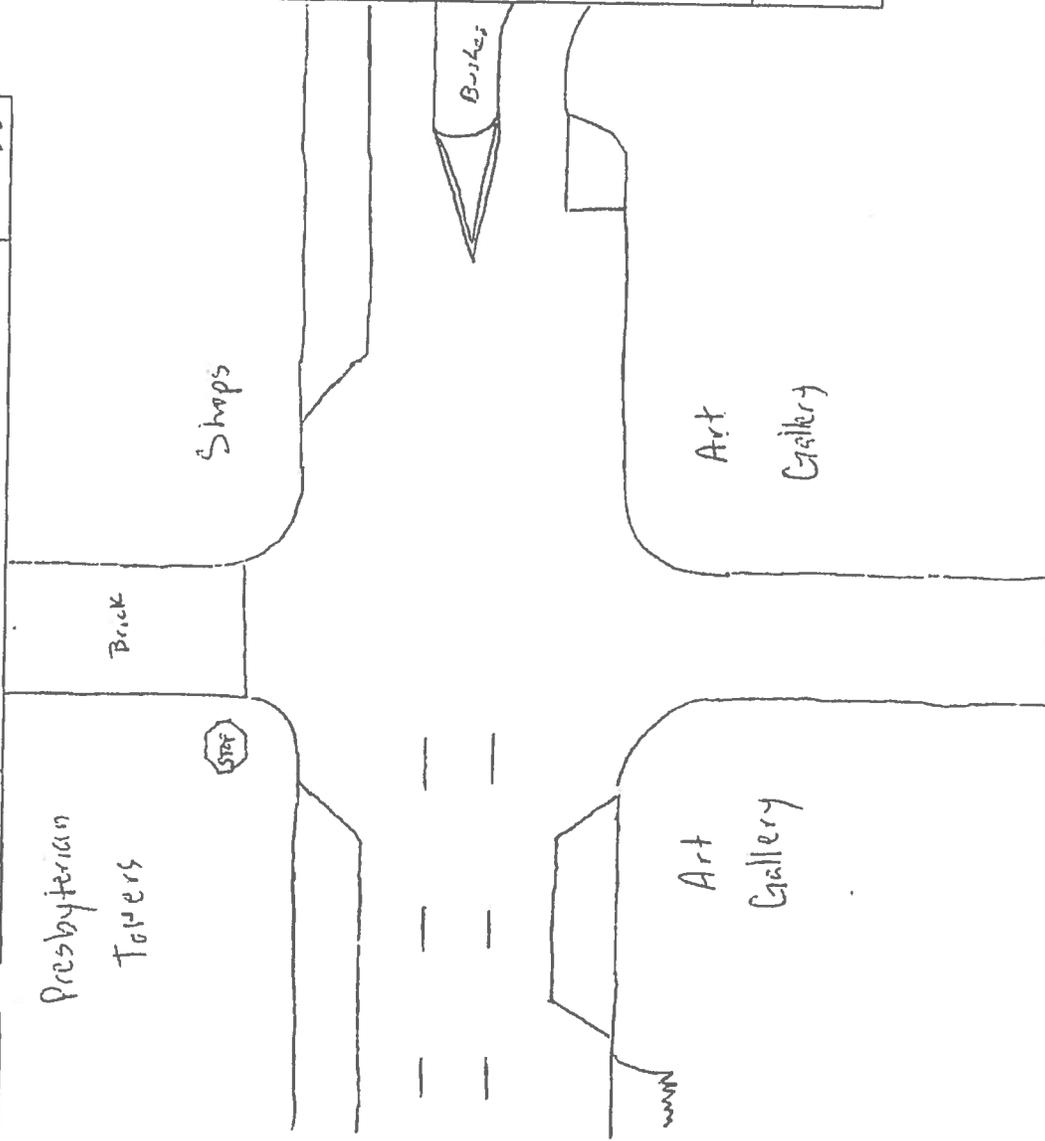
Bushes

Art
Gallery

Art
Gallery

E/W Street: 4th Ave NE

Speed: 30





Quality Counts

N Δ

N/S Street: Bay St NE/Alley Speed: N/A

Site Code: 12742202

Date: 7-16-2014

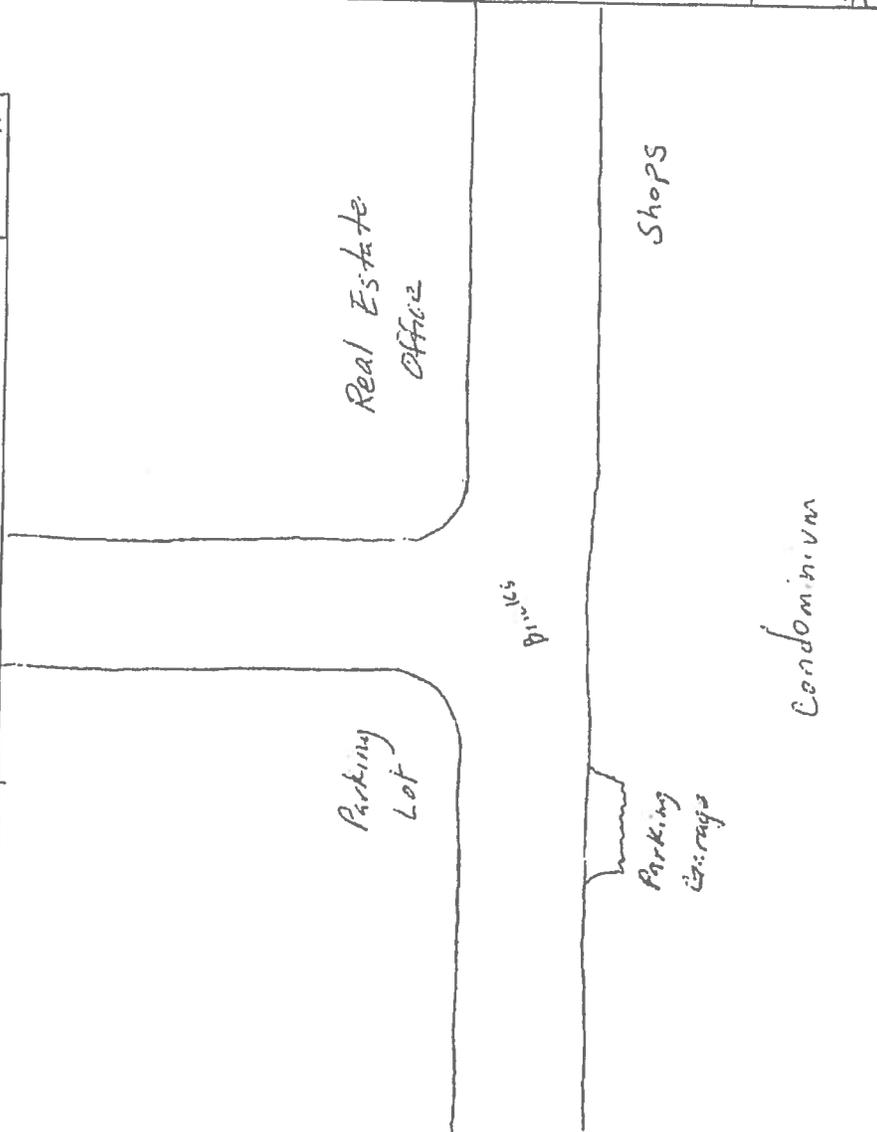
Weather: Rainy

City: St. Petersburg

County: Pinellas

Count Times: 4:00 PM - 6:00 PM

E/W Street: Foreham Pl N Speed: N/A

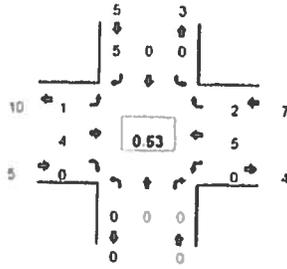


Type of peak hour being reported Intersection Peak

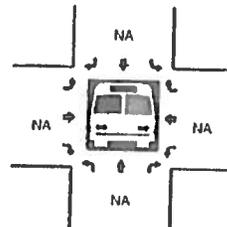
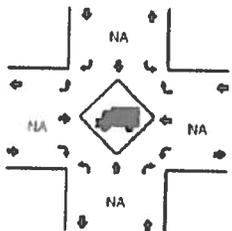
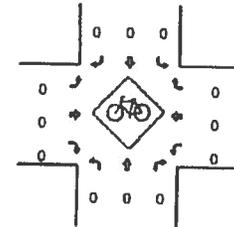
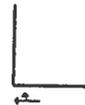
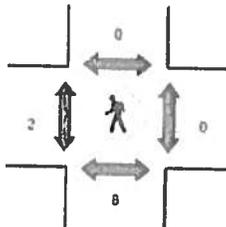
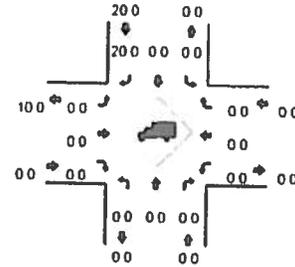
Method for determining peak hour: Total Entering Volume

LOCATION: Bay St NE/Side Alley -- Fareham PI NE
 CITY/STATE: St Petersburg, FL

QC JOB #: 12742202
 DATE: Wed, Jul 16 2014



Peak-Hour: 4:15 PM -- 5:15 PM
 Peak 15-Min: 4:30 PM -- 4:45 PM



15-Min Count Period Beginning At	Bay St NE/Side Alley (Northbound)				Bay St NE/Side Alley (Southbound)				Fareham PI NE Eastbound				Fareham PI NE (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
4:30 PM	0	0	0	0	0	0	1	0	1	0	0	0	0	2	1	0	3	
4:45 PM	0	0	0	0	0	0	2	0	0	2	0	0	0	0	1	0	3	15
5:00 PM	0	0	0	0	0	0	2	0	0	1	0	0	0	0	0	0	3	17
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16
5:30 PM	0	0	0	0	0	0	1	0	0	3	0	0	0	0	0	0	4	12
5:45 PM	0	0	0	0	0	0	1	0	0	3	0	0	0	2	0	0	6	13

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	0	0	0	0	0	4	0	4	4	0	0	0	16	4	0	32
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pedestrians		12				0				0				0			12
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad																	0
Stopped Buses																	0

Comments:

ThyssenKrupp Elevator



September 16, 2014

Mr. Tim Clemmons
Mesh Architecture
Tel: (727) 823-3760

Email- tm.c@mesh.wc

RE: Bliss Condominium- St. Petersburg, FL

This letter is to provide clarification to the questions / concerns below:

- What type of operating device is used by the driver to call the elevator? TKE Response- A private key fob will be used to swipe and register a call. The programming can provide access to any of the parking level, or a specific landing. This is programmed by the security subcontractor.
- Does the driver leave his vehicle during operation of the elevator? TKE Response- There is no need for the driver to get out of the vehicle.
- Is there an exterior light indicating that the elevator is in use? In other words, will an approaching driver know the current location of the two elevators? TKE Response- We can absolutely locate a position indicator by the pedestal where the call station / card reader is located.
- Can the elevators be programmed to return to the first floor (street level) when not in use? TKE Response- Yes, car homing is typical for all elevators.
- How long does the garage door take to open? TKE Response- On average, 7-8 seconds maximum. This can be adjusted in the field to fit the needs of the residents, within a reasonable amount of time. In addition, be advised the power operated doors will include an infrared beam detection system that will not allow the doors to close if there is an object interfering with the beam (i.e. car not completely inside the elevator).
- What is the travel time from the 1st floor to the 4th floor (the travel distance is 35')? TKE Response- 33.6 seconds. Assuming the elevator is on the 1st floor, what is the total estimated time from when the elevator is summoned by an approaching driver until the car leaves the elevator on the 4th floor? TKE Response- The average internal waiting time for an elevator is always the major variable. Based on the number of units, number of elevators, and speed of the elevators, the average wait time is 27.2 seconds. Once an elevator arrives, the power doors will take 7-8 seconds to open and 7-8 seconds to close. Estimate a travel time to the 4th level of 33.6 seconds and 7-8 for the doors to re-open. This calculates to a total travel time of approximately 78 seconds. For example, the occurrence where the elevator(s) will be "homed" at the 1st level, will be common for a building with such a low population. In this instance, the 27.2 interval wait time will not factor into the total trip time.
 - Estimated total trip 1-4: 78 seconds
 - Estimated total trip 1-3: 67 seconds
 - Estimated total trip 1-2: 59 seconds

Upon review of the above, please contact me with any questions and / or concerns.

Respectfully,

Louis A. Cosmelli
New Equipment Branch Manager

ThyssenKrupp Elevator Company
5100 West Grace Street
Tampa, FL 33607
Telephone: (813) 287-1744 or (800) 683-8880
Fax: (813) 288-1954
E-mail: louis.cosmelli@thyssenkrupp.com
Internet: www.thyssenkruppelevator.com



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6990-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building bliss condominium SE corner
 Location: St. Petersburg, FL
 Latitude: 27-46-33.24N NAD 83
 Longitude: 82-37-57.18W
 Heights: 13 feet site elevation (SE)
 211 feet above ground level (AGL)
 224 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6990-OE.

Signature Control No: 220780887-229743322

John Page

(DNH)

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6990-OE

Proposal: To construct a Building (southeast corner) to a height of 211 feet above ground level (AGL), 224 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.71 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.71 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 67 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

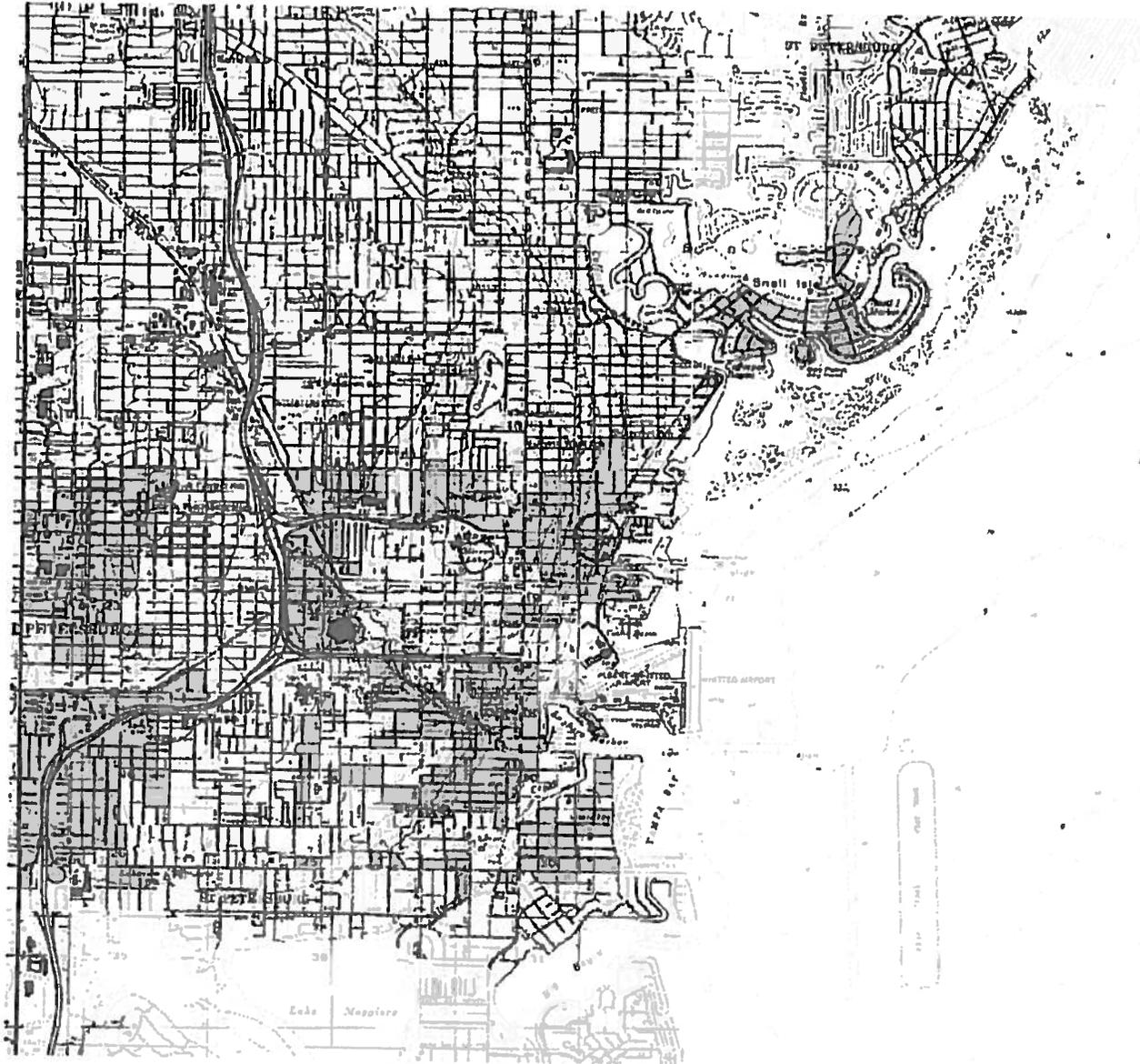
The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2014-ASO-6990-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6987-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building bliss condominium
Location:	St. Petersburg, FL
Latitude:	27-46-34.36N NAD 83
Longitude:	82-37-57.90W
Heights:	16 feet site elevation (SE)
	211 feet above ground level (AGL)
	227 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6987-OE.

Signature Control No: 220780884-229743211

John Page

(DNH)

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6987-OE

Proposal: To construct a Building (northwest corner) to a height of 211 feet above ground level (AGL), 227 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.73 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.73 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 70 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

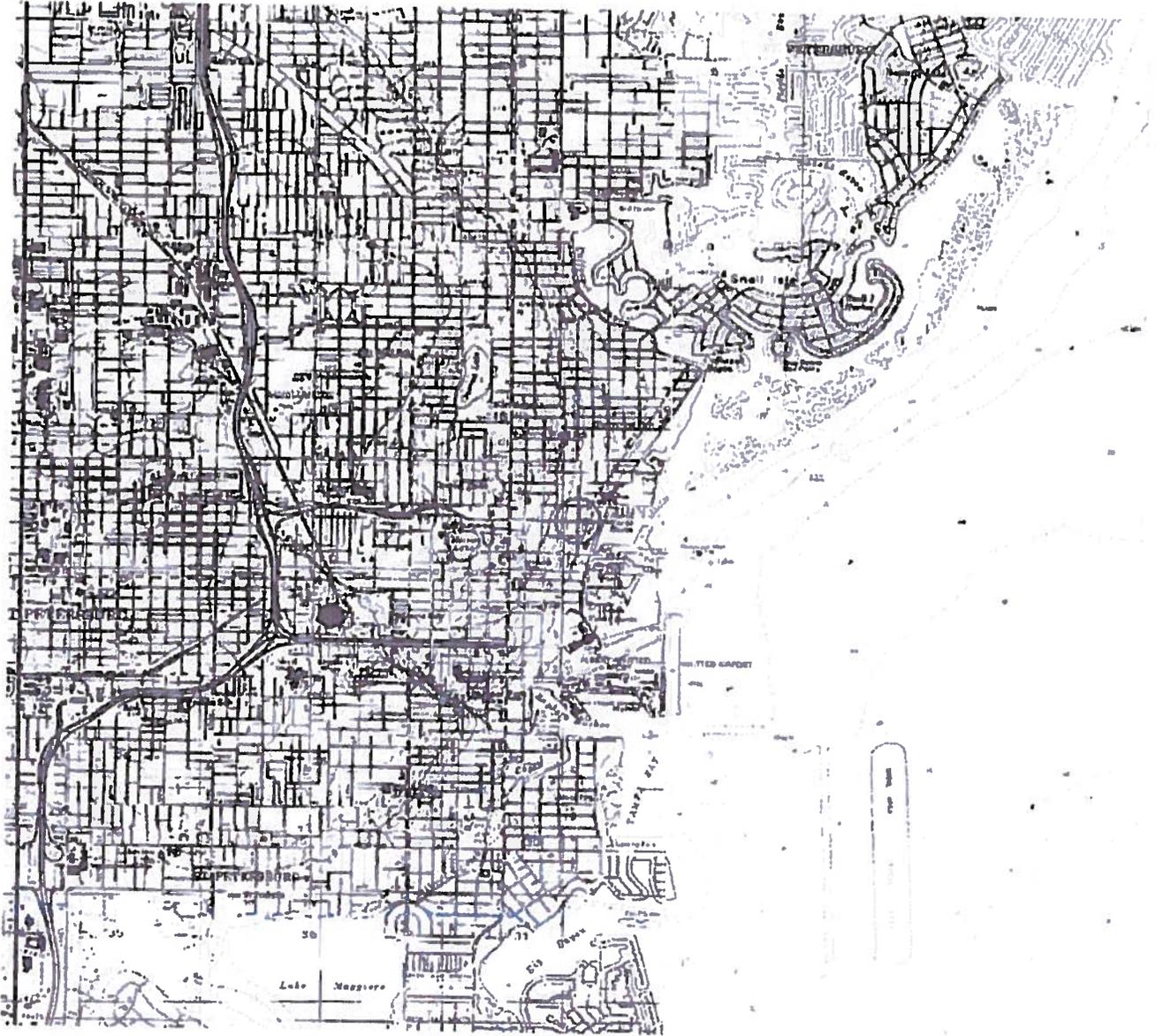
The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2014-ASO-6987-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6988-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building bliss condominium NE Corner
Location:	St. Petersburg, FL
Latitude:	27-46-34.36N NAD 83
Longitude:	82-37-57.33W
Heights:	15 feet site elevation (SE) 211 feet above ground level (AGL) 226 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6988-OE.

Signature Control No: 220780885-229743275

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6988-OE

Proposal: To construct a Building (northeast corner) to a height of 211 feet above ground level (AGL), 226 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.73 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.73 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 69 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

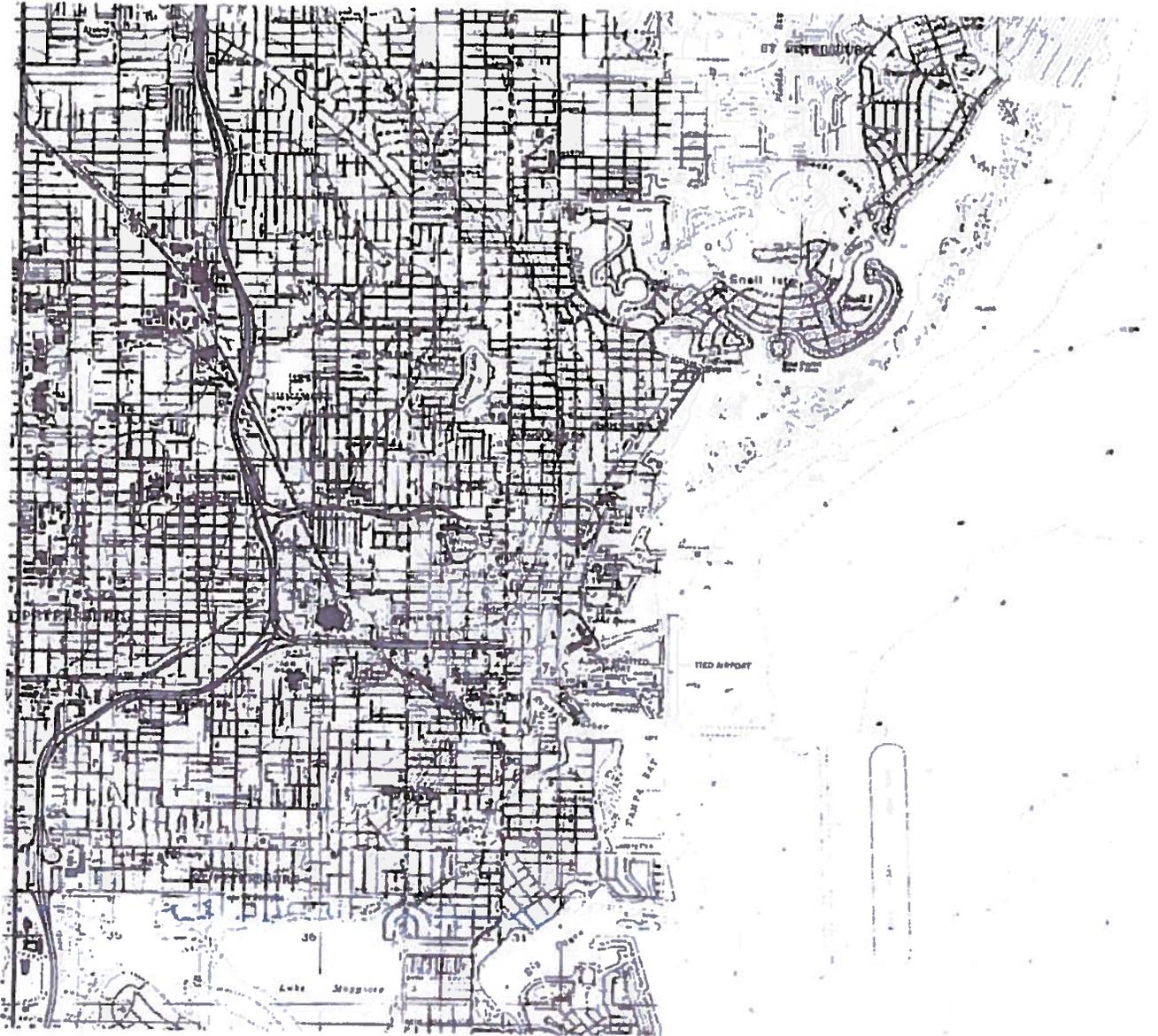
The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2014-ASO-6988-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6989-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building bliss condominium SW corner
Location:	St. Petersburg, FL
Latitude:	27-46-33.23N NAD 83
Longitude:	82-37-57.89W
Heights:	14 feet site elevation (SE) 211 feet above ground level (AGL) 225 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6989-OE.

Signature Control No: 220780886-229743301

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6989-OE

Proposal: To construct a Building (southwest corner) to a height of 211 feet above ground level (AGL), 225 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.71 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.71 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 68 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

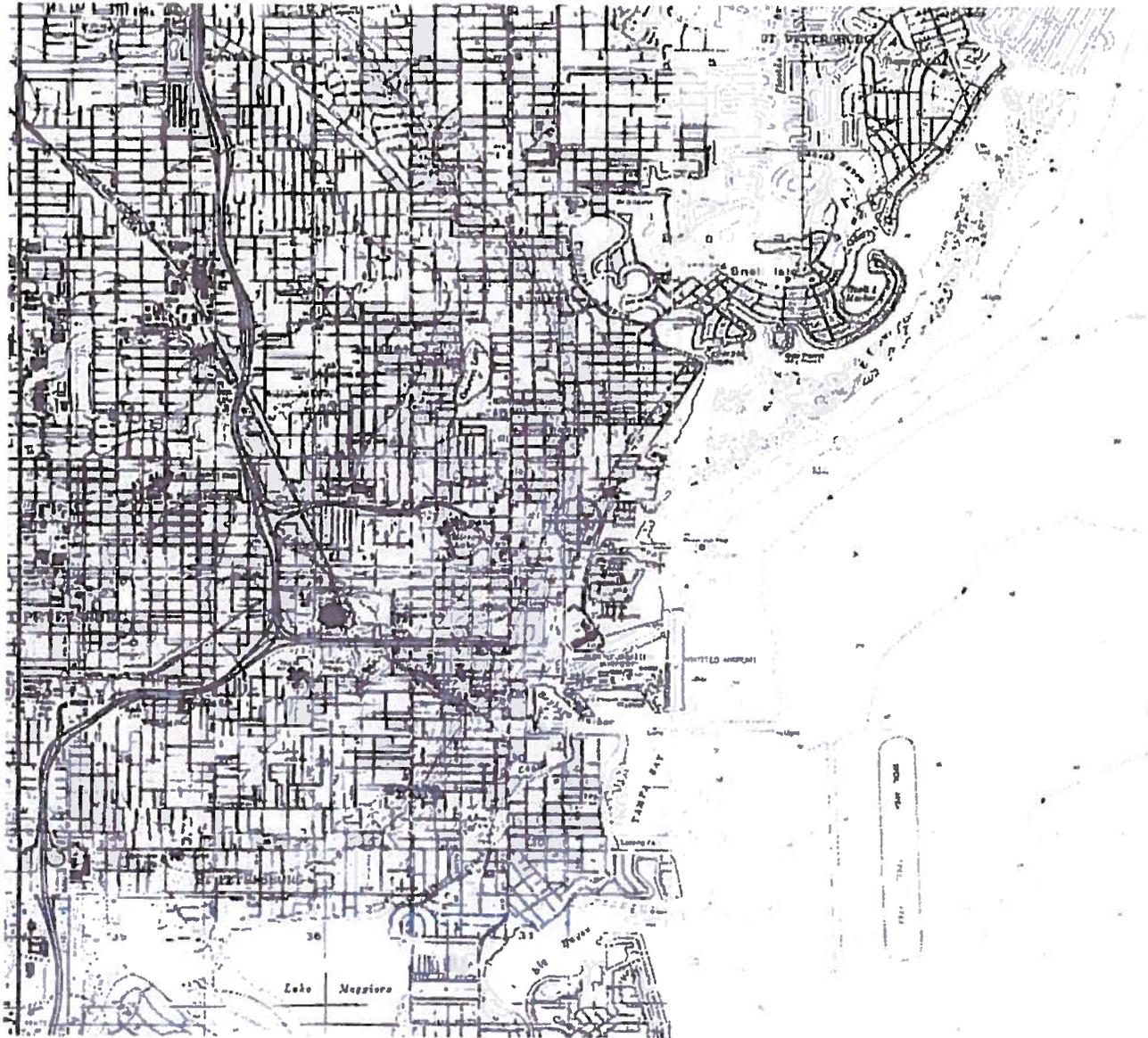
The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

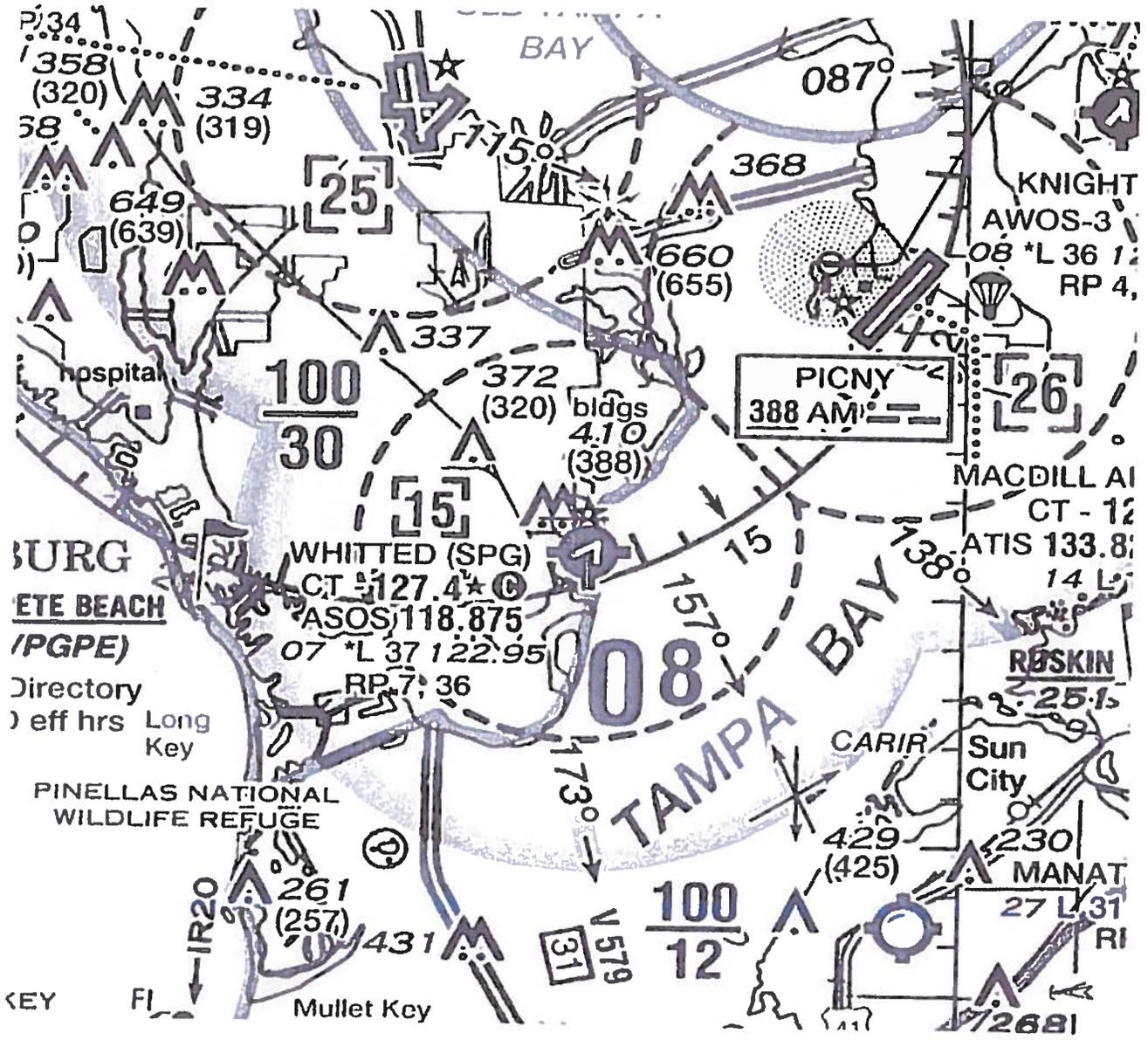
The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2014-ASO-6989-OE



Sectional Map for ASN 2014-ASO-6989-OE



KEY Fl Mullet Key

**MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT**

TO: Barbara Race, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 9, 2014
SUBJECT: Site Plan Review
FILE: 14-31000015

LOCATION: 176 4th Avenue Northeast
PIN: 19/31/17/77238/000/0040
ATLAS: E-4
PROJECT: 176 4th Avenue Northeast

REQUEST: Approval of site plan to construct an 18 story, 29 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations.

SPECIAL CONDITIONS OF APPROVAL: The Engineering Department has no objection to the proposed site plan provided that the following special conditions and standard comments are added as conditions of approval:

1. Habitable floor elevations must be set per building code requirements to at least one foot above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum.
2. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City's Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). *If an increase in flow of over 1000 gpd is proposed,* the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City's Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

3. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.
4. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. The DC zoning district requires 10-foot wide public sidewalk along 4th Avenue Northeast. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.
5. Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City's Water Resources department or a variance is granted by the City Water Resources department). Note that the City's Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City's Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).
6. This project is within the Downtown National Historic District. All existing roadway brick, granite roadway curbing, and hexagon block sidewalk must be preserved. It is noted that the current sidewalk within 4th Avenue Northeast is hexagon block. Any existing brick, granite curbing, or hexagon block which will not be utilized or is contained within streets or alleys to be vacated shall remain the property of the City and shall be neatly stacked, palletized and returned to the City's Maintenance yard by and at the expense of the developer.
7. Widening of the eastern alley shall be done in conformance with current City Engineering Standards and Specifications. The pavement section shall be an inverted crown at the alley centerline. Milling and overlay of the entire alley will be required. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way.
8. City sanitary sewer atlas map E4 indicates that an 8" sanitary sewer extends into this property from public manhole E4-207 (located in the east/west alley south of the proposed development). The applicant shall verify if any other properties are connected to the north/south segment of sanitary sewer which extends into the private lots and will be required to relocate services as may be necessary to maintain all public sanitary sewer flows. All public sanitary sewer mains shall be contained within public right of way or public utility easement. Private mains which

only service this development site will be abandoned to the ownership/maintenance of the property owner.

9. Proposed alley access to the garage must be coordinated and approved through Michael Frederick (phone 727-893-7843) of the City's Neighborhood Transportation and Parking division.

10. The stormwater outfall from the detention area shall be piped to connect to the public stormwater conveyance system. Discharges to the alley or otherwise overland are not desirable in the downtown area.

STANDARD COMMENTS: Water service is available to the site. The applicant's Engineer shall coordinate potable water and /or fire service requirements through the City's Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated right-of-way or easement.

A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans should include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developers responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.

NED/MJR/jw

pc: Kelly Donnelly
Reading File
Correspondence File

Subdivision File - ROWLAND'S, E B SUB

Chris and Bob Hilton
300 Beach Drive NE, Unit 1501
St. Petersburg, FL 33701



July 29, 2014

TO: The Planning & Economic Development Department

My wife and I have lived in Parkshore Plaza Condominium since August 2006. We have always lived on the alley immediately behind the building, first living in Unit 501, then moving to Unit 1501 in August 2013 when the opportunity availed itself, which was shortly after the six story Rowland Place construction was announced. We made the move primarily to enjoy the beautiful view of North Tampa Bay. At that time, we were more than reasonably assured that the property immediately to the west of Rowland Place (where the former gallery for P. Buckley Moss is located) would not receive zoning exceptions beyond a six story building as the property next to Rowland Place would not support a building larger than that.

We are fully aware of the alley's existing heavy traffic issues so we were more than shocked to learn that an 18-story building with rooftop amenities was being considered for the property in question. The Bliss project is planning to only use the alley to access and exit the proposed building's garage. Bliss also plans to use an electric elevator parking system for the project's parking garage. The elevator parking system requires a significant amount of time to move one vehicle into the garage, a problem that is compounded by the fact that the garage entrance is only six feet from the alley. When two or more vehicles approach the parking garage entrance at the same time, a backup of one or more vehicles at the garage entrance will occur, creating a traffic flow problem in an already congested alley.

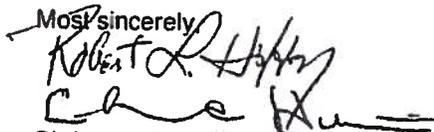
The current traffic volume on the alley is hazardous enough without adding permanent traffic. Having exited from Parkshore's garage on a daily basis at least once a day, I have, on a number of occasions, been in near driver and passenger side collisions, at times because of sunrise or sunset blind spots and at times because of unsafe car speeds going through the alley.

In addition to the safety hazard added traffic would cause, the proposed building presents issues for the many commercial deliveries required of the retail establishments along Beach Drive NE between 3rd and 4th Avenues. These commercial deliveries are primarily made via the alley. When the alley is blocked, several drivers have opted to make their deliveries via Beach Drive, which creates an even greater traffic hazard. Problems would also arise should an emergency vehicle need access to the alley at a time when vehicles are blocking the alley due to backup at the garage entrance to the proposed building. Finally, what will happen in the event the proposed building's garage elevator experiences mechanical failure?

We feel the proposed building's six foot setback from the alley is unacceptable, and should be a minimum of the length of three large vehicles, approximately 25 to 30 feet. Additionally, the ingress and egress in the alley should not be permitted. As a reminder, developers of Parkshore Plaza were forced to change their plans by the city to have the ingress on a different side of the building. Should not the same rules apply here as well?

Should the developer be unwilling to increase the garage entrance setback, or reconfigure the garage entrance altogether, we think the Planning & Economic Development Department should deny the proposed building in order to protect the safety of those currently residing in, or working in, buildings that require extensive use of the alley.

Most sincerely


Chris and Bob Hilton

July 29 2014

To: Planning and Economic Development Dept.
PO Box 2842
St Petersburg Fl 33731

From: Norman Peters
300 Beach drive NE
St Petersburg Fl 33701



Subject: Bliss Condo

I am writing this letter in opposition to the proposed Bliss project planned for the lot on 176 4th ave NE.

What traffic study has the city related to the lane way to understand the impact from all this new traffic coming from Rowland place and Bliss? This is a major safety concern that should be addressed by the city before the Bliss project is approved.

Bliss will create excessive traffic flow in a lane not equipped to handle it. Already, even before the added traffic from Rowland place, the traffic is bad enough. Delivery trucks are regularly parked in the lane reducing access and visibility. Coming out of Parkshore plaza parking, I almost rammed into a bicyclist trying to get between a delivery truck and a car waiting next to it.

Also, isn't Bliss an outsized project with 20% less footprint than Rowland place, it proposes 18 floors to Rowland's 7.

Please take this concern into consideration when making your decision. Once approved it will be impossible to remedy safety concerns in the lane way.

Regards,

Norman Peters

August 30, 2014

City of St Petersburg
Planning & Economic Development, PO Box 2842
St Petersburg, FL 33731
RE: Case#14-31000015



Dear Planning Board:

We reside on the south side, #2104, of Parkshore Plaza Condominium. As you are aware, we egress through the alley between Beach Dr NE and 3rd Avenue NE. The alley is already very congested, with the normal flow of homeowners exiting our building, moving vans, vendor trucks servicing nearby restaurants, valet parking from Parkshore Grill, maintenance and service trucks servicing homeowners and nearby neighbors, garbage and other city vehicles, etc. blocking the alley. There is also a problem with speeding cars using the alley as a thruway. We have both experienced near misses with cars racing from Beach and not visible due to trucks blocking the view from the east side of the alley. Soon there will be an additional number of cars exiting from the soon to be occupied Rowland Place. There is also pedestrian traffic in the alley.

We are very concerned about the safety of exiting our building if the Bliss project goes ahead as proposed with additional vehicles cars not only exiting but entering from the alley, creating twice as much usage as with egress only, as is the case in our building. This would be a concern if it was just a matter of an opening gate into a garage, but we fear the proposed automobile elevator is going to result in an additional pileup of vehicles waiting its availability and blocking the alley.

We are unable to attend the hearing, but respectfully ask you to deny the application.

Yours truly,

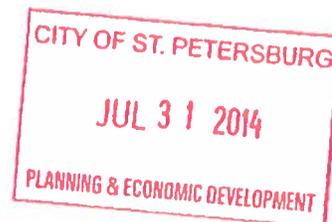
Handwritten signatures in blue ink. The first signature is "Maury Youmans" and the second is "Betty Youmans".
Maury and Betty Youmans

HAROLD E. WELLS

300 Beach Drive Northeast

Number 2304

St. Petersburg, Florida 33701



July 30, 2014

Planning & Economic Development Department

Development Review Commission

Ref: Number 14-31000015

PO Box 2842

St. Petersburg, Florida 33731

Dear Sirs:

We are writing in reference to the proposed Bliss Condominium project to be built facing 4th Avenue NE. We are greatly opposed to this project because of the increased traffic it would create in the alley between the back of the proposed building and the back of the Parkshore Plaza Condominium building. It is our understanding that the proposed Bliss project would allow 55 vehicles to ingress and egress through two automobile elevators that would be located only 6 feet from the edge of the 20 foot alley. This alley is heavily trafficked now and to increase that would cause not only unbelievable congestion, but create a serious safety situation should any emergency vehicle need access.

As we will be out of town on the day of the public hearing, we ask that you take our written concerns under serious consideration. Thank you for your attention.

Yours truly,


Becky and Harold Wells

Kenneth R. Safko, M.D.

300 Beach Drive N.E., Unit 306

St. Petersburg, Florida 33701

727.894.3441

elkriverken@mac.com



July 30, 2014

Planning & Economic Development Department
P.O. Box 2842
St. Petersburg, FL 33731

Re: File #14-31000015
Bliss Building Project

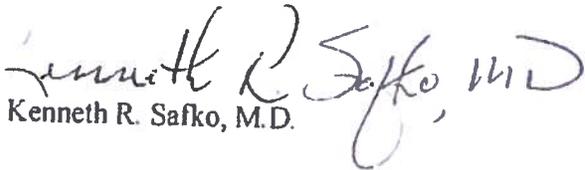
Dear Sir/Madam,

The Bliss building project as presently designed will create problems not only for residents of Parkshore Plaza Condominium, but adjacent buildings and businesses. Specifically the already congestion of and safety issues due to the multiple uses of the adjacent alleys will be compounded by the planned use of the alleys for ingress and exits of traffic generated by residents, guests and service companies for the Bliss project.

Please note that the main alley, named Fareham Place is well used by we residents of Parkshore Plaza, the owners and employees of Parkshore businesses and service vehicles to all, including The Moon Under Water restaurant and the Birchwood Hotel and it's restaurants. And a small "driveway" used by service vehicles for the Beach Drive businesses is planned as the ground floor garage entrance for the Bliss. Many times congestion requires a turnaround at our exits or even exiting via the entrance on third avenue NE. And this is before the Rowland Place condominium is completed and adding to the already overcrowding of that alley. I know that emergency vehicles would face delays trying to navigate that area when needed.

Please deny the application of the Bliss Project as presently planned. A major rework of the design is needed to address the issues alluded to above.

Sincerely,


Kenneth R. Safko, M.D.

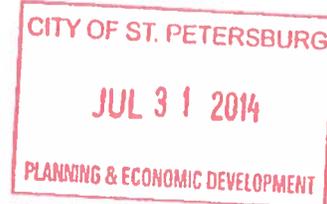
The Wallace's

300 Beach Dr. N.E. apt 204
Saint Petersburg, FL 33701-3404
wesleywallace@gmail.com
joannerwallace@gmail.com
603-315-9363



Tuesday, July 29, 2014

Planning & Economic Development Department
P.O. Box 2842
St. Petersburg, FL 33731



Re File # #14-31000015

Dear Sirs:

I am writing in reference to the proposed project **bliss** 176 4th Ave, NE
I have concerns over this project and as currently designed am against the project moving forward. My reasons for concern are as follows:

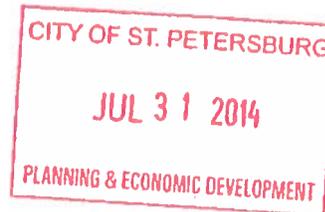
- **Traffic congestion:** With 3 floors devoted to parking 18 cars each, total 54 cars, all serviced by two elevators there a high likelihood that congestion will result in the abutting alley entrance to these elevators. The elevators open directly to the alleyway without significant setback. I am unaware of the cycle times of the elevators but in high traffic times the likelihood of significant stacking of cars in the alley seems high. Traffic studies and models of use might further elucidate this. As the elevators are mechanical elements and parking in the garage obligates their use it would be well to predict cycle times and likelihood of times of mechanical breakdown. What is the experience of other buildings using this methodology of vehicle management?
- **Setbacks:** The lot plan shows minimal setbacks from the street, alleys and the abutting building. This seems out of keeping with similar buildings with high rise profiles.
- **Character:** While there are two high rise building nearby, 300 & 400 Beach Drive, both have more on street amenities and seem more in keeping with the idea of opening vistas for view along sight lines to the water. This building seems to be maximizing occupancy density at the expense of the neighborhood character.

Sincerely

A handwritten signature in black ink that reads "Wesley Wallace".

Wesley Wallace

July 29, 2014



Planning & Economic Development Department

P.O. Box 2842

Saint Petersburg, FL 33731

Dear Commissioners,

We are writing to air our concerns about the Bliss Site plan that will be discussed at a meeting on Wednesday, August 6th at 2:00 pm. (file #14-3100015). As a long time resident of Parkshore my husband and I are concerned with the additional traffic this building will create in our alley way. Residents of Parkshore exit onto the alley that at present can be difficult with delivery trucks and cars that already line the alley. I can't imagine it getting worse by having other residents and or deliveries using the same small alley way. We are full time residents and fell that this proposed project will greatly impact us.

We hope you will give our valid concerns consideration as you review the Bliss Site Plan application. We appreciate and enjoy our downtown community and will continue to keep being involved in any further discussion on this matter.

Cordially,

Mr. & Mrs. Barry Greenfield

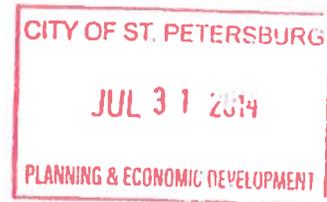
Mr. & Mrs. Barry Greenfield

300 Beach Dr Ne

Unit 301

Saint Petersburg, FL 33701

**The Nikjeh Family
300 Beach Drive #1701
St. Petersburg, FL 33701**



July 30, 2014

Planning & Economic Development Dept.
P.O. Box 2842
St. Petersburg, FL 33731

Re: File# 14-31000015

Attn: Board Members

My husband and I own a unit in Parkshore Plaza. After reviewing the proposed plans for the Bliss Condominium project, we strongly object to any variance for this project. We respect property rights, but we don't see why you should approve additional floor area for this small piece of land.

Let the developer design within the existing zoning restrictions. This would reduce the number of units and therefore, it reduces traffic generated in the alley immediately next to our building. The alley between us is regularly congested with vehicles and trucks which supply to nearby restaurants.

It is hard to believe that you will allow 30 additional residences which will generate 300 trips per day through this alley. The fact that cars are to use elevators which unload onto the alley is hard to believe, knowing how often elevators breakdown. We also would like the car elevators to be relocated to the alley running to the east of Bliss with direct access to 4th Avenue, instead of Beach Drive, where many pedestrians cross. This would be a fact that you need to consider.

In conclusion, we are not against development of Bliss, we are just asking you to keep the development to the existing zoning entitlements.

Your consideration of our concern is greatly appreciated.

Regards,

A handwritten signature in blue ink that appears to read "D. Nikjeh". The signature is stylized and written in a cursive-like font.

The Nikjeh's

300 Beach Drive NE, Unit #2502
St Petersburg, FL 33701

July 30, 2014

Planning and Economic Development Department
PO Box 2842
St Petersburg, FL 33731

Re: Case #14-31000015 (Bliss Site Plan application)

Dear Sir/Madam:

The purpose of this letter is to express opposition to the proposal to build the Bliss condominium at 176 4th Avenue Northeast in downtown St Petersburg. The Bliss proposal would cause a very serious problem with traffic and public safety in the alley behind Bliss.

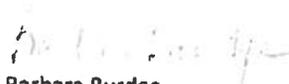
The alley already is one of the busiest in St Petersburg. At the large Parkshore Plaza condominium, all of the residents exit from their parking garage into the alley, and there are numerous moving vans and deliveries that go to its loading dock in the alley. The nearby office building and the B&B use the alley for parking access, and the restaurants and retail establishments use it for delivery trucks. One large restaurant has a busy valet parking facility that is entered and exited from the alley. The alley is also used by the garbage and recycling trucks. In addition, more traffic difficulties will soon be added by the new Rowland Place condominium that is currently under construction. It will have some resident parking spaces only a couple of feet from the alley, with cars backing directly into the alley.

The Bliss condominium is proposed to have two car elevators to take residents' cars from the alley up to their parking spaces. Since Bliss would have 30 residences, there would be 50-60 more cars that would be using the alley for both entering and exiting their parking area. The traffic problem would be compounded by the need to wait for the car elevators and the fact that the entrance to the elevators would be only about 6 feet from the alley. This would cause traffic back-ups in the alley while the Bliss residents wait for the car elevators.

The alley is quite narrow and it currently is almost impossible for two vehicles to pass each other, especially if one is a truck. Where the alley reaches Beach Drive, it intersects with a sidewalk that is used by many pedestrians both day and night. Beach Drive is a busy street and has only one traffic lane in each direction, so it would also be very difficult for more traffic from the alley to use Beach Drive.

In summary, the Bliss condominium proposal should be denied because the alley cannot accommodate it. If Bliss were built, there would undoubtedly be traffic jams in the alley, which could be especially dangerous if a fire truck or other safety vehicle needed to access the alley. The increased traffic in the alley would endanger the drivers using the alley, as well as tourists and other pedestrians walking on the sidewalk.

Sincerely,


Barbara Burdge


Geoffrey Burdge

City of St. Petersburg

Planning & Economic Development Dept.

Case #: 14-3100015

Address: 176 4th Avenue Northeast



To whom it may concern:

I am writing in objection to the applicants request for floor area ratio bonuses. Floor area ratios are set to limit the amount of building area given a certain land size. This is codified to make sure that essential public services will not be unduly stressed. This request will not only create an unacceptable tax on public roadways but, it will create a life safety issue.

- The Alley between 3rd and 4th Avenues Northeast known as Fareham Place N is currently the only means of exit for the residents and businesses occupying the Parkshore Condominium
- Fareham Place N is currently highly congested with commercial delivery vehicles serving the businesses on Beach Drive
- The applicant's site plan calls for using Fareham Place N as the main entrance and exit for vehicular traffic further stressing an already stressed public roadway
- The applicant's site plan calls for a parking elevator system whereby cars could not fully pull in from Fareham Place N while waiting for the parking elevator gate to open blocking Fareham Place N and creating increased congestion and no means for emergency egress

Please reject the bonus.

Barbara Race - Reasons why the request for approval of the site plan for the Bliss project proposal should be denied. Case No: 14-31000015

From: <michaellevy2@aol.com>
To: <Barbara.Race@stpete.org>, <michaellevy2@aol.com>
Date: 7/31/2014 11:51 AM
Subject: Reasons why the request for approval of the site plan for the Bliss project proposal should be denied. Case No: 14-31000015

Dear Barbara,

As discussed, I would appreciate it if you would circulate the following to the members of the Development Review Commission as well as all appropriate city planning staff.

The statute in the DC-3 zoned area of the Downtown Historic District calls for a maximum FAR of 2.0. Residents of the area have a justifiable expectation that this limit will only be exceeded if a proposed project merits FAR bonuses. We rely on the city planners and their oversight bodies, including the Development Review Commission and the City Council, to consider the best interests of the residents of the area and all the residents of St. Petersburg in determining which projects should receive bonuses. The bonuses in the DC-3 area were introduced to attract development to an area that was in economic and population decline and that objective has been admirably achieved. The Beach Dr. corridor which encompasses the proposed project has by far the highest population density of any area in the city. At peak times there is tremendous vehicular and pedestrian congestion, and infrastructure such as parking and sanitation is overtaxed. Those projects that are sensitive to the quality of life of the surrounding residents and that are consistent with the overall development objectives of the city should be the only ones that warrant serious consideration for bonuses. On many criteria the Bliss project fails to pass the test.

With respect to the subject property, there seems to be a presumption that the seller of the land, who appears to be asking a clearly above-reasonable market price, is entitled to drive a review process to the legal maximum FAR of 4.0 if the proposed buyer claims they can not make the economics work at any lower ratio. **THIS SHOULD BE OF NO CONCERN TO THE CITY.** Rowland Place, the project nearing completion immediately to the east, was brought in within the statute at a FAR of 2.0.

The outsized footprint of the residential tower has necessitated a parking structure that will rely on car elevators rather than conventional ramped parking, with an array of adverse and potentially dangerous consequences, and is being discussed in the primary opposition presentation of Parkshore Plaza and others.

St. Petersburg has a downtown residential waterfront profile that is unique in the state. Since Bayfront Tower was built in 1979 on a very pronounced N-S axis, presenting a monolithic curtain wall to the city, all the residential towers have been square, round or on an E-W axis, preserving maximum air and light space through the skyline. One of the most appealing charms of the city is that the waterfront is not blocked by walls of buildings. Allowing the Bliss tower to be constructed, a very monolithic structure on a pronounced N-S axis, would forever block views of nearly 25% of the downtown waterfront marinas all the way to the Gulf.

The building presents its "face" to the east, along an alley, which would be visible mainly from Straub Park and the Bay. What surrounding residents, vehicular and pedestrian traffic on Fourth Ave. and streets to the west, will see are flat predominantly concrete facades. This is surely not consonant with the precepts of sound and sensitive urban planning. As a point of comparison, the initial Rowland Place design was viewed as too much like a Beachfront condo and the developer was asked to make it more like some of the classic buildings in downtown St. Pete, which it did.

The Tower as currently proposed is coterminous with the much shorter Rowland Place "tower" and will block sunlight to its residents for much of the day. It will also block significant views and light for the residents of Parkshore Plaza and loom over its pool deck.

The Beach Dr. corridor, which contains the subject property, has a population density of approximately 50 persons per acre (ppa), compared with a city average of 10ppa. The city recently had several urban design and planning firms present their overview of concerns and prospective plans for the city; one of the recurring themes was the need to attract development away from the Beach Dr. corridor, which was viewed as seriously overdeveloped and underserved in infrastructure. One could argue that all FAR bonuses in the area should be eliminated. Looking at the most recent project in the corridor to near completion, Rowland Place, with 17 units, assuming 2 occupants per unit and a site slightly over one acre, would be below the 50ppa density of the area. The proposed Bliss project, with 29/30 units and under one acre, would be above the area average at roughly 65ppa.

The economic calculus is worth close inspection. There is a significant likelihood that the project will depress surrounding relative market values over the long-term, which could more than offset the potential tax revenues from the project itself! An approval risks being "penny-wise, pound-foolish".

The units are significantly smaller than comparable condos along the Beach Dr. corridor. An alternative single-unit per floor Tower, having the same north border but substantially smaller footprint than the one proposed (approximately 53' E-W x 60' N-S vs. current 114' N-S), containing 20 roughly 3000sf truly luxurious 3 bedroom condos, with glass on all sides, with more conventional ramped parking on lower floors and to the south of the Tower, would go a long way toward lessening all of the foregoing negative impacts of the current site plan.

Certainly the plan in its current form should be rejected, as it will do irreparable harm to the quality of life and charm of the City of St. Petersburg.

Thank you for your consideration.

Kind regards,

Michael Levy

300 Beach Dr NE, #1402
St Petersburg, FL 33701

City of St Petersburg
Staff of the Planning & Economic Dept.
P O Box 2842
St Petersburg, FL 33731

Re: Case 14 31000015

Our unit in the Parkshore Plaza condominium is directly across the alley from the proposed building to be located at 176 4th Avenue Northeast (Bliss Project). Although firmly supportive of developing a vibrant downtown area, we have several concerns regarding the Bliss Project five of which are stated in this letter.

One of the major concerns is the traffic congestion which will result in the alley between the Parkshore Plaza and the proposed Bliss Project. The Parkshore Plaza condominium car exits feed into the alley where heavy truck and car traffic already pose a safety problem for exiting vehicles. This situation will only be made worse when the Roland condominium (which is located directly behind the Bliss Project and across the alley from the Parkshore Plaza) is completed (it is unfortunate the Planning and Economic Development Dept failed to adequately evaluate the situation prior to approving Roland). If the additional traffic resulting from the Bliss Project is added, there will be a significant safety hazard for residents of all three buildings (Parkshore Plaza, Roland, and Bliss).

In addition to the traffic congestion, the Bliss Project will add to the noise problem generally existing in the area between 3rd and 4th Avenue. Not only will the Bliss building reflect noise from the rooftop lounge and air conditioning units associated with The Birchwood, but also add additional noise emanating from the rooftop entertainment area. It is unclear how the Bliss Project air conditioning will be handled, but this too could potentially add one more sound pollution source.

Another environmental concern, in addition to the noise pollution, is sun light blockage. Although light blockage is inevitable in urban high rise developments, the closeness of the Bliss Project to Roland and the Parkshore Plaza, as well as the building height, constitute an unwarranted light blockage to both pre-existing buildings.

Related to the sun light blockage issue is the obstruction of water views from the Parkshore Plaza north facing units. Other cities with which we are familiar (such as Naples and Miami) place emphasis on the impact a particular development will have on obstructing the views from existing residential buildings, when evaluating proposed new development projects. In the past, St Petersburg has required offsets so as to minimize the visual impact of new developments on existing buildings (Parkshore Plaza and the Cloisters being an example).

Finally, the renderings developed by the Bliss Project apparently for marketing and perhaps for Planning & Economic Development Dept. consumption are misleading. The Bliss Project does not abut Beach Dr as shown in their literature, and is not a flowing extension of the current architectural motif. Beach Dr is an important St Petersburg asset, the visual impact of which should be vigorously preserved!

You have a difficult job balancing the economic interests of developers against the negative implications for surrounding residents. Perhaps this application can serve as an opportunity for St Petersburg to meaningfully upgrade its development standards in the areas of traffic safety, noise pollution, sunlight blockage, view preservation, and other areas affecting quality of life in our city.

Sincerely,

Mary Jones
Walter Jones

Mary and Walter Jones

300 Beach Drive NE
St. Petersburg, FL 33701

July 31, 2014

Planning and Economic Development Department
PO Box 2842
St. Petersburg, FL 33731

Re: Case #14-31000015 (Bliss Site Plan Application)

Dear Sir or Madam,

The purpose of this letter is to express opposition to the proposal to build the Bliss condominium at 176 4th Avenue NE. The Bliss proposal will cause a very serious safety risk to people using the alley between the Bliss condominium and Parkshore Plaza.

There are 115 units within Parkshore Plaza that egress onto this alley. There are numerous moving vans and delivery trucks that dock in the alley servicing Parkshore as well as the restaurants and retail stores on Beach Drive. Additionally valet drivers use this alley to park cars for a nearby restaurant. The traffic situation will be exacerbated by Rowland Place which will be using this alley. Some Rowland Place residents will be backing onto the alley from garages.

The Bliss proposal includes two car elevators directly off this alley. Residents will be using these elevators to enter and exit their building. No doubt, people will be waiting in the alley for access to elevators. This will cause more congestion in the alley. Most importantly, there are many people walking down this alley to get to Beach Drive shops and restaurants. Birchwood has become a very popular destination resulting in pedestrians using this alley at night.

Our elected officials make many decisions that improve our city and protect our community. Please be informed that the Bliss condominium will present a significant safety risk to our community. It will cause more congestion which may deny access to important safety vehicles, e.g., fire trucks, ambulances, etc. Additionally more traffic in this narrow alley will endanger drivers, pedestrians and cyclists using the alley.

The Bliss condominium could ingress and egress off of 4th Avenue; however, it would not qualify for an additional FAR and exemptions for concealing the garage from 4th Ave. Hence the building could not be as tall as proposed. We trust our city officials will agree that our safety is more important than a few more stories on a high rise. Please do not approve the Bliss plan as submitted.

Sincerely,

Marianne and Bill Ferrari

Kenneth R. Safko, M.D.

300 Beach Drive N.E., Unit 306

St. Petersburg, Florida 33701

727.894.3441

elkriverken@mac.com

July 30, 2014

Planning & Economic Development Department
P.O. Box 2842
St. Petersburg, FL 33731

Re: File #14-3100015
Bliss Building Project

Dear Sir/Madam,

The Bliss building project as presently designed will create problems not only for residents of Parkshore Plaza Condominium, but adjacent buildings and businesses. Specifically the already congestion of and safety issues due to the multiple uses of the adjacent alleys will be compounded by the planned use of the alleys for ingress and exits of traffic generated by residents, guests and service companies for the Bliss project.

Please note that the main alley, named Fareham Place is well used by we residents of Parkshore Plaza, the owners and employees of Parkshore businesses and service vehicles to all, including The Moon Under Water restaurant and the Birchwood Hotel and it's restaurants. And a small "driveway" used by service vehicles for the Beach Drive businesses is planned as the ground floor garage entrance for the Bliss. Many times congestion requires a turnaround at our exits or even exiting via the entrance on third avenue NE. And this is before the Rowland Place condominium is completed and adding to the already overcrowding of that alley. I know that emergency vehicles would face delays trying to navigate that area when needed.

Please deny the application of the Bliss Project as presently planned. A major rework of the design is needed to address the issues alluded to above.

Sincerely,

Kenneth R. Safko, M.D.

300 Beach Drive
Unit 1802
St Petersburg, Florida 33701

July 30, 2014

Development Review Commission
Planning & Economic Development Department
PO Box 2842
St. Petersburg, FL 33731

Reference file #14-31000015

Dear Members of the Development Review Commission :

As the owners and residents of unit 1802 at the Parkshore Plaza, 300 Beach Drive, we are writing to express our opposition to the proposed new building project Bliss, across the alleyway from our building.

We are very concerned that the Bliss project will be detrimental to our property value by blocking the North front view from our unit.

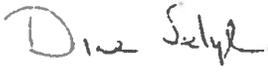
We purchased our unit in February 2014, after Rowland Place had announced and begun construction on their building. We bought our unit with the belief that the open Buckley Moss property was too small a footprint to build a high rise. Since the property is of similar size to that of Rowland Place, our expectation was that if any building would be built there, it would be of similar height to that of Rowland Place.

We are shocked that the Bliss Project is for a building that is 19 stories high, 3 times higher than Rowland Place, resulting in a major blockage of our view from our 18th floor Parkshore apartment. We would never have paid the price we did if we had had the slightest suspicion that this beautiful view could be blocked and we could, as a result, suffer a serious loss in the apartment's value.

We therefore ask you to do everything in your power to stop the Bliss Project from going forward.

Sincerely,

Diane Seligsohn & Denis Thuin




From: Abby Elliott <aelliott@associagulfcoast.com>
To: "barbara.race@stpete.org" <barbara.race@stpete.org>
Date: 8/1/2014 6:31 AM
Subject: FW: Bliss

Abby Elliott, CMCA®
Licensed Community Association Manager

Parkshore Plaza Condominium Association
300 Beach Dr. NE, St Petersburg, FL 33701
Office: 727.823.4252 Ex. 5

Associa® - Delivering unsurpassed management and lifestyle services to communities worldwide.
Learn more at www.associagulfcoast.com / Follow us at [www.facebook.com/Associa Gulf Coast](https://www.facebook.com/AssociaGulfCoast)

Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please virus check all attachments to prevent widespread contamination of files and operating systems. The unauthorized access, use, disclosure or distribution of this email may constitute a violation of the Federal Electronic Communications Privacy Act of 1986 and similar state laws. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transaction Act or any other statute governing electronic transactions.

-----Original Message-----

From: Joe [mailto:rosenthal.joe@gmail.com]
Sent: Wednesday, July 30, 2014 2:47 PM
To: Abby Elliott
Subject: Bliss

Abby, please pass my memo on to the appropriate city officials that are reviewing this situation:

As an owner at Parkshore and a Real Estate Broker I have a serious doubt the alley behind Parkshore that services our loading dock can handle additional traffic without posing a serious threat with regard to egress from the building.

Both the west and east parking garages exit onto this alley; they compete with food delivery trucks, garbage trucks, moving vehicles, restaurant valet and a host of other traffic using the alley. Roland place will put additional traffic on the alley further congesting an already congested area.

I understand Bliss will deploy elevators for their residents parking access, where will automobiles cue when waiting for an elevator? How will one car exit when one is waiting for an elevator? Will the alley become one way? If so which way? Has the city done any kind of traffic study to determine if the alley can accommodate any additional traffic? Since there is no way to widen the alley this is a legitimate concern and needs to be addressed by the City before going forward blindly resulting in an unfortunate traffic disaster without a solution.



Joe



Barbara Race - FW: Bliss Project Update July 29 2014

From: Abby Elliott <aelliott@associagulfcoast.com>
To: "barbara.race@stpete.org" <barbara.race@stpete.org>
Date: 8/1/2014 6:31 AM
Subject: FW: Bliss Project Update July 29 2014

Abby Elliott, CMCA®
Licensed Community Association Manager

Parkshore Plaza Condominium Association
300 Beach Dr. NE, St Petersburg, FL 33701
Office 727-323-4252 Ex. 5

Associa® *Delivering unsurpassed management and lifestyle services to communities worldwide.*
Learn more at www.associagulfcoast.com / Follow us at www.facebook.com/AssociaGulfCoast

Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please virus check all attachments to prevent widespread contamination of local and operating systems. The unauthorized access, use, disclosure or distribution of this email may constitute a violation of the Federal Electronic Communications Privacy Act of 1986 and similar state laws. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transaction Act or any other statute governing electronic transactions.

From: Ashok Kalro [ashokkalro@gmail.com]
Sent: Wednesday, July 30, 2014 6:03 PM
To: Abby Elliott
Subject: Re: Bliss Project Update July 29 2014

Abby,

Could you please forward the following note to the St. Petersburg Development Review Commission since I will not be able to attend their meeting on August 4th. Thanks

Ashok Kalro

ashokkalro@gmail.com
727-329-8281

To: The St. Petersburg Development Review Commission

My name is Ashok Kalro and I am a resident of Unit 1801 in the Parkshore Plaza at 300 Beach Drive NE, St. Petersburg, FL 33701. I am writing this note to express my deep concern about the planned new building project in St. Petersburg under the name BLISS (file #14-31000015) that you are scheduled to discuss at your meeting on August 4, 2014. Unfortunately, I will not be able to attend this meeting because of other commitments. I am therefore sending you this note to express my strong opposition to the BLISS project.

The BLISS building, which is intended to go up on 4th Avenue North and Beach Drive NE, will destroy the great ambience associated with this part of the downtown area, create significantly more congestion and destroy the privacy of the current residents of Parkshore Plaza. It will also significantly add to traffic and congestion in the alley between 3rd Avenue North and 4th Avenue North. This is a narrow alley that should really be a one-way street because of its traffic, particularly in the evenings during the winter months. It is also used for deliveries and building services to the Parkshore Plaza building and the new building that is currently under construction between 4th Avenue North and this alley. The alley is also currently used for the entrance to the parking lot of a residential building whose front faces 4th Avenue North. There is also an office building on the corner of this alley and 1st Street North that uses the alley all the time.

The Bliss project has no plans for cars to drive up to their parking places. Instead, they intend to use elevators to take residents' automobiles up to their parking levels and the entrance to these elevators is intended to be from this narrow alley. The use of elevators will invariably create backups when multiple automobiles need to be transported at approximately the same time. This situation will considerably add to the congestion in the alley and traffic could well back up into both, Beach Drive and 1st Street North. Also, during public events in the parks in the area, the intended new building would make the situation that much more difficult.

I strongly urge you to reject the application from the Bliss project for the new building at this location. Thank you for your consideration of this note.

Ashok Kalro

ashokkalro@gmail.com
727-329-8281

From: Abby Elliott <aelliott@associagulfcoast.com>
To: "barbara.race@stpete.org" <barbara.race@stpete.org>
Date: 8/1/2014 6:33 AM
Subject: FW: Bliss Project Update July 29 2014
Attachments: 20140728_093146_resized.jpg; 20140728_092743_resized.jpg;
20140728_092836_resized.jpg; 20140728_092601_resized.jpg; 20140723_085541_resized.jpg;
20140723_084753_resized.jpg

Abby Elliott, CMCA®
Licensed Community Association Manager

Parkshore Plaza Condominium Association
300 Beach Dr. NE, St Petersburg, FL 33701
Office: 727.823.4252 Ex. 5

Associa® - Delivering unsurpassed management and lifestyle services to communities worldwide.
Learn more at www.associagulfcoast.com<<http://www.associagulfcoast.com/>> / Follow us at
www.facebook.com/Associa<<http://www.facebook.com/Associa>> Gulf Coast

Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please virus check all attachments to prevent widespread contamination of files and operating systems. The unauthorized access, use, disclosure or distribution of this email may constitute a violation of the Federal Electronic Communications Privacy Act of 1986 and similar state laws. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transaction Act or any other statute governing electronic transactions.

From: concierge parkshoreplaza [mailto:concierge.parkshoreplaza@gmail.com]
Sent: Thursday, July 31, 2014 7:20 AM
To: Abby Elliott
Subject: Fwd: Bliss Project Update July 29 2014

----- Forwarded message -----

From: debch2 <debch2@aol.com<mailto:debch2@aol.com>>
Date: Wed, Jul 30, 2014 at 3:04 PM
Subject: RE: Bliss Project Update July 29 2014
To: concierge parkshoreplaza
<concierge.parkshoreplaza@gmail.com<mailto:concierge.parkshoreplaza@gmail.com>>

To whom it may concern
re: Bliss project.

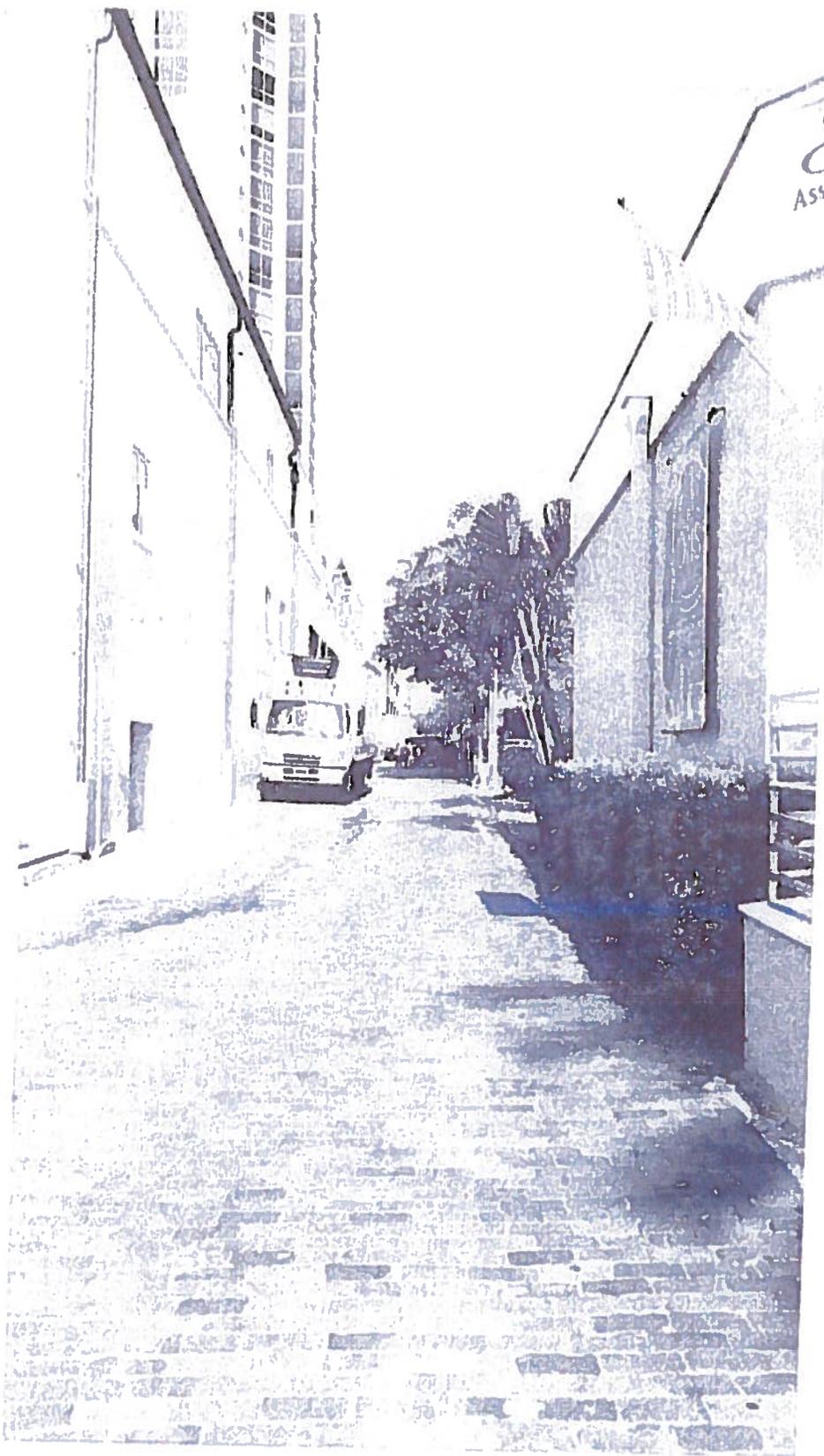
My name is Desiree Glowa, and I live at Parkshore Plaza #1803. Enclosed please find attached 6 different pictures. I only captures ONLY 2 days of the everyday congestion that occurs between our ally and on 4th Avenue. Frequently the trucks that deliver the food for Park Shore grill, Birchwood, and various moving trucks all have nowhere to park to make their deliveries safely. When the garbage and

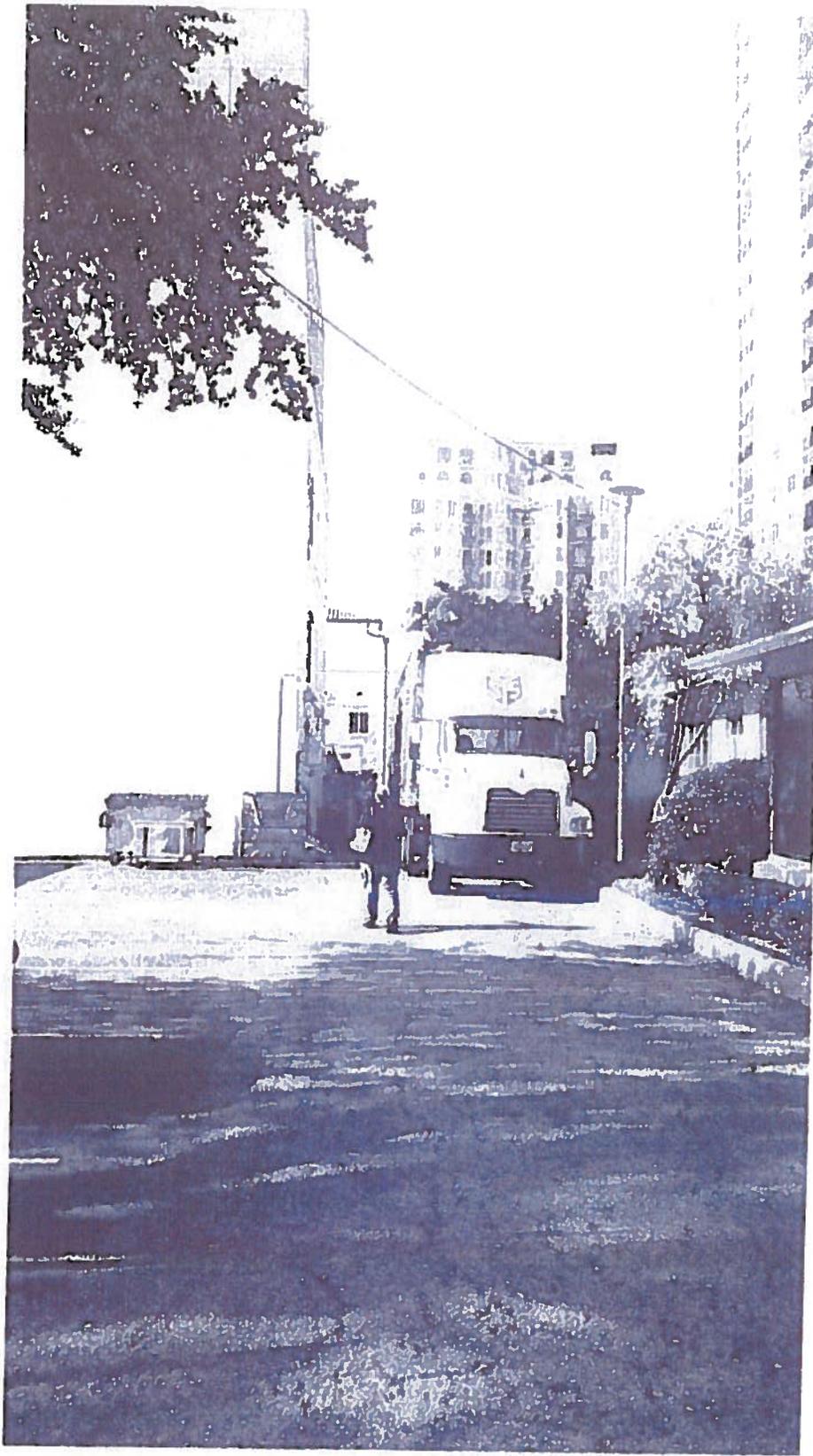
recycle men come to pick up twice a week down the alley there's no access at all. Also many times the delivery trucks use the parking alley between P buckley Moss and Birchwood to deliver safely. Once bliss is constructed, there will be no areas that are safe to deliver.

Also please consider having the delivery trucks in the alley the congestion of the Rowland place residence entering and exiting in the alley as well as parkshore resident entering and exiting in the alley that's normal traffic. Now take into consider Parkshore grill has valet parking to just add to the whole mess.

Another major concern that I don't believe has been addressed or evaluated is the wind vortex between the buildings. There is an enormous suction vortex between the buildings on 3rd Avenue. That is a normal street which has some allowance for the wind Vortex, but it is very strong sometimes just to walk down the sidewalk. I don't believe there has been any evaluation down our small little alley. Frequently there are small win spirals on are loading dock with just the Rowland building on our loading dock, what's going to happen with all of the construction between Parkshore, Rowland, and Bliss? Thank you for hearing my concerns. If you have any questions please feel free to call me at 727-430-7466<tel:727-430-7466>.

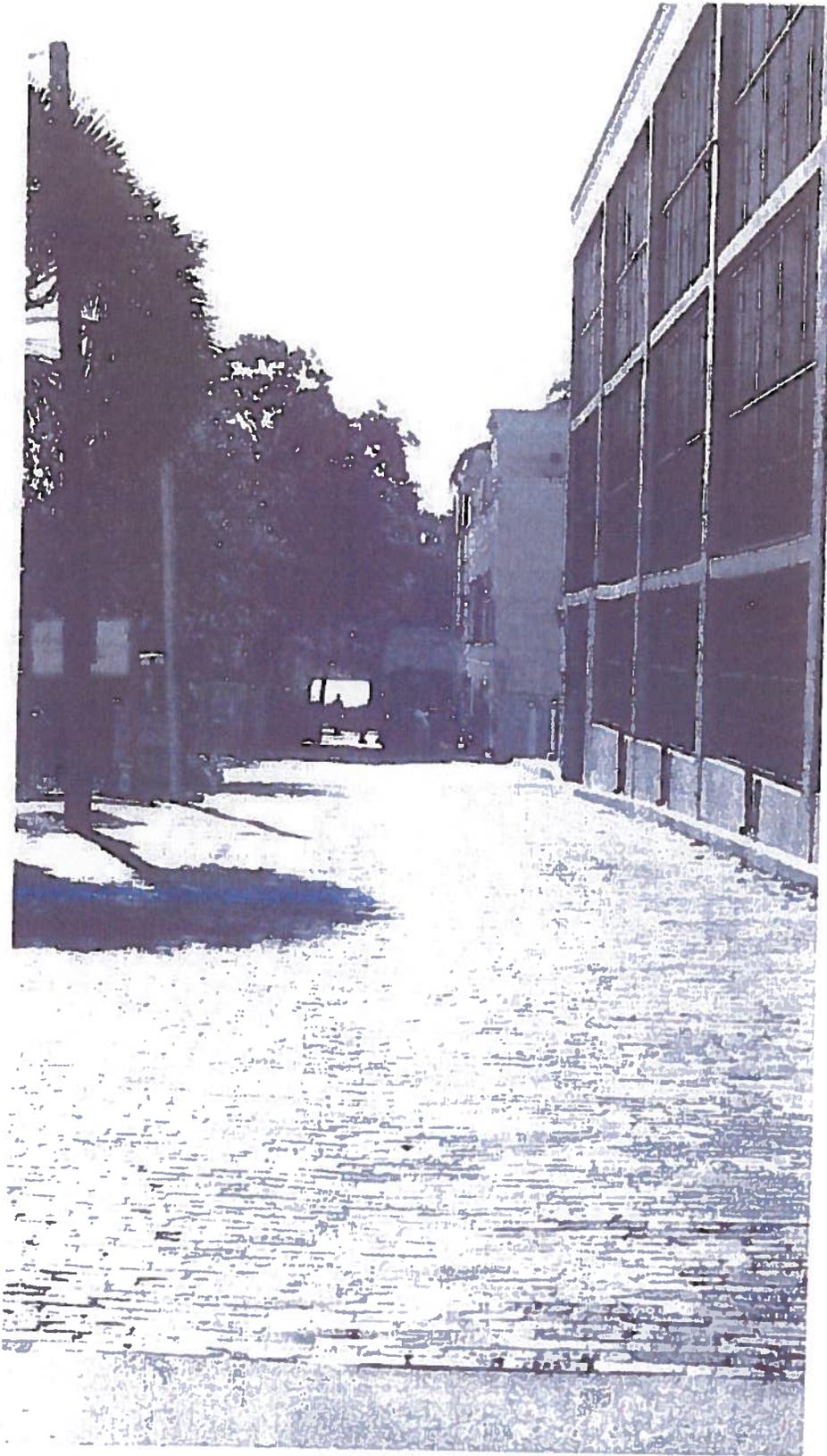
Sent from my T-Mobile 4G LTE Device

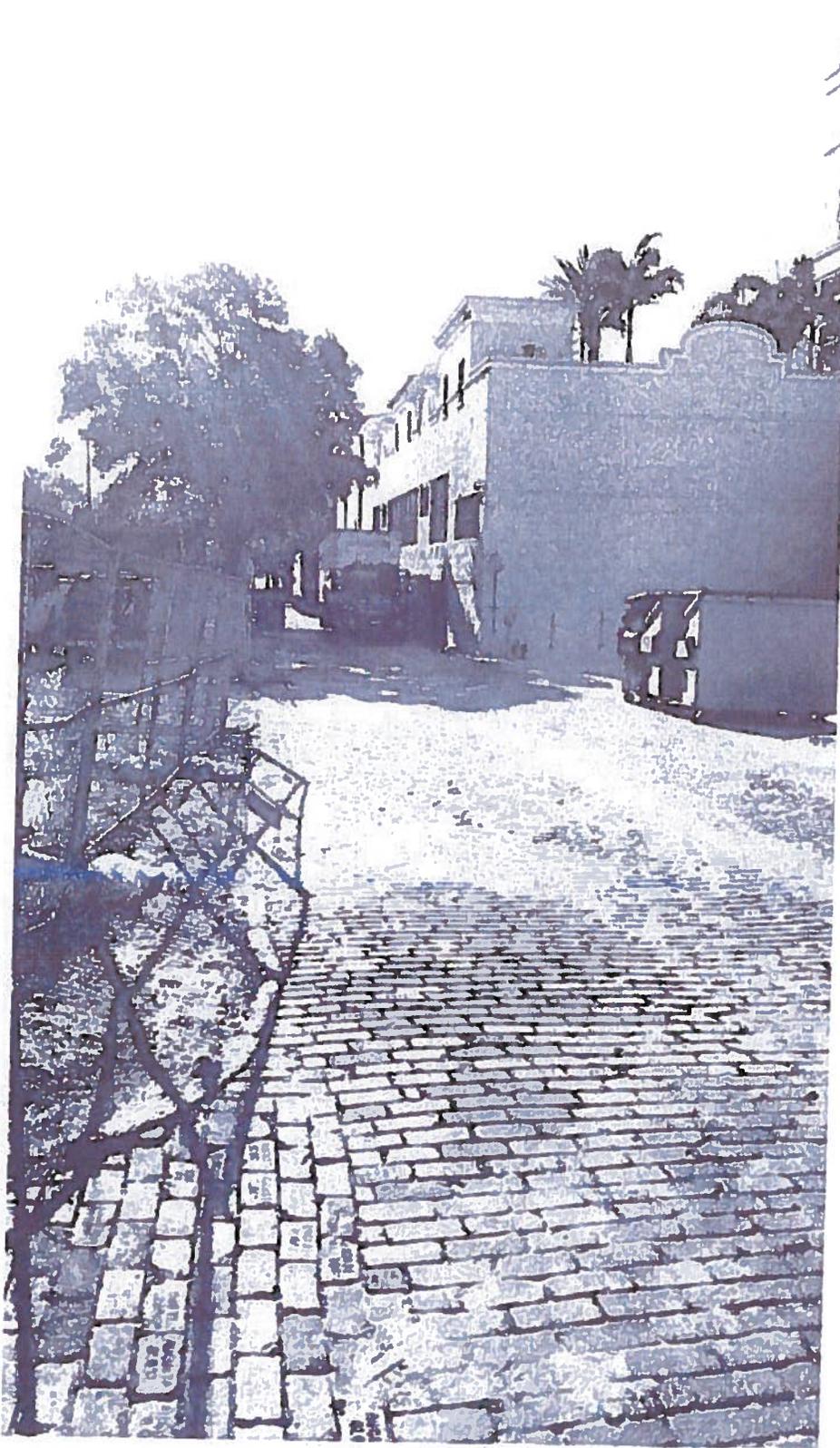












J. Guillermo Castro
Parkshore Plaza Condominium
300 Beach Drive NE
Apartment 1201
St. Petersburg, Florida 33701



July 29, 2014

Planning and Economic Development Department
P.O. Box 2842
St Petersburg, Florida 33731

Re File #14-31000015 aka The Bliss Project

Gentlemen/Ladies:

I write in total opposition to the project in question. My main reason is that the alley behind the condo where I live is an accident waiting to happen. And this is before the 6 story condo being built between 4th Avenue and the alley is occupied which will add lots of vehicles. And never mind this new project with even more vehicles added to the mix. You also need to be aware that the alley is used by all sorts of vehicles as a shortcut between 1st street and Beach Drive. That is on top of those who have a "legitimate" reason-homeowners, workers from the business in the immediate area, valet drivers for the restaurants, food deliveries for the various eateries nearby, etc, etc.

I have seen drivers doing 30 miles per hour and more. At the last Board meeting I attended I think in March (I have been away since April 3 and am writing this from Atlanta, GA), there was a discussion of installing a warning system on the outside of our garage exit so that vehicles transiting and pedestrians walking on the alley are warned about a vehicle about to enter the alley. That is how bad it is now.

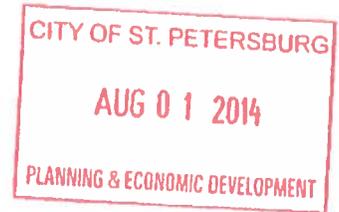
From what I see and am being told, both of these new buildings will have both their in and out access into the alley. I just cannot believe that small roadway is going to be able to handle the traffic imposed on it if this project goes forward as designed.

Please do your duty and do not approve this project.

Cordially,

A handwritten signature in blue ink that reads "jgcastro". The signature is written in a cursive, flowing style.

Danielle & Michel Amblard
Parkshore Plaza
300 Beach Drive NE #902
St Petersburg, FL 33701



July 30, 2014

Planning and Economic Development Department
PO Box 2842
St Petersburg, FL 33731

File # 14-3100015

RE: BLISS site plan application Public Hearing August 6, 2014

We would like to voice our concerns about the Bliss project and our opposition to the granting of the FAR variance to the project as submitted and for the following reasons:

ALLEY safety

The alley that is on the south side of the project (north of Parkshore Plaza) is already suffering from a significant volume of traffic. The proposed "elevator" parking system could bring even more gridlock to this alley. It is already used by all delivery trucks to a number of retail stores. This is in addition to the cars egressing from Parkshore Plaza and pretty soon from Rowland Place. It also handles the traffic from the Bed and Breakfast, as well as some traffic by the Valet parking that serves the Parkshore Grill.

The alley is also used by other delivery and service vehicles servicing Moon Under Water and The Birchwood.

Coming out of the Parkshore parking garage is difficult with vehicles parked in the alley and we risk a crash every time.

We believe the additional volume of cars that would both ingress and egress from Bliss will cause an excessive traffic pattern for such a small alley.

PROJECT LAYOUT

The project as presented is a large North South building that is at odds with all other condo projects already approved. It will block light and views for any other building that could be considered further west.

PROJECT STYLE

The project style is more of a beach building rather than a downtown residence. We believe that it does not fit within the desired aspect of the area. This will be just behind The Birchwood project where the city insisted on keeping with the historical aspect of the building. It is difficult to see how the proposed exterior aspect will enhance the area.

EXCESSIVE DENSITY OF THE AREA

The project as submitted, and if the FAR is approved as requested, will add significantly to the density of the Beach Drive area which is already the highest in the city. This obviously adds to traffic to the entire area of three blocks.

Beach Drive traffic is already difficult under normal circumstances and is at a standstill when an event takes place. The addition of such a number of units above what is already here will only add to the problem.

A project similar to Rowland Place with a limited impact and footprint would be a better use of the land.

Perhaps the reason for the requested FAR is only due to the excessive land price.

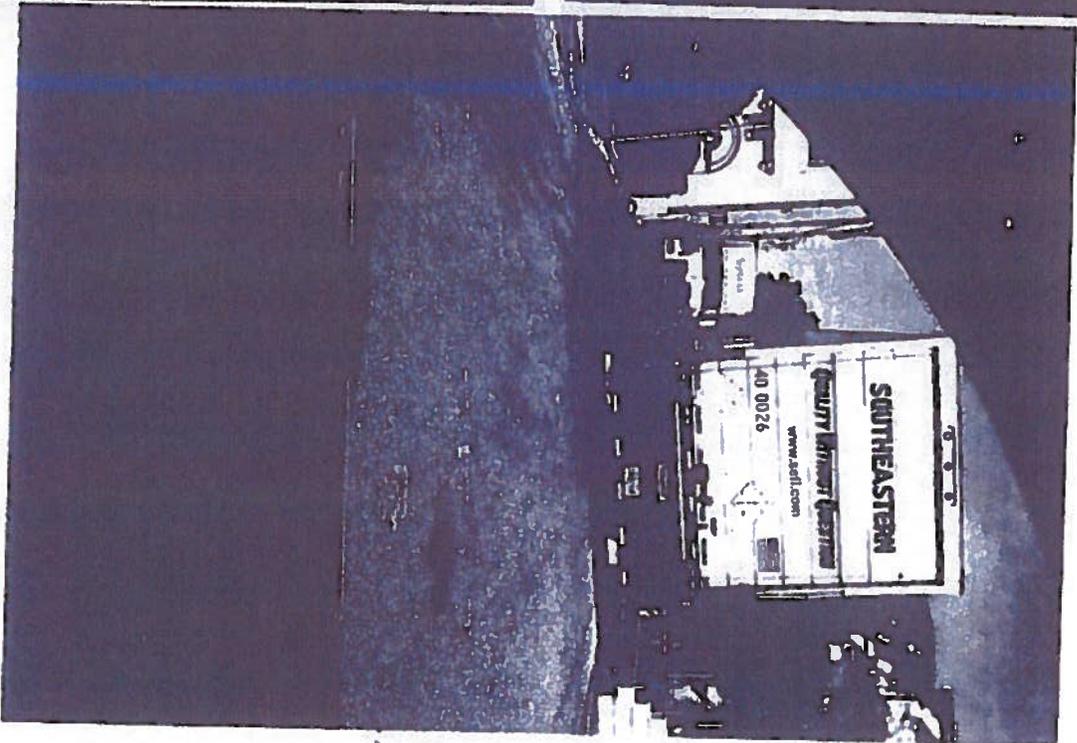
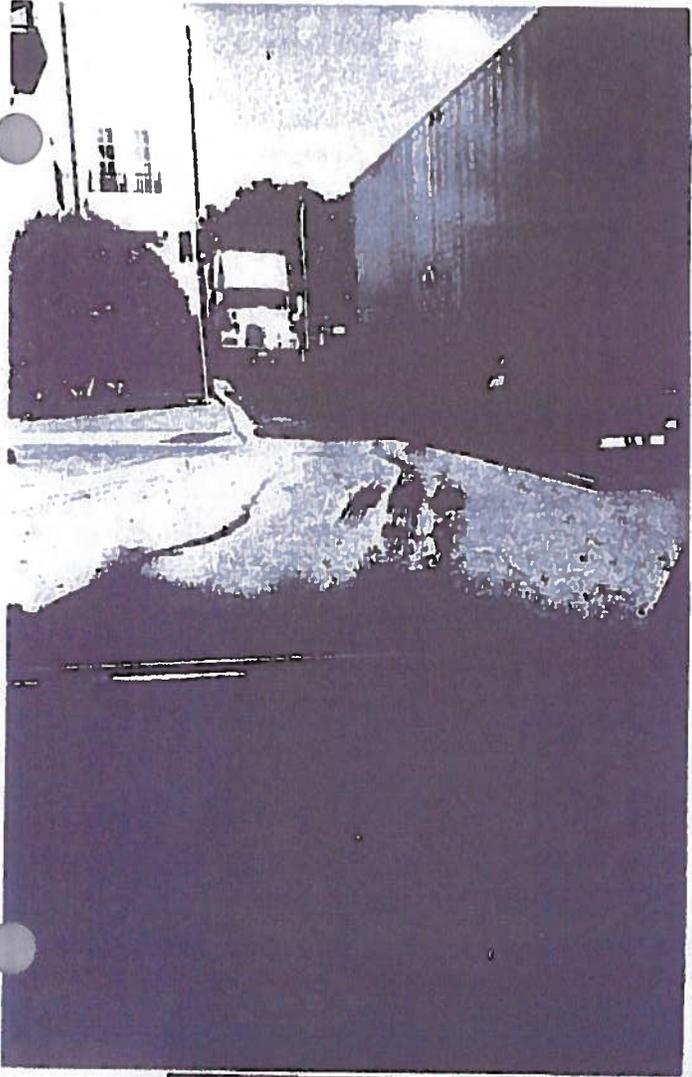
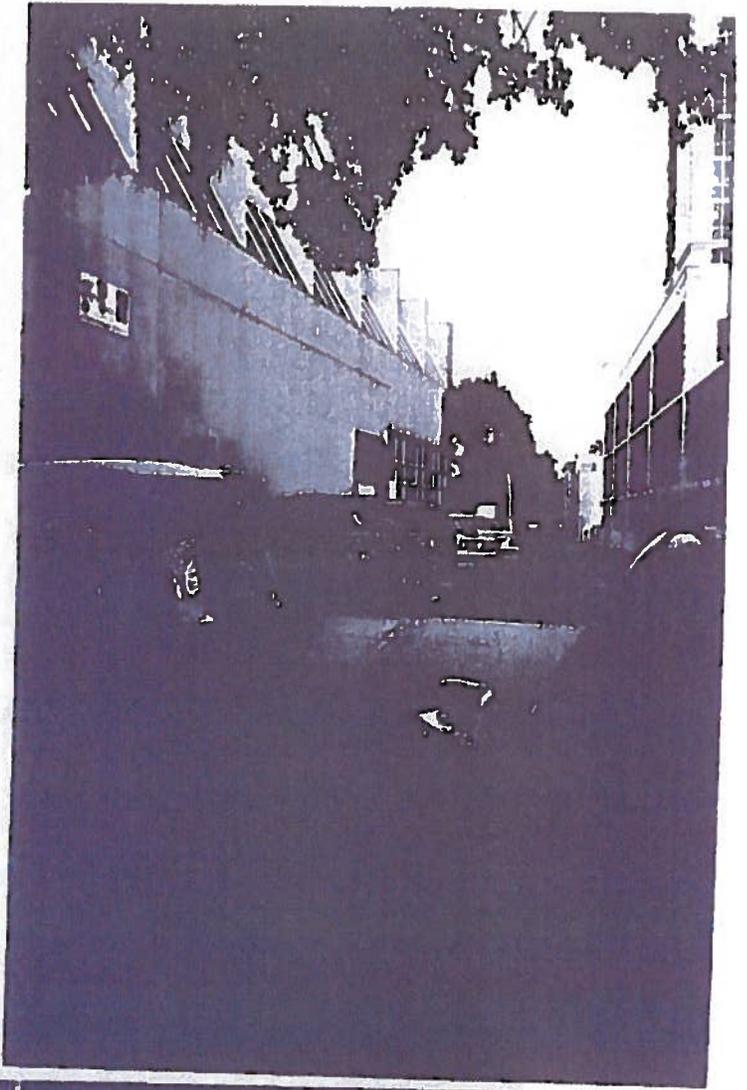
DEVIATION FROM THE URBAN LAND INSTITUTE RECENT RECOMMENDATIONS

The city spent a significant amount of time, effort and treasury to analyze the city's future potential development options.

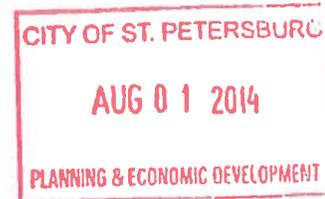
In their conclusions it was recommended to favor development to the south and west of the Beach Drive area. This recommendation appeared to have the backing of the city. Deviating from it will only add to the congestion of a small area of the city at the expense of other areas that should receive the favored support of the city Planning and Development Department.

Respectfully submitted
Attachments 3 pictures

MJ →
Y. A. H. ?



John F. Majors
300 Beach Drive NE
Apt 2603
St. Petersburg, FL
33701
Phone: 727-895-8780
E-mail: majorjo@msn.com



July 31, 2014

Re: File #14-31000015

Planning & Economic Department
P.O. Box 2842
St Petersburg, FL 33731

Members of the Development Review Commission:

I am writing to object to rye proposed Bliss building. As a happy resident of downtown St Petersburg, I support responsible development. I find the current proposal lacking in two critical respects. Both relate to the number of vehicles and the parking arrangement proposed.

The proposed ingress and egress to virtually all parking would be from the alley running between Beach Drive and First Street (behind the proposed building). This alley is already too busy and creates safety concerns as it is used by many vehicles and pedestrians; the overcrowding on Beach Drive exacerbates the problem as entering or exiting the alley from/to Beach Drive is almost impossible during "high season" and during the many special events and parades in the immediate area.

In addition, the use of automobile elevators for entry and exit by the proposed building—with them approximately six feet from the alley—is ludicrous. Despite the developer's claims that cars arrive and depart "evenly spaced out during the day", thus creating no problem, this will not be reality. There will undoubtedly be cars required to wait in the alley for their turn to use the elevator. Also, there will be cars that turn into the area to access the elevator only to discover a car exiting the elevator—thus requiring the entering car to back out into the alley—very dangerous. And, imagine when one of the elevators breaks down... If they were sitting on their building's property, that would be their problem. But to clog the alley creates a problem for all of us.

Thank you in advance for protecting the safety and quality of living for all of us.

A handwritten signature in black ink that reads "John F. Majors".

Grace B. Gallaway
300 Beach DR NE
Unit 2103
St Petersburg FL 33701



Planning & Economic Development Dept.
POBox 2842
St Petersburg FL 33701

Reference#31000015

I have been a resident of Parkshore Plaza, located at 300 Beach Drive NE in St Petersburg FL since it first opened. During the past few years, traffic in the alley has increased to a dangerous level between Parkshore Plaza Valet drivers, Birchwood Inn traffic, cars coming and going from the B&B fronting on 5th Ave., (with their parking lot entrance and exit into our alley), as well as cars whipping up and down the alley between BeachDr and First St, trying to shorten their drive through round-the-block traffic.

Due to all the above factors, I am totally against even considering the Bliss project allowing an ingress of 55 vehicles through two auto elevators only 6 ft from the edge of our 20 ft alley for it will clearly create unbelievable congestion, as well as being a serious safety issue.

Sincerely,

A handwritten signature in black ink that reads "Grace B. Gallaway". The signature is written in a cursive style with a large initial "G".

Grace B. Gallaway, 300 Beach Dr NE, Unit 2103

July 30, 2014

300 Beach Drive NE, Unit 401
St. Petersburg, Florida 33701

Barbara Race
Planning and Economic Development Department
City of St. Petersburg, Florida
P.O. Box 2842, St. Petersburg, Florida 33731

Dear City Officials,

We are writing in regard to the application of the **Bliss Condominium Tower** developers to secure variances needed for construction. This is **File #14-3100015**, for which we received a letter from you because we reside within 200 feet of the proposed construction site.

We have three concerns about the request.

1. As resident homeowners of an apartment on the north side of Parkshore Plaza, we look directly onto the proposed construction site. Our view to the northeast will be completely blocked by the structure. I guess this is an inevitable consequence of urban life in a growing city, but it's something that will affect our property's value.
2. Of greater concern is our apprehension about machinery sounds from the building. We had the unfortunate experience with the Birchwood of being blind-sided by the continuous machinery sounds of their HVAC system, 24/7, when they began operations. It seems our City's sound restriction rules have no teeth in them for limiting the continuous emission of machinery noise from buildings. We do not want to encounter another layer of continuous high-intensity sound from Bliss. The architect says the proposed location of the HVAC condensers will limit the disturbance risk, but the plans on file do not show where any of this equipment will be placed.
3. Of greatest concern is the proposed provision of Bliss resident parking. We believe the proposed scheme poses serious operational and safety issues, and for those reasons should not be approved.

The Bliss plans call for a pair of car elevators to lift vehicles to the parking levels which will contain places for 63 vehicles. Entry to these elevators is to be from Fareham Place (the brick-paved street to the north of Parkshore Plaza and south of the proposed construction site). This mode of entry will occasionally require cars to queue on Fareham Place--or even Beach Drive--to use the elevators, one car at a time.

Fareham Place is already heavily used by delivery trucks, utility vehicles, and cars exiting existing garages, valet operations, and parking lots. The narrow roadway lacks sidewalks for pedestrians and is barely wide enough for two vehicles to pass one another—especially at the east end near Beach Drive where the Bliss entry will be and where traffic is heaviest.

There are times right now when the area near Beach Drive is heavily congested, and the fact that drivers on Beach don't see Fareham Place as another street, and that drivers exiting Fareham Place have to push out to make a turn, adds to the danger. Pedestrians seem to ignore Fareham Place altogether--they don't see it as a street. Adding the car elevator entry for Bliss will increase this density, adding more traffic turning into Fareham Place from Beach Drive where pedestrian traffic is heaviest, and more traffic turning out of Fareham Place.

In reviewing the file available for public inspection, I found reference to alley-use data (not specific to Fareham Place) from 2008 suggesting that traffic density on Fareham Place may not be an issue. Shouldn't this topic be revisited in light of current conditions? The volume of downtown activity is many times what it was six years ago, and is about to see a further increase when Rowland Place opens.

In a nutshell, adding Bliss Condominium's resident and guest traffic will turn a less-used roadway into a thoroughfare ill-prepared for the volume of traffic it will bear, and with little provision for safe pedestrian transit. By tradition we may think of Fareham Place as an alley; the reality of its use warrants ranking it as a street.

We hope you will take these points into consideration in your deliberations.

Respectfully,

Kent and Toni Lydecker

Barbara Race - File # 14-31000015

From: Bob Churuti <bchuruti@beachdriveretail.com>
To: "Barbara.Race@stpete.org" <Barbara.Race@stpete.org>
Date: 8/1/2014 2:05 PM
Subject: File # 14-31000015

Dear Commission Members and St Petersburg Staff

My wife and I would like to express our strong objection to the above referenced request. The plan as it is now filed creates great additional burden on the busiest commercial alley in St Petersburg and will undoubtedly create additional traffic and STACKING as the owners gain ingress from the east west alley via an unproven elevator system. We believe we are uniquely qualified to understand the over all operation of this commercial alley as we (the Hamilton Family) have owned Beach Drive Property since 1958 and now own all the retail space in both the Parkshore Plaza and 400 Beach Drive and have been owner operator since the development started in 2003. We further believe that good planning would never have ingress from a commercial alley and this design is only to gain FAR not further the safety or interest of the city or its residents. We also suggest that the timing of this hearing is thinly veiled attempt to have the hearing at a time when, according to or property manager of Parkshore Plaza, 50% of the residents are away for the summer. I would suggest that a continuance be granted and that all sides can come to an agreement that would be safe and fair.
Thank you for your consideration in this matter.

Susan Hamilton Churuti

Robert E Churuti
President Beach Drive Retail
Director Hamilton Partnership

From: John Hamilton Jr <jhamilton@beachdriveretail.com>
To: <Barbara.Race@stpete.org>
Date: 8/1/2014 2:11 PM
Subject: File #14-3100015

Dear Review Board Members and City Staff,

I am writing on behalf of the Hamilton Partnership, LTD. , the owner of the retail condominiums at both Parkshore Plaza and 400 Beach Drive. We are opposing approval of Case number 14-3100015, which is scheduled to be heard by the Development Review Board at 2pm August 6th 2014.

Our primary objection is the impact that the traffic generated from the proposed project will have on vehicular traffic on the ally adjacent to Parkshore Plaza. As I am sure you are aware, this is arguably one of the busiest commercial alleys in the downtown area. Our retailers depend on that ally to service their businesses, not only for deliveries, but also for servicing utilities. We take multiple deliveries each day, and have garbage trucks in the alley six days a week, sometimes multiple times a day. A twenty foot alley may have been adequate at that site in 1920, or even in 1990, but given the traffic it currently generates, it is extremely congested now. With the addition of the traffic generated from Rowland Place, the traffic generated by this project will turn congestion into gridlock. The life safety implications, whether it be police, fire or other emergency services, are serious.

Secondarily, our objection is the overall density of the project as it relates to the village scale of new development downtown. Though we very much believe in providing developers adequate density to motivate them to build, we also believe that the underlying urban planning behind it's engineering must be intelligent. Historically, zoning code has strongly suggested that new construction have its major axis be east-west in orientation in order to preserve the waterfront view corridors from the west. The code may not do that now, but we may regret that if we shut off the water views to any new development to the west. This project, as proposed, will wall off Beach Drive from the rest of the City, which is precisely what decades of effort have opposed. We want to integrate with the rest of the downtown core rather than be shut off from it.

Given that a public hearing is required to increase the F.A.R. from 2.0 to 4.0, I assume you will react to the public response to this project and either reject this application, or send it back to engineer better ingress/egress and a downward density revision. The City of St. Petersburg and Beach Drive are enjoying great success, at least partially because of foresight of our City Fathers, we believe it unwise to ignore those efforts.

John M. Hamilton Jr.
Managing Director
The Hamilton Partnership, LTD
Director
Beach Drive Retail, Inc.
jhamilton@beachdriveretail.com
727-560-0130

ROWLAND PLACE

146 Fourth Avenue, NE
St. Petersburg, FL 33701

August 1, 2014

VIA E-MAIL ONLY: Barbarn.Race@stpete.org

Development Review Commission
City of St. Petersburg

Re: **Bliss Project**
Case No.: 14-31000015

Dear Commissioners,

I write to you on behalf of the Rowland Place homeowners in opposition to the proposed building project known as Bliss. Our home, Rowland Place is immediately adjacent to the western property line of Bliss.

We homeowners analyzed three factors: 1) Density, 2) Intensity Impact and 3) Reasonableness of Property Use, and have decided to oppose this project and request that you do the same.

- 1) **Density:** In contrast with Rowland Place, which is a six story condominium complex (expected to be completed on or about January 2015), and will contain only 17 homes, the Bliss project is anticipated to contain 29 homes. Rowland Place's lot footprint is 120' x 200'. The Bliss will be on a lot size of 100' x 200'. Bliss on a smaller lot will be double the square footage and three times our height, thus creating an unreasonable density and intensity impact in a downtown designed per St. Petersburg's City Code Section 16.20.120.3.4 to "encourage an intimate village scale along Beach Drive." Setting a precedent of high towers on small lots does not seem consistent with the Intent of the Downtown Center's purpose.
- 2) **Intensity Impact:** In the development of Rowland Place, no neighbor ever raised any issues regarding traffic flow, or congestion. In fact, City Officials praised Rowland Place for its scale and design. Our main traffic flow is from Fourth Avenue and does not burden the Alleys in the immediate vicinity. In contrast, the scale and building design of Bliss as it is proposed will rely heavily on two alley ways that are congested with pedestrians, delivery trucks, trash dumpsters, Parkshore vehicles and other vehicles of visitors and workers.

Our concern about intensity focuses solely and exclusively on the amount of traffic in the East/West Alley ("Alley") near our adjoining parcels of land, and the potential safety and liability issues especially in an emergency requiring police, fire trucks or ambulances to have access. The potential congestion that this building will bring with 54 car elevator parking spaces entering and leaving Bliss through the Alley, will burden an already burdened traffic pattern in the Alley.

When you add the intensity impact that currently exists in the Alley and the fact that Rowland Place will add 17 new families, six of which will have separate garages, entering and exiting the Alley, approximately 15 yards west from the Bliss car elevator, the intensity impact that Bliss will bring is not reasonable for its property size and location. Please see attached diagram of Rowland Place parking garages.

- 3) **Reasonableness of Property Use:** While we understand that the developer and property owner of the Bliss Project have a right to build, we believe that any proposed construction should be examined closely for density, intensity impact and reasonable use of the property and the neighborhood it shares. The builder of Bliss states openly that he must build four times FAR in order to justify the purchase price of the land, and that should he be required to reduce the size and scale of the project, he could not afford to move forward due to the purchase price. While we empathize with his position, the purchase price should not be the driving force behind this project.

Unlike Rowland Place's builder, JMC, it is as if Bliss' builder, Mr. Taub is trying to force a square peg in a round hole because of the land cost. That is not a justifiable reason to add this level of density and intensity to our neighborhood.

On behalf of the Rowland Place homeowners, I thank you for your service to our City, and ask that you oppose Bliss' request for an increased FAR density based on the intensity impact and unreasonableness of property use.

Very truly yours,

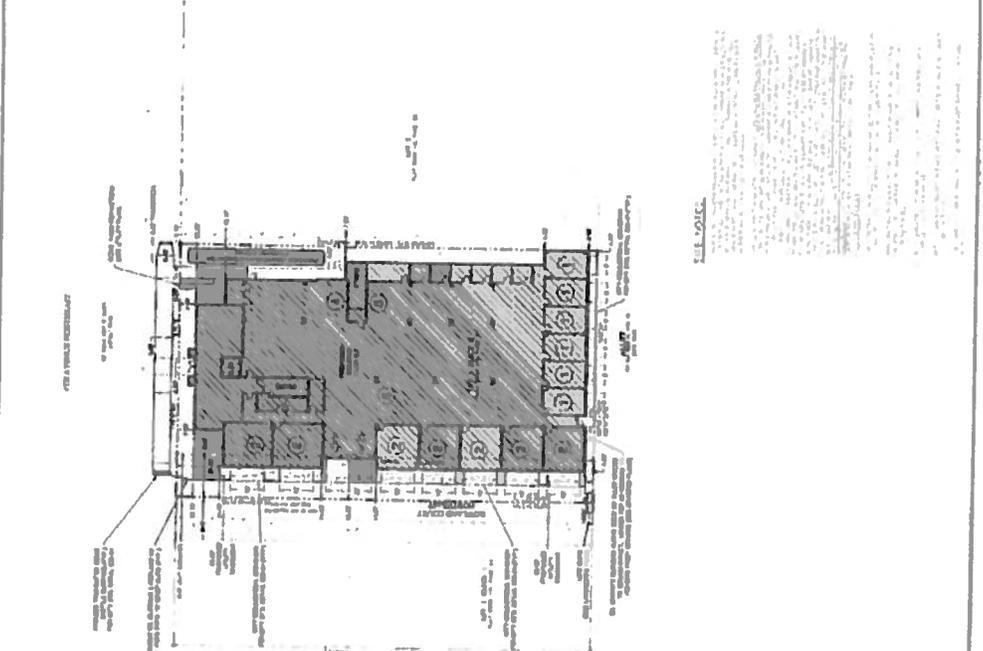
Agostinho J. Ribeiro, Esq.

Enc.

LEGAL DESCRIPTION
 The following is a legal description of the property shown on this plan:
 [Detailed legal description text]

SCALE
 1/8" = 1'-0"

NOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. FINISH FLOOR IS 4" ABOVE FINISH GRADE UNLESS NOTED OTHERWISE.
 3. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
 4. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
 5. ALL WINDOWS ARE 48" WIDE UNLESS NOTED OTHERWISE.
 6. ALL CEILING HEIGHTS ARE 8'-0" UNLESS NOTED OTHERWISE.
 7. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 8. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 9. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 10. ALL MECHANICAL, ELECTRICAL AND PLUMBING ARE TO BE DETERMINED BY THE RESPECTIVE PROFESSIONALS.
 11. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE DETERMINED BY THE ARCHITECT.
 12. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
 13. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MANUFACTURER'S INSTRUCTIONS.
 14. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS.
 15. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ASSOCIATION OF PLUMBERS AND PIPEFITTERS (IAPDF) STANDARDS.
 16. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION (NECA) STANDARDS.
 17. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE ALARM AND SIGNAL ASSOCIATION (NFAS) STANDARDS.
 18. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BOARD OF FIRE UNDERWRITERS (NBFU) STANDARDS.
 19. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF FIRE INSURANCE UNDERWRITERS (NAFIS) STANDARDS.
 20. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE UNDERWRITERS (NAIU) STANDARDS.
 21. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF MUTUAL INSURERS (NAMI) STANDARDS.
 22. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE BROKERS (NAIB) STANDARDS.
 23. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE ADJUSTERS (NAIA) STANDARDS.
 24. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE CLAIMS ADJUSTERS (NAICA) STANDARDS.
 25. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE UNDERWRITERS (NAIU) STANDARDS.



GENERAL NOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. FINISH FLOOR IS 4" ABOVE FINISH GRADE UNLESS NOTED OTHERWISE.
 3. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
 4. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
 5. ALL WINDOWS ARE 48" WIDE UNLESS NOTED OTHERWISE.
 6. ALL CEILING HEIGHTS ARE 8'-0" UNLESS NOTED OTHERWISE.
 7. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 8. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 9. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 10. ALL MECHANICAL, ELECTRICAL AND PLUMBING ARE TO BE DETERMINED BY THE RESPECTIVE PROFESSIONALS.
 11. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE DETERMINED BY THE ARCHITECT.
 12. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
 13. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MANUFACTURER'S INSTRUCTIONS.
 14. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS.
 15. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ASSOCIATION OF PLUMBERS AND PIPEFITTERS (IAPDF) STANDARDS.
 16. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION (NECA) STANDARDS.
 17. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE ALARM AND SIGNAL ASSOCIATION (NFAS) STANDARDS.
 18. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BOARD OF FIRE UNDERWRITERS (NBFU) STANDARDS.
 19. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF FIRE INSURANCE UNDERWRITERS (NAFIS) STANDARDS.
 20. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE UNDERWRITERS (NAIU) STANDARDS.
 21. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF MUTUAL INSURERS (NAMI) STANDARDS.
 22. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE BROKERS (NAIB) STANDARDS.
 23. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE ADJUSTERS (NAIA) STANDARDS.
 24. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE CLAIMS ADJUSTERS (NAICA) STANDARDS.
 25. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF INSURANCE UNDERWRITERS (NAIU) STANDARDS.

Gene and Henry Towery
300 Beach Drive NE
St. Petersburg, Florida 33701

August 5, 2014



Planning and Economic Development Department
P. O. Box 2842
St. Petersburg, Florida 33731
Re: File #14-31000015

Dear Sirs or Madames:

Our names are Henry and Gene Towery. Our address is 300 Beach Drive NE, #1601. The purpose of this letter is to urge you NOT to change the density from 2FAR to 4FAR on the parcel of land where The Bliss project is planned.

The reasons we object to this are as follows:

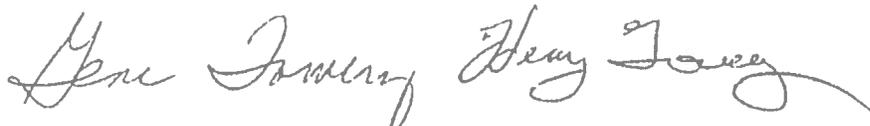
1. Allowing the ingress and egress of these additional cars from The Bliss onto the alley will dramatically intensify traffic problems that are already intolerable. I have identified 21 different kinds of trucks that use the alley on a regular basis for deliveries to businesses. This, plus 250 cars from Parkshore, valet parking from the restaurant, additional cars from Rowland Place and the regular traffic has reached the limit. SAFETY is now an issue.
2. When we purchased the property in 2004 we knew the lot was zoned 2FAR and were not concerned with view blockage but now with 4FAR and the North-South orientation of The Bliss our view will be destroyed. We believe this will adversely effect our property value plus reduce our quality of life.
3. The use of car elevators is a questionable situation. If these malfunction the result would not be pleasant and once the building is built there would be no changing it.

What we have here are two parties, one who is attempting to get more than a fair market value for the property and the other who is trying to build more than the property can accommodate. Neither of these parties live in St. Petersburg and are not concerned with future problems.

If this building is allowed to be built as currently designed and it does create the aforementioned problems we believe there will be no solution to the problems(s).

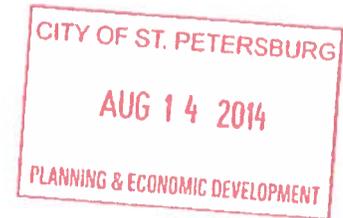
We URGE you to apply common sense to this issue and deny the variance request.

Sincerely yours,


Gene and Henry Towery

Gene and Henry Towery
300 Beach Drive
St. Petersburg, Florida 33701

August 11, 2014



Planning and Economic Development Department
PO Box 2842
St. Petersburg, Florida 33731

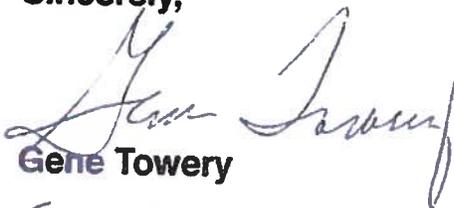
Re: FILE # 14-3100015

Dear Sirs and Mesdames:

Enclosed please find a copy of the Rowland Place design. This pictures does not clearly show the ingress/egress for the cars using the garages that boarder the alley between Rowland Place and Parkshore Plaza. These 10 cars (5 garages) will be confined to alley use only....they will back up into the alley and use the alley to access their garage. In addition to the already overburdened alley for some 20 different delivery, garbage, and moving trucks' use, the valet parking for Parkshore Grill and egress for the hundreds of cars from Parkshore Plaza it is ludicrous to think of another 60 cars from The Bliss using our tiny alley.

Please consider the safety of all the residents of Rowland Place and Parkshore Plaza when you make your decision concerning the overuse of the property and alley.

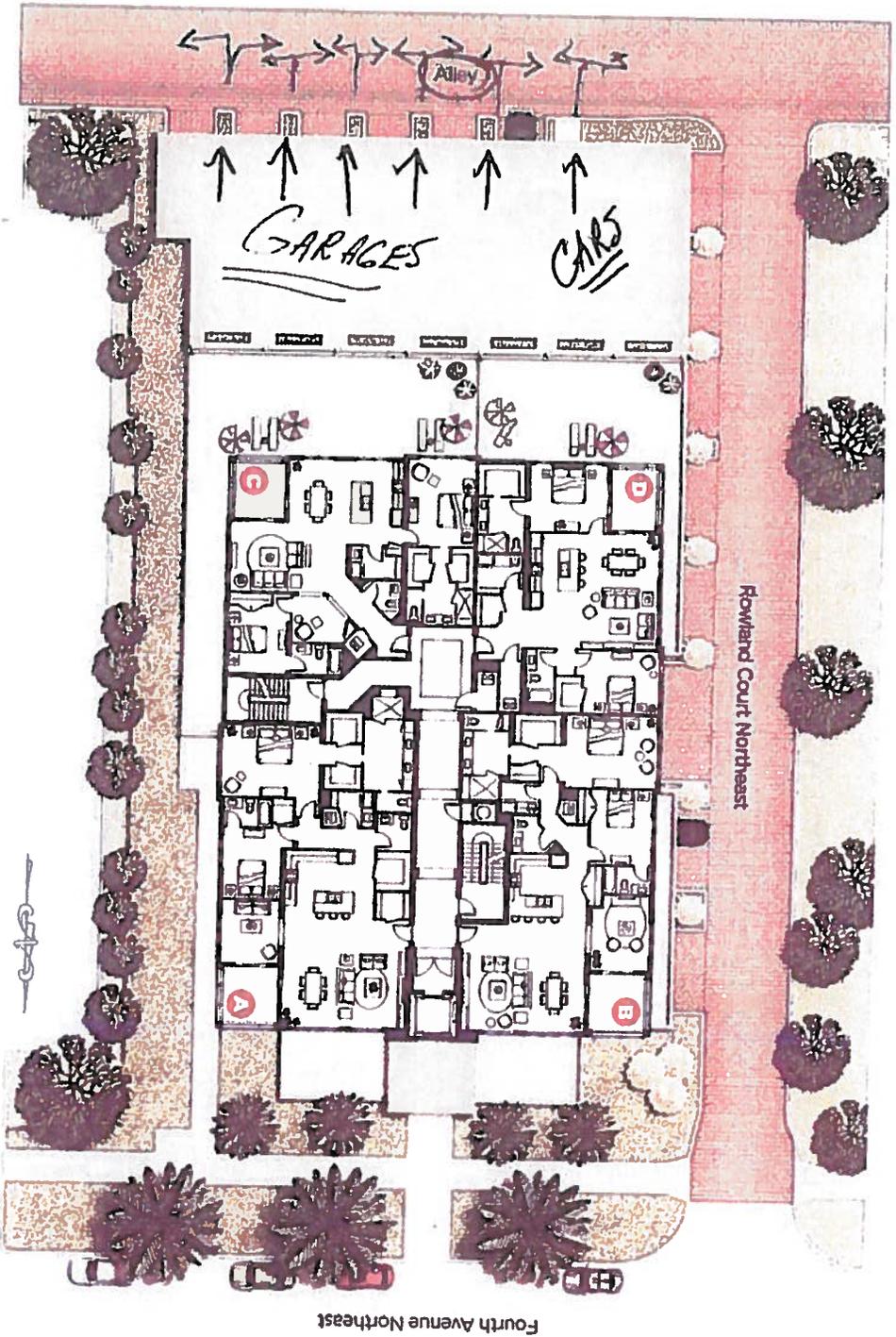
Sincerely,



Gene Towery

Enclosure

Site plan



ROWLAND PLACE

SALES OFFICE

120 Second Avenue NE
 St. Petersburg FL 33701
 T. 727.898.1180
 F. 727.898.1185
 Toll Free 1.877.896.1180

SITE LOCATION

146 Fourth Avenue NE
 St. Petersburg FL 33701

© 2013 Rowland Place, LLC

 ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

All prices are subject to change without notice. Broker participation welcome. This does not constitute an offer to sell where prohibited by law. Views and feature presentations may vary with the location of homes in building. Developer reserves the right to alter designs and specifications may vary. All square footage is approximate. Computer generated images are subject to artist interpretation.

July 30, 2014



To the City of St. Petersburg Development Review Commission:

We are writing to express our strong opposition to the Bliss project as currently proposed. We are most concerned regarding the following issues:

The over-development of the subject property will create additional congestion and safety hazards in an alley that is already overloaded. The situation in the alley is already bad enough as it is and the near completion of the building to our immediate north will further acerbate the problems. The number of garbage trucks, delivery trucks, valet parkers, maintenance and service personnel, and current residents already overload the alley. For example, just last week, access was severely curtailed due to a moving van that blocked garage and alley access for the better part of the day. We were required to reschedule a planned delivery causing missed time from work and great inconvenience.

Increased vehicle traffic is dangerous to the pedestrians who are shopping, dining and walking on the sidewalks at each end of the block. This will be especially true at the East end where people are congregating and dining outside at the adjacent restaurants. There is not a signal to cross at the alley and bringing the level of traffic that would normally be on a street presents a huge hazard.

The proposed building is obviously too big for the size of the property. We are not urban planners, but even a novice can tell that the proposed building is much too large for the lot. The increased density in that block will cause current property values and rental income to drop due to the decreased desirability of the location. While we respect an owners right to develop his property, common sense dictates that not all proposals for use are good ones or in the best interest of the neighborhood.

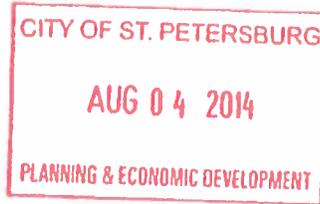
We call on the Development Review Commission to vote "NO" to the Bliss project as currently proposed. Please resist the urge to go with the big money developer who only wants to maximize his profit and will leave others to deal with the mess after he has moved on.

We trust that as good stewards of our lovely city, you will make the right decision.
With best regards,

Mr. Patrick C. Murtha
President, Bloomin' Brands Int'l.

Mrs. Lynn Murtha
Parkshore residents, Unit 1202

July 30, 2014



Planning and Economic Development Department
File # 14 - 31000015
P.O. Box 2842
St. Petersburg, FL 33731

Dear Sir,

We are residents of Unit #309 at Parkshore Plaza.

We do not support the construction of the 18 story Bliss Condominium project!

It is imperative that this project not go forward for the following reasons:

- Our biggest concern is for the increased traffic in the alley which is not equipped to handle all of the trucks, vans deliveries, and residents in this area including Parkshore Plaza.
- We are concerned about safety due to overcrowding.
- The quality of life for all of us at Parkshore Plaza and others in the area will decline.

- continued ->

It is our hope that you will take
the above concerns seriously
and will not go forward
with the Bliss Project.

Sincerely,

Henry Eberhardt
Henry Eberhardt
413-335-0261

Laurie Eberhardt
Laurie Eberhardt
413-335-0260

copy to: Janet Crane
President, Parkshore Plaza
Board of Directors

City of St Petersburg
Planning and Economic Development Department
Development Review Services Division
PO Box 2842
St Petersburg, Florida 33731



Susan M. Taylor
105 Fourth Avenue NE
Unit 402
St Petersburg, Florida 33701

Re: Case # 14-31000015

Dear Ms. Race and Development Review Commission;

I am objecting to the variance requested for the 18 story, 29 unit multi-family development. My objections are as follow:

- The building will be too tall and against the Albert Whitted Airport Regulations;
- Please consider the recent plane crash that occurred in Vinoy Park, height restrictions exist for reasons;
- The lot is very narrow and the building is going to be too narrow and not aesthetically pleasing;
- The neighborhood "feel" is being eliminated. Currently, we have a nice mix of condos, houses, and other lower structures. Please don't make us a "high-rise city" like Miami. We will lose our charm;
- Consider the sunshine and breezes that will be blocked.

If you do approve this, please ensure that the building is extra hurricane proofed.

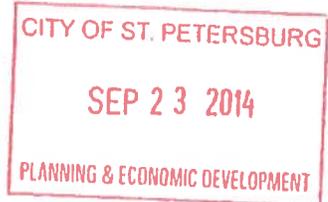
Thank you for your consideration.

Susan M. Taylor

CITY OF ST PETERSBURG

PLANNING AND ECONOMIC DEVELOPMENT DEPT.

CASE NUMBER 14-31000015 BLISS PROJECT



DEAR COMMISSION:

MY WIFE AND I ARE 8 YEAR RESIDENTS OF PARKSHORE PLAZA. I LIVE ON THE SECOND FLOOR AND HAVE A UNIQUE PERSPECTIVE ON THE HAPPENINGS AND CONGESTION IN THE ALLEY. NOT ONLY ARE THE RESIDENTS AFFECTED BY THE CONGESTION, THE DELIVERY DRIVERS ARE CONSTANTLY AT ODDS WITH RESIDENTS AND OTHER DELIVERY DRIVERS. THEY ARE TRYING TO MANUEVER FULL SIZED TRUCKS IN A TIGHT AREA AND THE PRESSURE SOMETIMES GETS TO THEM AND THERE ARE CONFRONTATIONS. I HAVE HAD CONFRONTATIONS WITH DRIVERS MYSELF WHEN EXITING THE BUILDING. THIS PROBLEM WILL BE ELEVATED WITH THE COMPLETION OF THE ROWLAND PLACE BECAUSE WE HAVE YET TO FEEL THE EFFECTS OF THIS NEW DEVELOPMENT IN REGARDS TO MORE DENSITY AND TRAFFIC. THE THOUGHTS OF EVEN MORE CONGESTION AFTER THAT ARE INCONCEIVABLE.

THERE ARE ALSO VALET'S PARKING CARS AND COMING AND GOING AT A FAST RATE OF SPEED.

WITH THE CURRENT PLANS FOR THE "BLISS," THERE WILL NOW BE CARS WAITING IN THE ALLEY FOR THE CAR ELEVATOR. THIS WILL BE AN IMPOSSIBLE SITUATION FOR OUR LITTLE ALLEY TO HANDLE.

MY WIFE AND I WOULD LIKE TO APPEAL TO THIS BOARD NOT TO PLACE ANYMORE BURDEN ON THE ALLEY AND THE RESIDENTS OF PARKSHORE PLAZA.

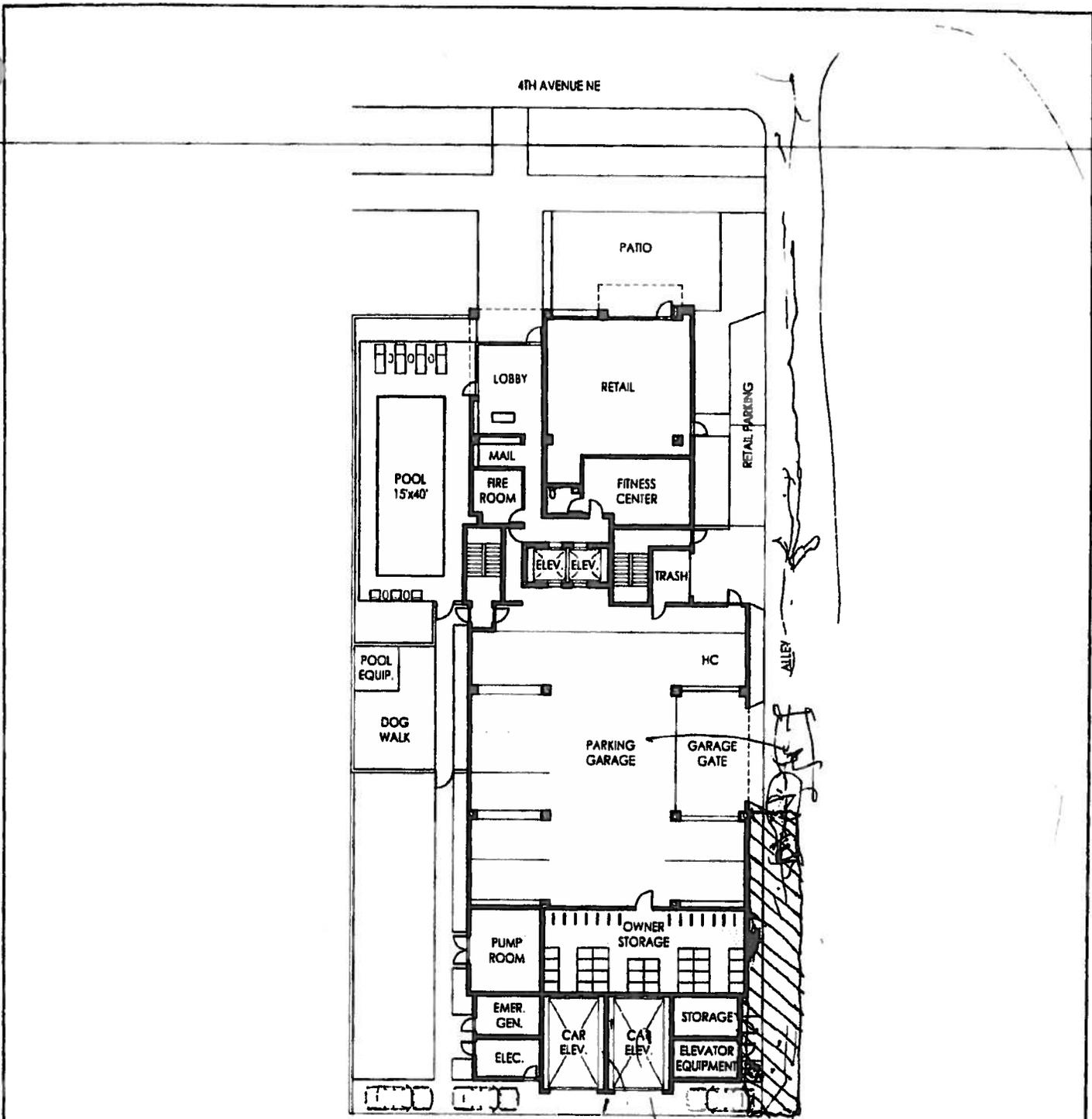
THANK YOU FOR YOUR CONDSIDERATION

TONY AND CAROLYN BOND

**Appeal of The Development Review Commission's
Site Plan and Bonus Approval for the Bliss
Condominium**

Case No.: 14-3100015
Address: 176 – 4th Avenue Northeast
Applicant: Patricia B. Moss Revocable Trust

EXHIBIT B



SITE PLAN

EXHIBIT A
10-1-2014



**Appeal of The Development Review Commission's
Site Plan and Bonus Approval for the Bliss
Condominium**

Case No.: 14-31000015
Address: 176 – 4th Avenue Northeast
Applicant: Patricia B. Moss Revocable Trust

EXHIBIT C



City of St. Petersburg

Post Office Box 2842
St. Petersburg, Florida 33731-2842
Channel 35 WSPF-TV
Telephone: 727 893-7171

Dear Mr. Reese,

In response to your request, the City does not require detailed architectural plans to be submitted with the application for site plan approval. The applicant is required to submit a site plan, building elevations, data sheets and concurrency form. In addition, the applicant will typically provide a narrative describing the project. If the application is approved by the Development Review Commission (DRC) and the applicant proceeds to construction, the applicant will be required to submit detailed architectural plans to the city for review by staff. At that time, staff will review the plans provided in detail to verify that the applicant is not exceeding the F.A.R. that was approved at the DRC meeting.

Attached are the data sheets and narrative provided by the applicant that identifies the proposed Floor Area Ratio (F.A.R.), including the F.A.R. that is exempt. The F.A.R. proposed by the applicant, and exemptions, are in compliance with the Land Development Regulations (LDRs).

City Code requires one parking space per dwelling unit and one parking space for every 500 square feet of retail space. Based on the information provided by the applicant, 33 parking spaces are required. The applicant is providing 65 parking spaces, 63 parking spaces are located within the four-story parking garage and two (2) parallel spaces are located along the east side of the property.

Sincerely,

Corey Malyszka
Urban Design and Development Coordinator



SPECIAL EXCEPTION
 SITE PLAN REVIEW

DATA SHEET

ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED. FAILURE TO COMPLETE THIS FORM WILL RESULT IN DEFERRAL OF YOUR APPLICATION.

DATA TABLE

1.	Zoning Classification:	DC-3		
2.	Existing Land Use Type(s):	COMMERCIAL		
3.	Proposed Land Use Type(s):	MULTIFAMILY RESIDENTIAL, COMMERCIAL		
4.	Area of Subject Property:	20,020 SQUARE FEET		
5.	Variance(s) Requested:	NONE		
6.	Gross Floor Area (total square feet of building(s))			
	Existing:	2,300	Sq. ft.	
	Proposed:	80,000	Sq. ft.	
	Permitted:	80,000	Sq. ft.	
7.	Floor Area Ratio (total square feet of building(s) divided by the total square feet of entire site)			
	Existing:	0.12		
	Proposed:	4.0		
	Permitted:	4.0		
8.	Building Coverage (first floor square footage of building)			
	Existing:	2300	Sq. ft.	11.9 % of site
	Proposed:	10,012	Sq. ft.	50.0 % of site
	Permitted:	19,019	Sq. ft.	95.0 % of site
9.	Open Green Space (include all green space on site; do not include any paved areas)			
	Existing:	460	Sq. ft.	2.30 % of site
	Proposed:	5754	Sq. ft.	28.7 % of site
10.	Interior Green Space of Vehicle Use Area (include all green space within the parking lot and drive lanes)			
	Existing:		Sq. ft.	% of vehicular area
	Proposed:		Sq. ft.	% of vehicular area
11.	Paving Coverage (including sidewalks within boundary of the subject property; do not include building footprint(s))			
	Existing:	13,040	Sq. ft.	65.1 % of site
	Proposed:	4,254	Sq. ft.	21.2 % of site



SPECIAL EXCEPTION
 SITE PLAN REVIEW

DATA SHEET

DATA TABLE (continued page 2)

12. Impervious Surface Coverage (total square feet of all paving, building footprint and other hard surfaced areas)

Existing:	15,420	Sq. ft.	77.0	% of site
Proposed:	14,266	Sq. ft.	71.3	% of site
Permitted:	19,520	Sq. ft.	97.5	% of site

13. Density (units per 'x')

Sq. Ft. or Acre(s) *No. of Employees* *No. of Clients (C.R. / Home)*

Existing:	—	Existing:	—	Existing:	—
Proposed:	63.1	Proposed:	—	Proposed:	—
Permitted:	—				

14 a. Parking (Vehicle) Spaces

Existing:	34	includes	2	disabled parking spaces
Proposed:	65	includes	3	disabled parking spaces
Permitted:	33	includes	2	disabled parking spaces

14 b. Parking (Bicycle) Spaces

Existing:	—	Spaces	—	% of vehicular parking
Proposed:	30	Spaces	—	% of vehicular parking
Permitted:	12	Spaces	—	% of vehicular parking

15 a. Building Height

Existing:	20	Feet	1	Stories
Proposed:	204	Feet	18	Stories
Permitted:	300	Feet	—	Stories

15 b. Airport Height Regulations

Does the project exceed height reqs. of either the City or Co. Airport Zoning Ordinance?

Yes No

16. Alterations or Changes

How much of the site is the proposal altering or changing (in sq. ft.)? 20,020

Note: See Drainage Ordinance for a definition of "alteration." If yes, please be aware that this triggers Drainage Ordinance compliance. Please submit drainage calculations to the Engineering Department for review at your earliest convenience. The DRC must approve all Drainage Ordinance variances.



st.petersburg
www.stpote.org

SPECIAL EXCEPTION SITE PLAN REVIEW

DATA SHEET

DATA TABLE (continued page 3)

17. 100 Year Flood Plain

Flood Zone:		Feet
Existing Lowest Floor Elevation:	X 74	Feet
Proposed Lowest Floor Elevation:	165	Feet
Required Lowest Floor Elevation:		Feet

18. Hurricane Vulnerability Zone

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Coastal High Hazard Zone:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Hurricane Evacuation Zone:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	What zones?

19. Preservation Areas

Total:	Sq. ft.	Acres	
Maximum developable area permitted, 10 % preservation area:			Sq. ft.
Proposed area being developed, altered or improved:	Sq. ft.		% of site

20. Historic or Archaeological Resources

On site or within 200 feet? Yes No

21. Levels of Service

<i>Name of Roadway</i>	<i>Level of Service</i>

22. Construction Value

What is the estimate of the total value of the project upon completion? \$ 30,000,000

23. Concurrency

Does the site meet concurrency requirements?

Yes No

What is the concurrency number?

< END >

Project Narrative
Bliss Condominiums
176 4th Avenue NE
June 21, 2014

The proposed project consists of the redevelopment of a 20,020 square foot lot located at 176 4th Avenue Northeast. The site has frontage to 4th Avenue NE to the north, a 15' wide alley to the east and a 20' wide alley to the south. The project is located within the DC-3 zoning district and is designed to be consistent with the goals of the Land Development Regulations and the Intown Redevelopment Plan. Currently the site contains a one-story commercial building (last used as an art gallery and frame shop) located near the northeast corner of the property with the balance of the site utilized as surface automobile parking. The existing building and parking lot will be demolished.

The new project is an 18-story building located towards the north end of the site with a four-story parking garage to the south. The building will have a retail space and lobby on the ground floor and 29 residential units above. There will be one unit per floor on the 2nd, 3rd and 4th floors and two units per floor on the 5th - 17th floors. The 18th floor consists of a common area space with roof terrace and the upper level of a penthouse unit. The building is designed in a contemporary architectural style. Major exterior building materials consist of painted cement plaster on concrete block and aluminum framed windows. Balcony railings are made of aluminum and glass.

The parking garage has 63 parking spaces on four levels. On the first level of the parking garage are 9 parking spaces plus owner storage and bicycle parking. There are 18 parking spaces per level on floors 2, 3 and 4. Rather than using fixed ramps, two automobile elevators will provide access to the upper levels of the garage. The elevators are 11'-4" x 20'-1" clear inside and are rated for 7,000 pounds each.

The project qualifies for 3,620 square feet of F.A.R. exemptions as defined in the DC zoning district regulations. The ground level has 2,890 square feet. It contains a retail space and building lobby and is therefore 50% exempt. Floors 2, 3 and 4 each have 2,900 square feet. The residential units on these floors make the parking garage not visible from 4th Avenue NE and are therefore 25% exempt.

The base F.A.R. in DC-3 is 2.0. The project qualifies for several bonuses thereby increasing the allowable F.A.R. to 4.0, or 80,080 square feet. The bonuses consist of a contribution of 0.25% of the construction cost to City's

housing capital improvements project (HCIP) trust fund for a bonus of 0.5 F.A.R.; transfer of development rights from a locally designated landmark for a bonus of 0.5 F.A.R.; and by making structured parking not visible from public streets with a liner for at the first two floors for a bonus of 1.0 F.A.R. In addition the project provides an additional five percent ground level open space, but this bonus is not needed.

The project will comply with the bonuses as follows. The developer will contribute 0.25% of the project's construction cost to the city's housing capital improvements project (HCIP) trust fund in accordance with the procedures established by the city. The developer has negotiated the purchase of 10,000 square feet of development rights from the Snell Arcade building located at 405 Central Avenue, which is a locally designated historic landmark. The building has been designed such that the four level parking garage has been located to the rear (south) end of the property. In front of the parking garage and making it not visible from 4th Avenue NE are the lobby and retail space on the first floor and residential units on floors two through four. The project has been designed to enhance the pedestrian experience as much as possible along 4th Avenue NE.

The project complies with all setback and height requirements of the Land Development Regulations. The proposed ground level setbacks are 25 feet on the west side, 19 feet on the north side, 7 feet on the east side and 5 feet on the south side. At more than 50 feet high, the proposed setbacks are 25 feet on the west side, 20 feet on the north side, 23 feet on the east side and 66 feet on the south side. At more than 50 feet high the building is 114 feet long in the north-south direction and 52 feet wide in the east-west direction.

The allowable building height is 300 feet and the proposed building is 210 feet high. The minimum required ground level open space is 1001 square feet (5.0% of the site area) and the proposed project has 5,754 square feet of ground level green space (28.7% of the site area).

At 210 feet in height above adjacent grade, the proposed building exceeds the height limitation of the Albert Whitted Airport "Horizontal Zone" and therefore requires a variance. A "Notice of Proposed Construction" has been submitted to the FAA and we are awaiting a "Determination of No Hazard to Air Navigation". The proposed building is located north of Parkshore Place and south of 400 Beach Drive and is approximately 100 feet shorter than both of these buildings which were previously approved by the FAA. Please see the attached Review Criteria concerning this variance.

As is common on 4th Avenue North between Beach Drive and 2nd Street the proposed building is setback from the north property line. This allows for more generous landscaping along the public sidewalk. Two existing oak trees are maintained between the sidewalk and street curb. New landscaping between the sidewalk and buildings consist of ground cover beds with ornamental trees. A private courtyard is proposed to the west of the new building. The parking garage has been setback from the alleys to the south and east to allow adequate space for perimeter landscaping.

Finally, to help alleviate congestion on the 15 foot wide alley to the east we are proposing to widen the alley to 20 feet and dedicate this property to the city's right-of-way.

**Appeal of The Development Review Commission's
Site Plan and Bonus Approval for the Bliss
Condominium**

Case No.: 14-31000015
Address: 176 – 4th Avenue Northeast
Applicant: Patricia B. Moss Revocable Trust

EXHIBIT D

FAR CALCULATION

LEVEL	ESTIMATED FAR (SF)
18	4,888 (94' x 52')
5-17	77,064 (114' x 52' x 13)
2-4*	6,525 (290' x 3' x .75)
1*	1,445 (289' x .5)

89,922 SF

- * INCLUDES EXEMPTIONS ON LOWER 4 LEVELS
- * POSSIBLY DOES NOT INCLUDE STORAGE ROOMS, EQUIPMENT ROOMS, GENERATOR ROOM, & FIRE PUMP ROOM, ETC.

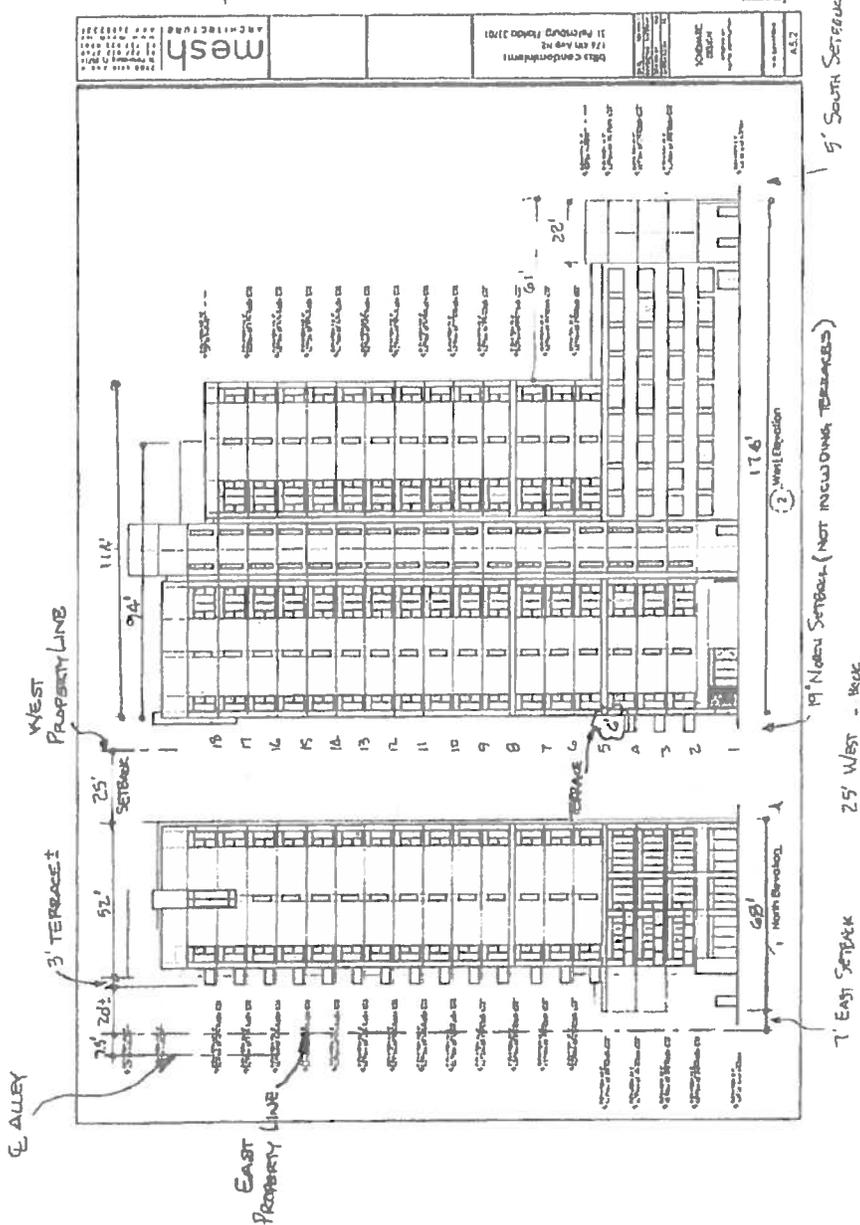


Exhibit "D"

**Appeal of The Development Review Commission's
Site Plan and Bonus Approval for the Bliss
Condominium**

Case No.: 14-3100015

Address: 176 – 4th Avenue Northeast

Applicant: Patricia B. Moss Revocable Trust

EXHIBIT E

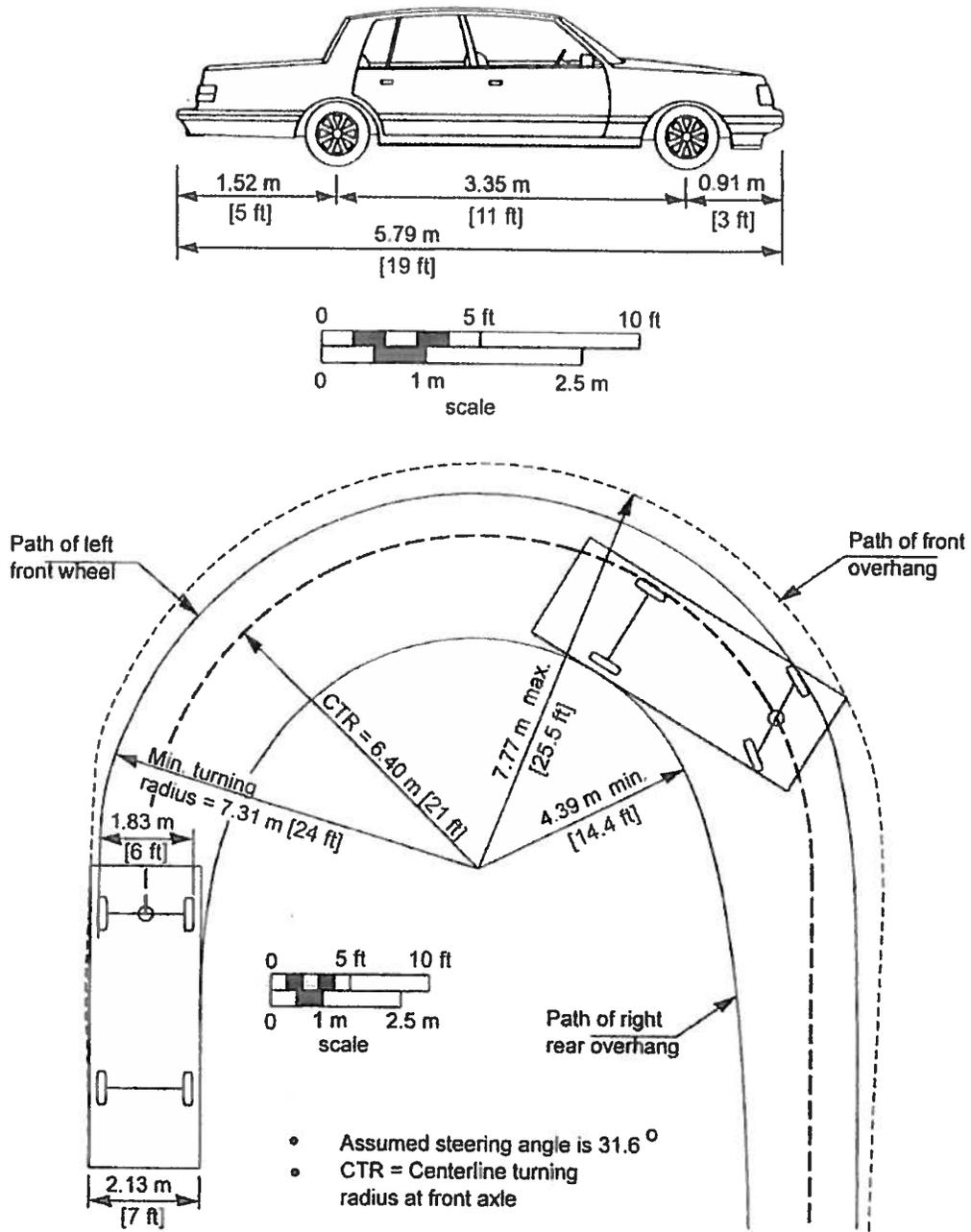


Exhibit 2-3. Minimum Turning Path for Passenger Car (P) Design Vehicle

Additional Information

176 4th Avenue Northeast
DRC Case No. 14-31000015

ThyssenKrupp Elevator



September 16, 2014

Mr. Tim Clemmons
Mesh Architecture
Tel: (727) 823-3760

Email- tim.c@mesh.wc

RE: Bliss Condominium- St. Petersburg, FL

This letter is to provide clarification to the questions / concerns below:

- What type of operating device is used by the driver to call the elevator? TKE Response- A private key fob will be used to swipe and register a call. The programming can provide access to any of the parking level, or a specific landing. This is programmed by the security subcontractor.
- Does the driver leave his vehicle during operation of the elevator? TKE Response- There is no need for the driver to get out of the vehicle.
- Is there an exterior light indicating that the elevator is in use? In other words, will an approaching driver know the current location of the two elevators? TKE Response- We can absolutely locate a position indicator by the pedestal where the call station / card reader is located.
- Can the elevators be programmed to return to the first floor (street level) when not in use? TKE Response- Yes, car homing is typical for all elevators.
- How long does the garage door take to open? TKE Response- On average, 7-8 seconds maximum. This can be adjusted in the field to fit the needs of the residents, within a reasonable amount of time. In addition, be advised the power operated doors will include an infrared beam detection system that will not allow the doors to close if there is an object interfering with the beam (i.e. car not completely inside the elevator).
- What is the travel time from the 1st floor to the 4th floor (the travel distance is 35')? TKE Response- 33.6 seconds. Assuming the elevator is on the 1st floor, what is the total estimated time from when the elevator is summoned by an approaching driver until the car leaves the elevator on the 4th floor? TKE Response- The average internal waiting time for an elevator is always the major variable. Based on the number of units, number of elevators, and speed of the elevators, the average wait time is 27.2 seconds. Once an elevator arrives, the power doors will take 7-8 seconds to open and 7-8 seconds to close. Estimate a travel time to the 4th level of 33.6 seconds and 7-8 for the doors to re-open. This calculates to a total travel time of approximately 78 seconds. For example, the occurrence where the elevator(s) will be "homed" at the 1st level, will be common for a building with such a low population. In this instance, the 27.2 interval wait time will not factor into the total trip time.
 - Estimated total trip 1-4: 78 seconds
 - Estimated total trip 1-3: 67 seconds
 - Estimated total trip 1-2: 59 seconds

Upon review of the above, please contact me with any questions and / or concerns.

Respectfully,

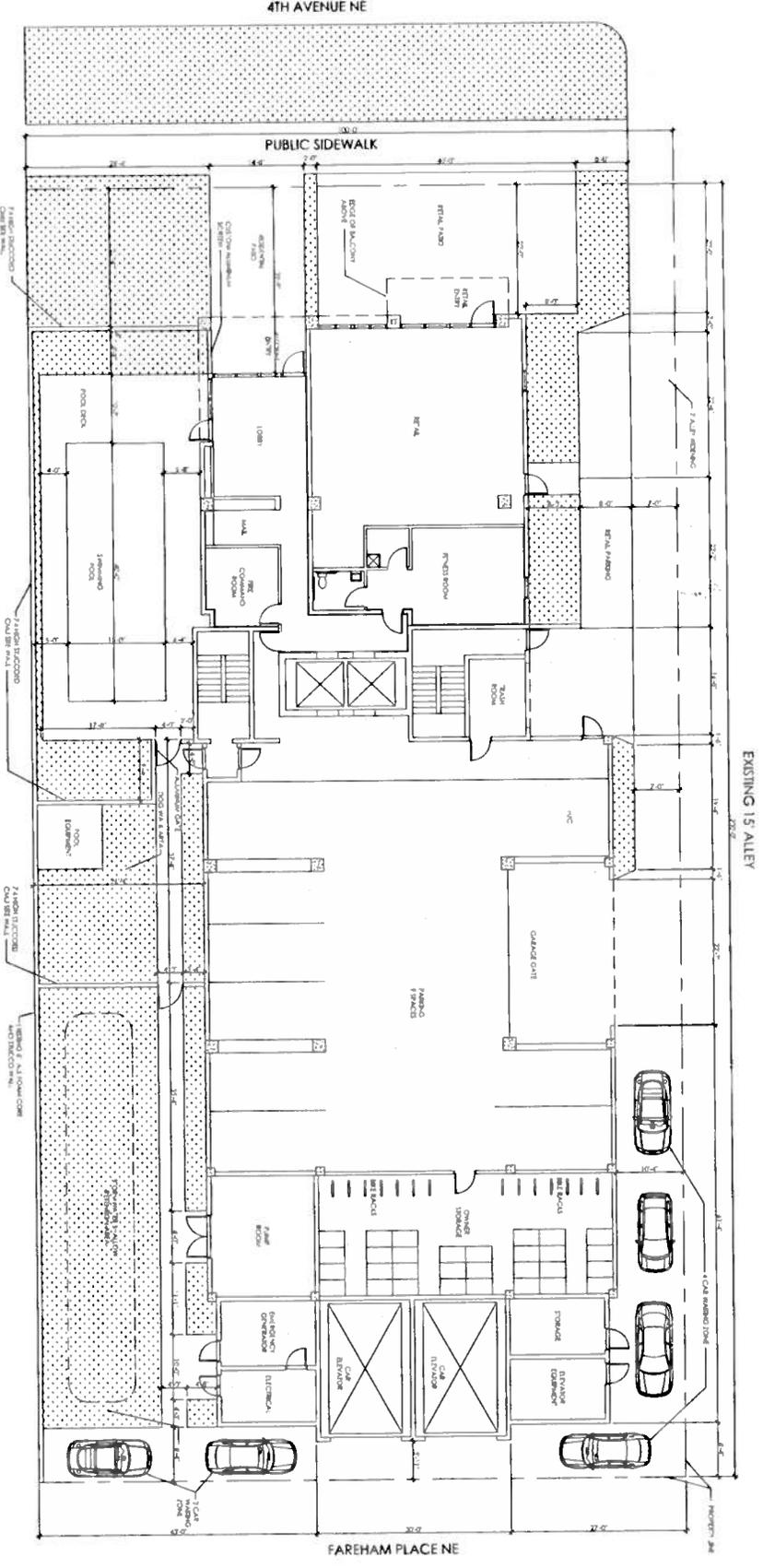
Louis A. Cosmelli
New Equipment Branch Manager

ThyssenKrupp Elevator Company
5100 West Grace Street
Tampa, FL 33607
Telephone: (813) 287-1744 or (800) 683-8880
Fax: (813) 288-1954
E-mail: louis.cosmelli@thyssenkrupp.com
Internet: www.thysselevator.com



Vicinity Plan
SCALE: 1/8" = 1'-0"

Site Plan
SCALE: 1/8" = 1'-0"



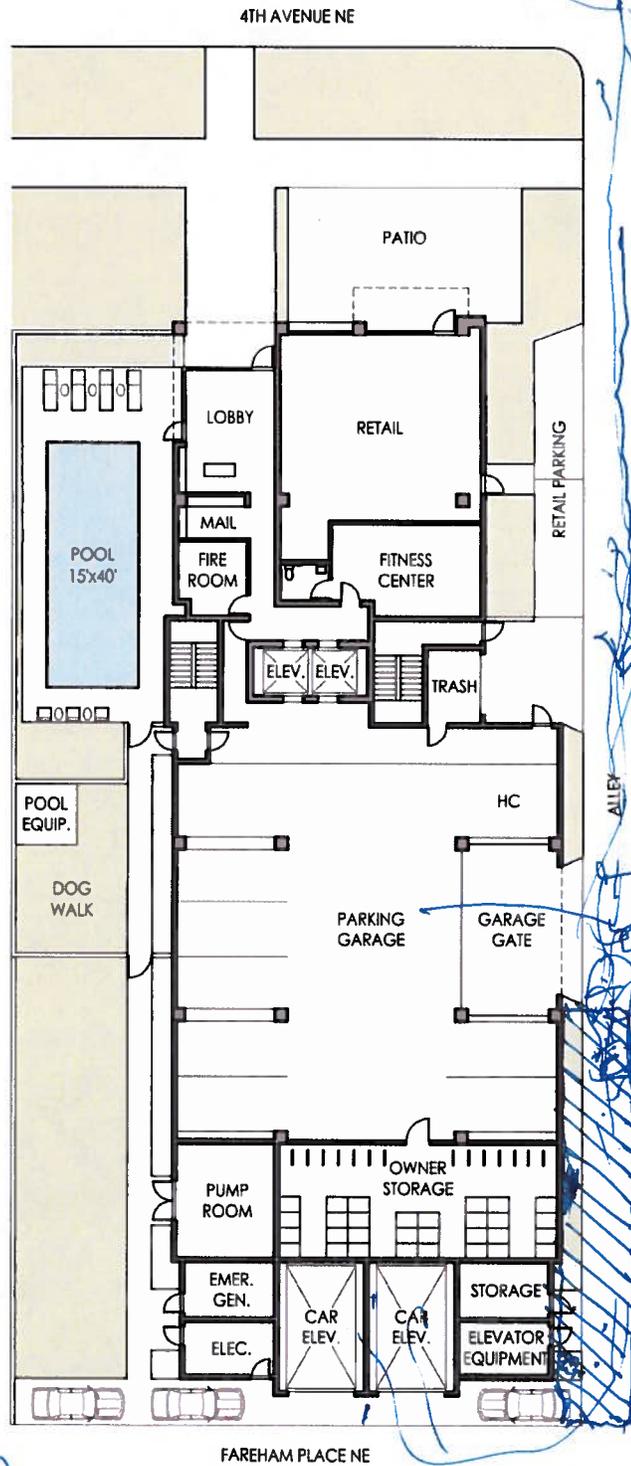
- GENERAL NOTES**
1. ALL PERMITS TO BE OBTAINED.
 2. VERIFY EXISTING CONDITIONS AND RECORD.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
 4. REFER TO ALL REVISIONS AND CORRECTIONS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

DATE: 11/17/24	DESIGN DEVELOPMENT
REVISION: AND	PROGRAMS AND PERMITS
DRAWN BY: LC	
CHECKED BY: LC	
SHEET NO: A1.1	

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

mesh
ARCHITECTURE

2900 44th Ave N
St. Petersburg, FL 33714
T | 727.823.3740
F | 727.822.0861
www.mesh.us
AA# 26002337



SITE PLAN

EXHIBIT A
10-1-2014



BLISS CONDOMINIUM
St. Petersburg, Florida
Taub Ventures, Inc.

October 1, 2014

EXHIBIT A

2900 44th Ave N
St. Petersburg, FL 33714
Tel: 727.823.3760
Fax: 727.822.0881
www.mesh-arch.com
AA# 26002337

ARCHITECTURE
mesh

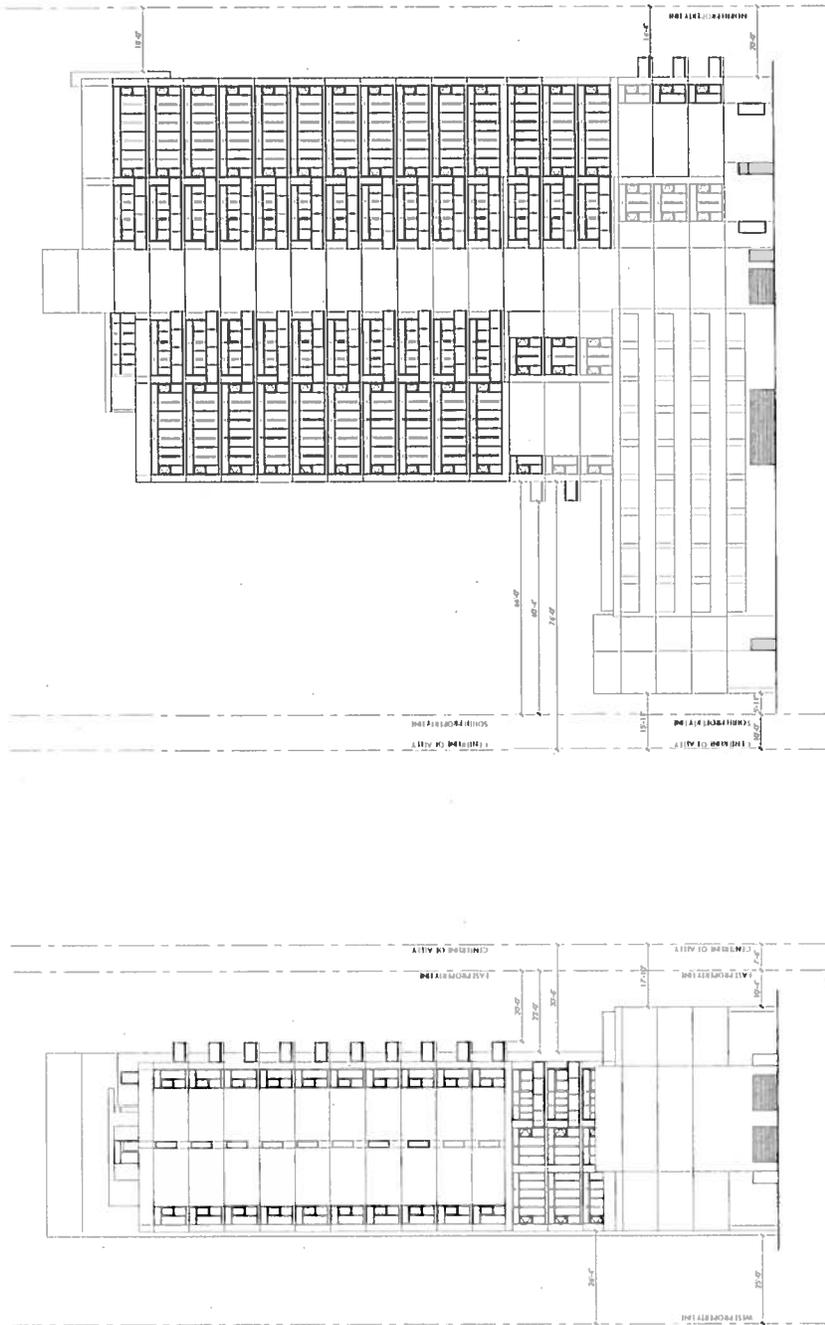
bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE: 04/14/14
REVISION: 07/27/14
DRAWN BY: JAO
CHECKED BY: IC

**SCHEMATIC
DESIGN**
program set
not for construction

SEE ELEVATIONS

A9.1



Setback Diagram-
East Elevation
1 SCALE: 1/16" = 1'-0"

Setback Diagram-
South Elevation
2 SCALE: 1/16" = 1'-0"



Project

3D IMAGE



Project

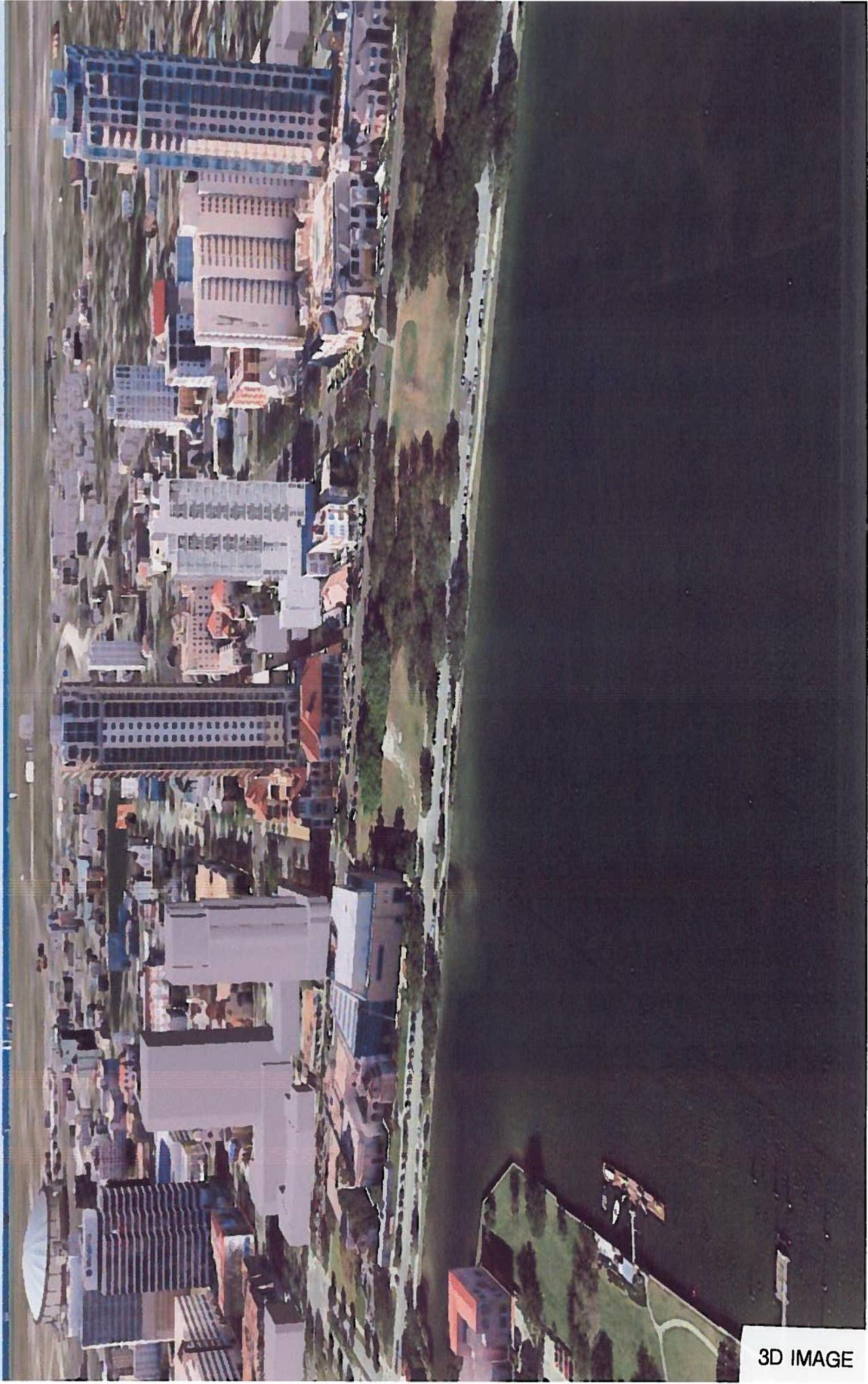
3D IMAGE



Project

3D IMAGE

Project



3D IMAGE





Project

3D IMAGE



Project

3D IMAGE



Project

3D IMAGE



Project

3D IMAGE



Project

3D IMAGE



Project

3D IMAGE

DRC Staff Report

176 4th Avenue Northeast
DRC Case No. 14-31000015



st.petersburg
www.stpete.org

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

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**SITE PLAN REVIEW
PUBLIC HEARING**

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **October 1, 2014 at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 14-31000015 **PLAT SHEET:** E-4

REQUEST: Approval of a site plan to construct an 18-story, 30 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Overlay Height Standards.

APPLICANT: Patricia B Moss Revocable Trust
105 Dogwood Lane
Radford, Virginia 24141-3917

ARCHITECT: Tim Clemmons
Mesh Architecture
2900 44th Avenue North
Saint Petersburg, Florida 33714

ADDRESS: 176 4th Avenue Northeast
PARCEL ID NO.: 19/31/17/77238/000/0040

LEGAL DESCRIPTION: On File
ZONING: DC-3

SITE AREA TOTAL: 20,020 square feet or 0.46 acres

GROSS FLOOR AREA:
Existing: 2,380 square feet 0.12 F.A.R.
Proposed: 80,080 square feet 4.0 F.A.R.
Permitted: 80,080 square feet 4.0 F.A.R.

BUILDING COVERAGE:

Existing:	2,380 square feet	12% of Site MOL
Proposed:	10,012 square feet	50% of Site MOL
Permitted:	19,019 square feet	95% of Site MOL

IMPERVIOUS SURFACE:

Existing:	15,420 square feet	77% of Site MOL
Proposed:	14,266 square feet	71% of Site MOL
Permitted:	N/A	

OPEN GREEN SPACE:

Existing:	4,600 square feet	23% of Site MOL
Proposed:	5,754 square feet	29% of Site MOL

PAVING COVERAGE:

Existing:	13,040 square feet	65% of Site MOL
Proposed:	4,254 square feet	21% of Site MOL

PARKING:

Existing:	30; including 2 handicapped spaces
Proposed:	65; including 3 handicapped spaces
Required	33; including 2 handicapped spaces

BUILDING HEIGHT:

Existing:	20 feet from grade; N/A
Proposed:	204 feet from grade; 224 above mean sea level (Above Mean Sea Level (AMSL))
Permitted:	300 feet from grade; 158 above mean sea level (Above Mean Sea Level (AMSL))

APPLICATION REVIEW:

I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a mixed-use development which is a permitted use within the DC-3 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

Request:

The applicant seeks approval of a site plan to construct an 18-story, 30-unit multi-family development. The applicant is requesting a floor area ratio bonus and a variance to the Albert Whitted Airport Overlay Height Standards. The subject property is located on the south side of 4th Avenue Northeast in between Beach Drive Northeast and 1st Street North.

Proposal:

The existing property is developed with a 2,380 square foot commercial building and a 30 space surface parking lot. Ingress to the parking lot is from 4th Avenue Northeast and egress is to the existing north-south alley located on the east side of the subject property. The applicant proposes to demolish the existing commercial building and surface parking lot and construct an 18-story residential tower and a 4-story parking garage.

The residential tower will be located along the front of the subject property and the parking garage will be located along the rear of the subject property. The building will be set back off of

the front property line to allow landscaping and green space between the building and the public sidewalk along 4th Avenue Northeast. A private outdoor court yard will be located on the west side of the building.

The ground floor of the residential tower will consist of a lobby and retail space. Floors two through four will have one (1) residential unit per floor. Floors five through 17 will have two (2) residential units per floor. The 18th floor will have a common area with a roof-top terrace and one residential unit. Vehicular access to the first level of the parking garage will be from an existing 15-foot wide north-south alley that is located along the east side of the subject property. The existing north-south alley connects to 4th Avenue Northeast and an existing east-west alley. The first level of the parking garage will have nine (9) parking spaces, owner storage, dumpster room and bicycle parking. Vehicular access to the second through fourth levels of the parking garage will be from an existing 20-foot wide east-west alley (Fareham Avenue NE) at the rear of the subject property. The second through fourth levels of parking will have 18 parking spaces per floor for a total of 54 parking spaces. Access to the upper levels of parking will be from two automobile elevators, instead of a traditional ramp. The applicant will be widening the existing north-south alley to 20-feet to improve vehicular access within the alley system. Pedestrian access to the building will be from the public sidewalk along 4th Avenue Northeast.

The City is fortunate to have created and maintained a strong pedestrian-oriented streetscape that is a key asset in the downtown. Development should reinforce the pedestrian scale by protecting the right-of-way through selection and location of pedestrian-oriented businesses at the street level and restricting vehicular access. The City Code encourages and in some cases requires access to parking from an alley. Since the proposed parking garage provides parking for more than 25 parking spaces, City Code requires vehicular ingress and egress from the alley or a secondary street. 4th Avenue Northeast is a primary street. Further, not having ingress and egress from 4th Avenue Northeast is good urban design because it 1) promotes a walkable, pedestrian friendly sidewalk system, and 2) allows for a pedestrian oriented commercial tenant space on 4th Avenue Northeast. The commercial tenant space will have an active use that will engage the pedestrian along the street and reinforce the purpose and intent of the City Code.

The applicant hired Kimley-Horn and Associates to prepare a trip generation study. According to the study dated August 7, 2014, the proposed condominium development is projected to generate 22 two-way, trip-ends (15 entering/7 exiting) in the PM peak hour during the 4:00 to 6:00 PM time period and 20 two-way trip ends (3 entering/17 exiting) in the AM peak hour during the 7:00 AM to 9:00 AM time period. The City's Transportation and Parking Management Department concurs with the transportation consultant's findings. The projected number of trips will have a minimal impact on Fareham Avenue NE, since the development will generate approximately one trip every three minutes in the PM and AM peak hours. Two waiting spaces are proposed for vehicles waiting to use the car elevators. Both the car elevators and two waiting spaces are on the proposed development's property. Consequently, the waiting spaces will further reduce the impact of the development on the alley since vehicles will not need to stop and wait in the alley for the elevators to become available.

The existing north-south alley is 15-feet wide. As discussed above, the applicant will widen the alley to 20-feet to improve vehicular access. Fareham Avenue NE is 20-feet wide. The north side of Fareham Avenue NE is signed no parking and the south side permits temporary parking for loading and unloading of vehicles. Access to the parking garage of Parkshore Tower is from Fareham Avenue NE.

The proposed architectural style of the building will be contemporary. The base of the tower will have ample amount of glazing and will be oriented towards 4th Avenue Northeast. The upper portion of the tower will be oriented towards the east to take advantage of the water views. The majority of the eastern façade above the fourth floor will be glass. The applicant will integrate projecting balconies along the 4th Avenue Northeast and the eastern façade. The balconies help break down the mass of the building. The applicant proposes an architectural feature on the north facade that helps define the top of the building. The architectural feature is a window surround and encroaches into the setback by two (2) feet. The architectural feature most closely resembles a bay window, which is allowed to encroach into the setback by three (3) feet.

FLOOR AREA RATIO BONUSES:

The base Floor Area Ratio (FAR) within the DC-3 district is 2.0. The applicant is requesting a bonus of 2.0 FAR for a total FAR of 4.0, which can only be granted by the Development Review Commission (DRC) upon demonstration that the project qualifies for the bonuses.

The applicant is requesting approval of the following bonus:

- 1. 0.5 FAR - Provide financial support to the City's Housing Capital Improvements Projects (HCIP) Trust Fund or its successor fund equal to one-quarter of one percent or more of the total construction cost per each 0.5 of FAR bonus.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. The total construction cost of the project is approximately 30 million dollars. Since the applicant is seeking to utilize this bonus to achieve a bonus of 0.5, the applicant will be required to provide one quarter of one percent of the total construction cost to the HCIP Trust Fund. Based on the estimated construction cost, a minimum of \$75,000 shall be paid to the HCIP Trust Fund. The applicant shall provide the funds to the City prior to the release of building permits. A condition has been added to this report to address this.

- 2. 0.5 FAR – Use transfer of development rights from a locally designated landmark or landmark site.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 0.5. To qualify for the bonus, the applicant will be required to purchase 10,010 square feet of transfer of development rights (TDRs) from a locally designated landmark or landmark site who have TDRs available. Currently, there are five landmarks that the applicant can purchase TDRs from. The holder of the TDRs will be required to obtain approval from the City's Urban Planning and Historic Preservation Division to transfer any rights to the applicant.

- 3. 1.0 FAR - Make structured parking not visible to the streets with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base to create an attractive and architectural screen to structured parking.**

The applicant is seeking to utilize this bonus to achieve an FAR bonus of 1.0. To qualify for the bonus, the applicant will be required to screen the first two stories of the parking garage along 4th Avenue Northeast with a liner building and an architecturally compatible design above the second floor. The entire four story garage is screened from 4th Avenue Northeast by the proposed 18 story tower. The criterion has been satisfied.

Variance:

Airport Zoning Overlay Height Standards

Required:	158 AMSL
Proposed:	224 AMSL
Variance:	40 AMSL

The DC-3 zoning district has a maximum building height of 300 feet, measured from grade. The Albert Whitted Airport Zoning Ordinance permits a maximum building height of 158 feet AMSL by right. The proposed building will be 204 feet from grade and 224 AMSL. The applicant is requesting a variance to allow for a height of 224 feet AMSL. The applicant has submitted an application to the Federal Aviation Administration requesting approval of the height encroachment. The FAA issued a Notice of No Hazard to Air Navigation on September 19, 2014, for a building of 224 feet AMSL. The applicant has secured FAA approval and provided sufficient responses to each of the review criteria required by the Code. The DRC has granted a number of variances for similar projects elsewhere in the downtown area. To promote an urban downtown and urban form, variances to the airport zoning restrictions are appropriate where no safety concerns are identifiable related to airport operations. Given these considerations, Staff recommends approval of the variance.

Public Comments:

Staff has heard from residents of Parkshore Plaza, which is located directly south of the proposed project. Some residents have expressed concerns and some have expressed support. Concerns that were expressed by the residents have to do with the parking garage being accessed off of the alley, increased traffic congestion in the alley, and potential for vehicular accidents.

III. RECOMMENDATION:

A. Staff recommends the following:

- 1. APPROVAL of the floor area ratio bonuses.**
- 2. APPROVAL of the variance to the Airport Zoning Overlay Height Standards.**
- 3. APPROVAL of the site plan, subject to the conditions in the staff report.**

B. SPECIAL CONDITIONS OF APPROVAL:

- 1. The project shall be subject to final review and approval by the Community Redevelopment Agency.**
- 2. The structured parking shall be screened from 4th Avenue Northeast with a liner that provides a use for a minimum of the first two stories, and provide an architecturally compatible design above the two story base as required to receive the F.A.R. bonus. The final design shall be subject to approval by staff.**
- 3. The applicant shall provide one-quarter of one percent or more of the total construction cost to the HICP Trust Fund. The funds shall be provided to the City prior to the release of building permits.**
- 4. City Staff shall approval the transfer of Historic Transfer of Development Rights prior to the release of building permits.**
- 5. The public sidewalk abutting the subject property shall be widened to a minimum of 8-feet.**

6. The surface parking spaces along the east side of the subject property shall be revised to provide the required back-out space of 24 feet.
7. The proposed wall along the north side of the outdoor courtyard shall be finished to match the building.
8. Landscaping shall be installed in the public right-of-way as required by Section 16.40.060.
9. The final streetscape and hardscape plan for the abutting streets shall be approved by Staff.
10. Building materials at the street level shall include materials such as metal, stone, brick, precast masonry, glass, stucco or other similar hard surface material. The use of dryvit, EIFS, or other artificial material shall not be permitted.
11. Bicycle parking shall be provided as required by Section 16.40.090.
12. Exterior lighting shall comply with Section 16.40.070.
13. Mechanical equipment shall be screened from the abutting rights-of-way.
14. Construction of piers and/or caissons shall be by auger method unless geotechnical data supports a finding that such a method is impractical or impossible.
15. The site plan shall be modified as necessary to comply with the comments in the Engineering Department's Memorandum dated July 9, 2014.

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

1. The use/proposal shall be consistent with Concurrency Certificate No. **6458**.
2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.

3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."
2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.
4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.
5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.150, Section 16.40.060.2.1.1 of City Code. Development Services Division Staff shall inspect and approve all tree protection barricades prior to the issuance of development permits.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

- A. The use is consistent with the Comprehensive Plan.
- B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;
- C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;
- D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;
- E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;
- F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage plan as required by city ordinance, County ordinance, or SWFWMD;
- G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;
- H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

- I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;
- J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;
- K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;
- L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
- M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
- N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
- O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
 - 1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
 - 2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).
- P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
- Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:
 - a. Water.
 - b. Sewer.
 - c. Sanitation.
 - d. Parks and recreation.
 - e. Drainage.
 - f. Mass transit.
 - g. School Concurrency.

The land use of the subject property is: **Central Business District**

The land uses of the surrounding properties are:

North: **Central Business District**

South: **Central Business District**

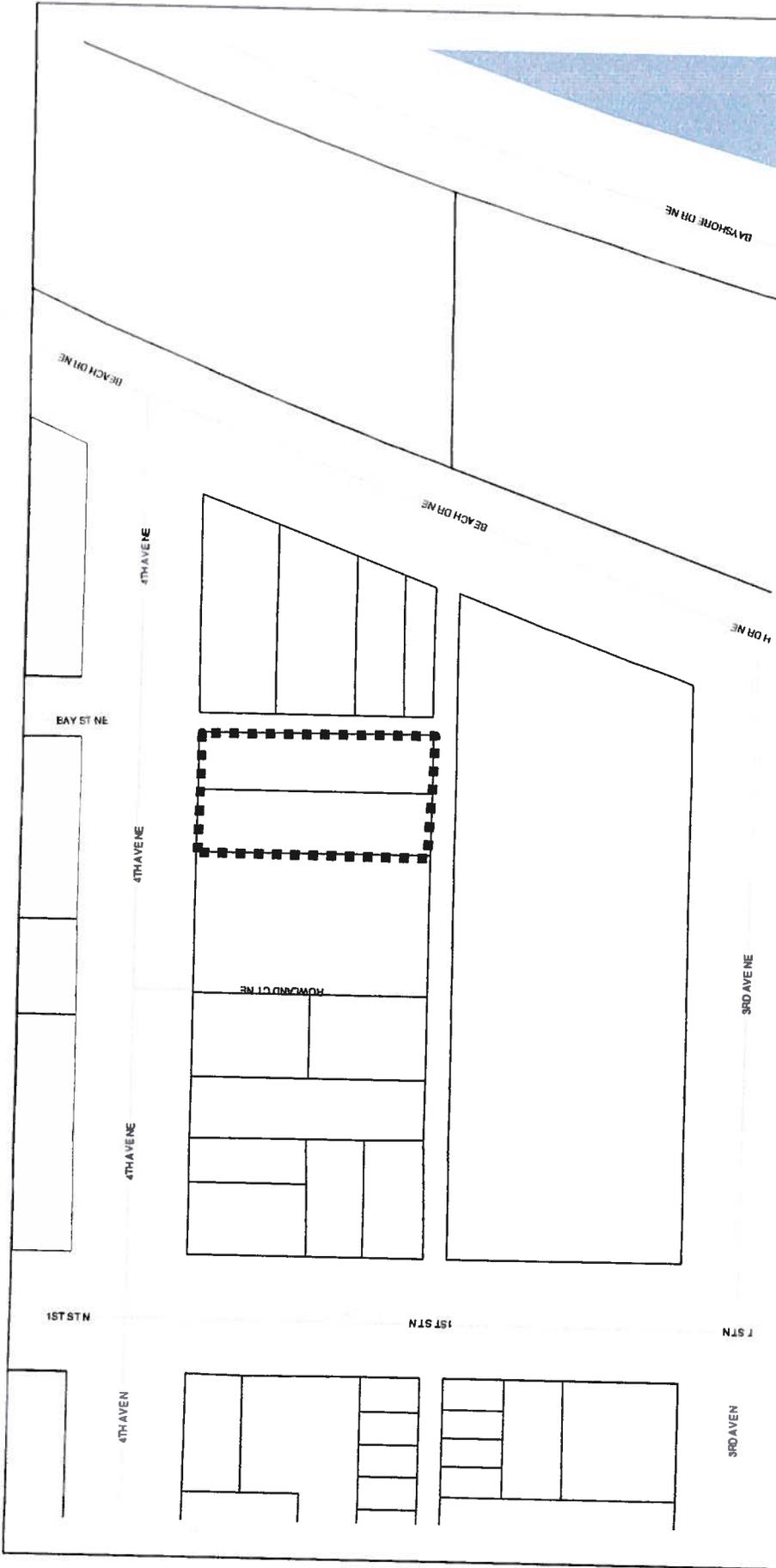
East: **Central Business District**

West: **Central Business District**

REPORT PREPARED BY:

Corey Malyszka
Corey Malyszka, Interim Zoning Official

9/25/19
DATE



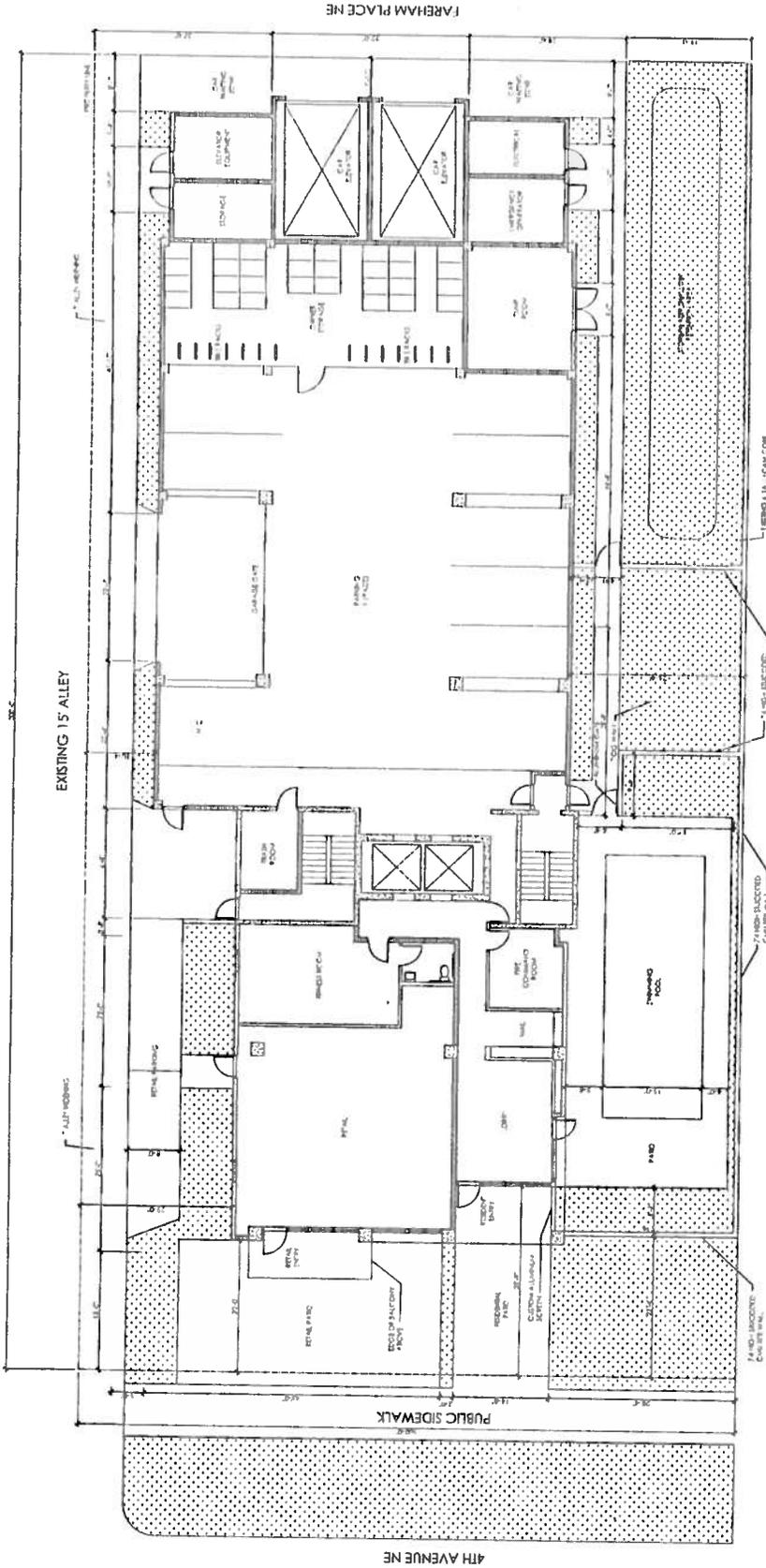
Planning & Economic Development Department
 Case No.: 14-31000015
 Address: 176 4th Avenue Northeast





Planning & Economic Development Department
Case No.: 14-31000015
Address: 176 4th Avenue Northeast





Vicinity Plan
SCALE: 1/8\"/>

mesh
ARCHITECTURE

3900 44th Ave N
St. Petersburg, FL 33714
772.321.3740
772.827.0881
www.mesh.us
A/E 26002337

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701

DATE: 5/27/11
REVISION: 2/27/11
DRAWN BY: MGC
CHECKED BY: JIC

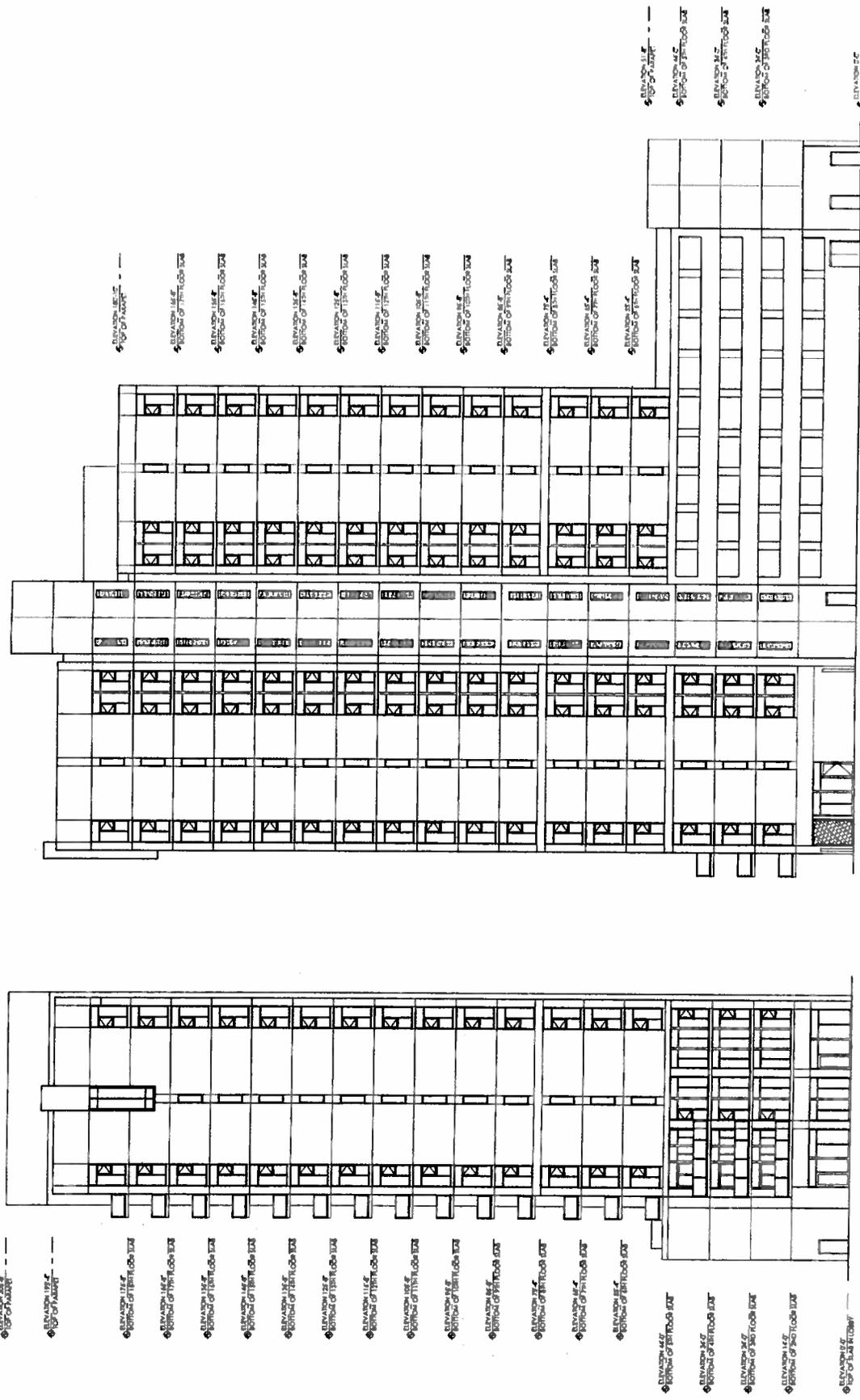
**SCHEMATIC
DESIGN**
progress set
not for construction

IF REVISIONS
A.5.1



1 South Elevation

2 East Elevation



2 West Elevation.

1 North Elevation.



Project Narrative
Bliss Condominiums
176 4th Avenue NE
June 21, 2014

The proposed project consists of the redevelopment of a 20,020 square foot lot located at 176 4th Avenue Northeast. The site has frontage to 4th Avenue NE to the north, a 15' wide alley to the east and a 20' wide alley to the south. The project is located within the DC-3 zoning district and is designed to be consistent with the goals of the Land Development Regulations and the Intown Redevelopment Plan. Currently the site contains a one-story commercial building (last used as an art gallery and frame shop) located near the northeast corner of the property with the balance of the site utilized as surface automobile parking. The existing building and parking lot will be demolished.

The new project is an 18-story building located towards the north end of the site with a four-story parking garage to the south. The building will have a retail space and lobby on the ground floor and 29 residential units above. There will be one unit per floor on the 2nd, 3rd and 4th floors and two units per floor on the 5th - 17th floors. The 18th floor consists of a common area space with roof terrace and the upper level of a penthouse unit. The building is designed in a contemporary architectural style. Major exterior building materials consist of painted cement plaster on concrete block and aluminum framed windows. Balcony railings are made of aluminum and glass.

The parking garage has 63 parking spaces on four levels. On the first level of the parking garage are 9 parking spaces plus owner storage and bicycle parking. There are 18 parking spaces per level on floors 2, 3 and 4. Rather than using fixed ramps, two automobile elevators will provide access to the upper levels of the garage. The elevators are 11'-4" x 20'-1" clear inside and are rated for 7,000 pounds each.

The project qualifies for 3,620 square feet of F.A.R. exemptions as defined in the DC zoning district regulations. The ground level has 2,890 square feet. It contains a retail space and building lobby and is therefore 50% exempt. Floors 2, 3 and 4 each have 2,900 square feet. The residential units on these floors make the parking garage not visible from 4th Avenue NE and are therefore 25% exempt.

The base F.A.R. in DC-3 is 2.0. The project qualifies for several bonuses thereby increasing the allowable F.A.R. to 4.0, or 80,080 square feet. The bonuses consist of a contribution of 0.25% of the construction cost to City's

housing capital improvements project (HCIP) trust fund for a bonus of 0.5 F.A.R.; transfer of development rights from a locally designated landmark for a bonus of 0.5 F.A.R.; and by making structured parking not visible from public streets with a liner for at the first two floors for a bonus of 1.0 F.A.R. In addition the project provides an additional five percent ground level open space, but this bonus is not needed.

The project will comply with the bonuses as follows. The developer will contribute 0.25% of the project's construction cost to the city's housing capital improvements project (HCIP) trust fund in accordance with the procedures established by the city. The developer has negotiated the purchase of 10,000 square feet of development rights from the Snell Arcade building located at 405 Central Avenue, which is a locally designated historic landmark. The building has been designed such that the four level parking garage has been located to the rear (south) end of the property. In front of the parking garage and making it not visible from 4th Avenue NE are the lobby and retail space on the first floor and residential units on floors two through four. The project has been designed to enhance the pedestrian experience as much as possible along 4th Avenue NE.

The project complies with all setback and height requirements of the Land Development Regulations. The proposed ground level setbacks are 25 feet on the west side, 19 feet on the north side, 7 feet on the east side and 5 feet on the south side. At more than 50 feet high, the proposed setbacks are 25 feet on the west side, 20 feet on the north side, 23 feet on the east side and 66 feet on the south side. At more than 50 feet high the building is 114 feet long in the north-south direction and 52 feet wide in the east-west direction.

The allowable building height is 300 feet and the proposed building is 210 feet high. The minimum required ground level open space is 1001 square feet (5.0% of the site area) and the proposed project has 5,754 square feet of ground level green space (28.7% of the site area).

At 210 feet in height above adjacent grade, the proposed building exceeds the height limitation of the Albert Whitted Airport "Horizontal Zone" and therefore requires a variance. A "Notice of Proposed Construction" has been submitted to the FAA and we are awaiting a "Determination of No Hazard to Air Navigation". The proposed building is located north of Parkshore Place and south of 400 Beach Drive and is approximately 100 feet shorter than both of these buildings which were previously approved by the FAA. Please see the attached Review Criteria concerning this variance.

As is common on 4th Avenue North between Beach Drive and 2nd Street the proposed building is setback from the north property line. This allows for more generous landscaping along the public sidewalk. Two existing oak trees are maintained between the sidewalk and street curb. New landscaping between the sidewalk and buildings consist of ground cover beds with ornamental trees. A private courtyard is proposed to the west of the new building. The parking garage has been setback from the alleys to the south and east to allow adequate space for perimeter landscaping.

Finally, to help alleviate congestion on the 15 foot wide alley to the east we are proposing to widen the alley to 20 feet and dedicate this property to the city's right-of-way.

Review Criteria (Section 16-1053 City Code)

bliss Condominium

176 4th Ave NE

June 10, 2014

1. The nature of the terrain and height of existing structures.

The site slopes from the northwest to the southeast with the highest elevation at 16.78 feet above sea level and the lowest elevation at 12.46 feet above sea level. There is an existing one-story commercial building on site with the roof peak at 20 feet, or 37 feet above sea level.

2. Public and private interests and investments.

The existing and proposed property and improvements are privately owned. The proposed mixed-use project is consistent with the city's redevelopment goals as stated in the Intown Redevelopment Plan and Zoning Ordinance.

3. The character of flying operations and planned development of airports.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

4. Federal airways as designated by the FAA that lie within the radii described in section 16-1049.

The proposed structure lies within the Horizontal Zone of the Albert Whitted Airport.

5. Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

6. Technological advances.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

Review Criteria (Section 16-1053 City Code), continued

bliss Condominium

176 4th Ave NE

June 10, 2014

7. The safety of persons on the ground and in the air.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

8. Land use density.

The proposed project has an overall F.A.R. of 4.0. The property has a base F.A.R. of 2.0 and the project as designed qualifies for bonus F.A.R. of 2.0. This is consistent with the zoning regulations for properties located within the DC-3 zoning district.

9. The safe and efficient use of navigable airspace.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

10. The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions comprehensive plans, and all other known proposed structures in the area.

The project was submitted to the FAA for an aeronautical study on 6/4/2014. The ASN is 2014-ASO-6434-OE.

Bliss Condominiums
176 4th Avenue NE
Public Participation Process Report
July 23, 2014

Brian Taub of Taub Ventures, Inc., the developer of Bliss Condominiums, has initiated and held the following meetings with neighbors of the proposed project:

1. Tuesday, June 10, 3 pm: Bob Glazer, owner of 330 Beach Drive NE.
2. Wednesday, June 11, 5 pm: Peter and Helen Wallace, owner of 196 4th Avenue NE.
3. Thursday, June 12, 12 pm: Chuck Prather, owner of 340 Beach Drive NE and 145 4th Avenue NE.
4. Thursday, June 12, 2 pm: Janet Crane, president of the Parkshore Condominium Association, 300 Beach Drive NE.
5. Friday, June 13, 11 am: Mike Cheezem, developer of Rowland Place, 146 4th Avenue NE.
6. Tuesday, June 17, 7 pm: Parkshore Condominium Association, 300 Beach Drive NE.
7. Friday, June 27, 5 pm: Augie (last name?), owner of top floor of Rowland Place, 146 4th Avenue NE.
8. Thursday, July 10, 7 pm: St. Petersburg Downtown Neighborhood Association.
9. Monday, July 14, 3:30 pm: John Hamilton, owner of retail properties at Parkshore and 400 Beach Drive.
10. Thursday, July 17, 3 pm: Alan Lucas, owner of 332 Beach Drive NE.
11. Monday, July 21, 6 pm: 400 Beach Drive Condominium Association.
12. Tuesday, July 22, 4 pm: Joan Peterson, manager of Presbyterian Towers, 430 Bay Street NE.

Corey Malyszka - RE: Bliss Condominium Trip Generation Memorandum

From: <Danni.Jorgenson@kimley-horn.com>
To: <Tom.Whalen@stpete.org>
Date: 8/7/2014 1:38 PM
Subject: RE: Bliss Condominium Trip Generation Memorandum
CC: <Christopher.Hatton@kimley-horn.com>, <taubventures@verizon.net>
Attachments: image001.jpg; Bliss Condominiums 080714.pdf

Good afternoon Tom,

Please find the updated Bliss Condominium Trip Generation Memorandum attached. In response to the comments and questions from your August 5th email, please find the following responses:

- 1. In Table 2 on page 3, how was the peak-hour peak direction LOS standard service volume determined? Please explain how the figures in FDOT's generalized table were converted to 2,858. How was the existing peak season volume of 353 determined?**

The peak-hour, peak direction LOS standard service volume was determined using Table 7 of the "2012 FDOT Quality/Level of Service Handbook Tables." The Class II (35 mph or slower posted speed) Level of Service D service volume for a 3-lane divided roadway of 2,520 was multiplied by a factor of 1.2 (one-way facility adjustment), 0.9 (non-state signalized roadway), and 1.05 (exclusive right lanes). The existing peak season volume of 353 was determined by summing the eastbound hourly volumes at the intersection of 4th Avenue NE & Bay Street Northeast/North-South Alley (34+317+2). A peak season factor of 1.0 was applied to the existing hourly volume.

- 2. For the stop sign that is recommended on page 3, is "The Alley" the north-south alley located east of the proposed condominiums and are you proposing that vehicles traveling southbound on the north-south alley be required to stop before they turn left or right on Fareham Place North? Please explain in more detail how the stop sign will improve conditions from a safety and site circulation perspective. It is noted that stop signs do not exist at either end of Fareham Place North between 1st Street and Beach Drive NE. Is this an observation rather than a recommendation at this time?**

Page 3 of the report was updated to reflect the revised language as suggested in Comment 2.

Please call or email me should you have any additional comments or questions.

Thanks!

Kimley»»Horn

Danni Hirsch Jorgenson, P.E.

Kimley-Horn | 655 North Franklin Street, Suite 150, Tampa, Florida 33602

Direct: 813 635 5533 | Main: 813 620 1460

Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

Proud to be one of FORTUNE magazine's 100 Best Companies to Work For

From: Tom Whalen [Tom.Whalen@stpete.org]



August 7, 2014

Mr. Tom Whalen
Transportation and Parking Management Department
One Fourth Street North
St. Petersburg, Florida 33701

RE: ***Bliss Condominiums
Southwest Quadrant of 4th Avenue North & Beach Drive Northeast
Trip Generation Memorandum
City of St. Petersburg, Florida***

Dear Mr. Whalen:

The proposed Bliss Condominiums development site is located in the southwest quadrant of the intersection of 4th Avenue North & Beach Drive Northeast in the City of St. Petersburg, Florida. Access to the project site will be provided via a north-south alley to the east (which connects with 4th Avenue Northeast and Fareham Place North) and Fareham Place North to the south (which connects with 1st Street North and Beach Drive Northeast). Fareham Place North will remain unchanged for the proposed project, while it is proposed to add 5' to the north-south alley to provide additional space for improved traffic circulation. There is an existing, vacant building on site which is to be demolished. It is proposed construct up to 30 residential condominium dwelling units. A detailed site plan is attached hereto as Figure 1.

Based upon previous discussions with City of St. Petersburg transportation staff, the transportation study requirements consist of submitting a transportation memorandum describing the proposed land use, including a trip generation estimate and a preliminary review of available transportation capacity on the nearest concurrency maintained roadway links (4th Avenue Northeast). A description of the land use and the results of the trip generation and available capacity analysis are provided below.

Narrative (Description of Land Use)

The project site located at 176 4th Avenue Northeast currently contains a vacant building which is to be demolished. It is proposed to construct up to 30 residential condominium dwelling units (Land Use Code (LUC) 230, Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition).

The new trip generation potential of the proposed development for the a.m. and p.m. peak-hours were estimated using information contained in the ITE *Trip Generation Manual*, 9th Edition, for land use code (LUC), 230, Residential Condominium/Townhouse. The estimated total new trips expected to be generated by the proposed development are 22 two-way, trip-ends (15 entering/7 exiting) in the p.m. peak hour of adjacent roadways during the 4:00 p.m. to 6:00 p.m. time period and 20 two-way trip ends (3 entering/17 exiting) in the a.m. peak-hour of adjacent roadways during the 7:00 a.m. to 9:00 a.m. time as listed below in Table 1. No internal capture or pass-by trips were considered for this site. The 22 two-way p.m. peak-hour trips anticipated to be generated by the proposed

development represent less than 1% of the peak-hour, peak-direction roadway capacity of 4th Avenue Northeast.

TABLE 1

ITE Code	Land Use Type	Size	AM [PM] Peak-Hour Trips In	AM [PM] Peak-Hour Trips Out	AM [PM] Peak-Hour Total Trips
230	Residential Condominium/Townhouse	30 dwelling units	3 [15]	17 [7]	20 [22]

The existing, vacant 2,300 square foot retail building produced approximately 10 p.m. peak-hour trips when the retail use was operating (according to ITE Trip Generation estimate for LUC 813, Specialty Retail). As the retail use is vacant and to be demolished prior to the construction of the proposed Bliss Condominium project, the approximately 10 p.m. peak-hour trips from this use are no longer impacting the adjacent roadway network.

Existing Data

The closest concurrency regulated roadway was determined to be 4th Avenue Northeast (from 4th Street North to Beach Drive Northeast). In Table 2 below, the link information outlined for the existing data on the first directionally accessed functionally classified (concurrency regulated) roadway segment has been provided.

Vehicle turning movement volume counts were obtained by Kimley-Horn at the intersections of 4th Avenue Northeast & The Alley/Bay Street Northeast and Fareham Place Northeast & The Alley during the p.m. peak-period (4:00 P.M. to 6:00 P.M.) to quantify existing p.m. peak-hour conditions in the study area. Counts were collected on July 16, 2014. The raw counts are provided as an attachment to this memorandum.

The vehicle counts at the study intersections were adjusted to reflect seasonal conditions. This modification was performed using the FDOT's most recent (2013) seasonal factors (SF), which correspond to the data collection date.

TABLE 2

Road Name	From Street	To Street	Cross Section	Peak- Hour, Peak Direction LOS Standard Service Volume	Existing Peak Season Volume	Volume/ Capacity Ratio	Adequate Capacity?
4 th Avenue Northeast	4 th Street North	Beach Drive Northeast	3LD (One-way)	2,858	353	0.124	Yes

Source: FDOT Q/LOS 2013 Handbook; FDOT Florida Traffic Online (2013)

As can be seen in Table 1, 4th Avenue Northeast currently has sufficient adequate capacity. In addition, Rowland Place, an adjacent 17 dwelling unit condominium building which is currently under construction, is also anticipated to add 14 P.M. peak hour trips (9 inbound/5 outbound) to 4th Avenue Northeast roadway.

Even after the trips anticipated to be generated from the Rowland Place and Bliss Condominium developments are added to the adjacent roadway network, the 4th Avenue Northeast roadway segment will operate with adequate capacity.

Safety Evaluation and Site Circulation Analysis

Site visits were performed during the A.M. (7:00 A.M. to 9:00 A.M) and P.M. (4:00 P.M. to 6:00 P.M.) peak hours. During the site visits, the following observations were made with regard to existing traffic and circulation patterns and potential safety/circulation recommendations:

Existing Conditions Evaluation

- Very little traffic was observed on 4th Avenue Northeast, Bay Street Northeast, 1st Street North, and Beach Drive Northeast during the peak hours. There was relatively little traffic observed in the alley ways as well.
- It was observed that Fareham Place North currently is used by commercial delivery vehicles for loading and unloading. Photos documenting this activity and signage indicating the 30-minute loading zone are attached to this memorandum.
- No parking is currently permitted on the north side of Fareham Place North, adjacent to this project.

Safety Evaluation and Site Circulation Recommendations

- Fareham Place North should remain as two-way operations.
- At the intersection of Fareham Place North & the North-South Alley (located immediately east of the proposed condominium development), it is recommended that vehicles traveling in the southbound direction on the North-South Alley on the southbound approach be required to stop before making a southbound left or southbound right turn. Installation of a "Stop Sign" is

therefore recommended for the southbound approach on the North-South Alley. No "Stop Signs" are recommended for either the westbound or eastbound approaches at the intersection of Fareham Place North & the North-South Alley.

- No "Stop Signs" were observed at the westbound approach to the Fareham Place North & 1st Street North and eastbound approach to the Fareham Place North & Beach Drive Northeast intersections.
- Per the attached site plan, car elevators with two waiting spaces for when elevators are in use are proposed. Both the car elevators and two waiting spaces are on the proposed Bliss Condominium's property.
- It is recommended that the commercial vehicle 30-minute loading area on Fareham Place North on the south side of the road be formalized via a striped area. Formalizing the commercial loading area will allow for unobstructed ingress and egress to the alley on the east side of the proposed development.
- Parking restrictions are recommended to continue on the north side of Fareham Place North.
- The alley on the east side of the proposed development will be expanded to 22'. This 22' cross-section will be accomplished as the developer is providing 7' to the existing 15' alley. The additional 7' of alley to be provided by the developer and is anticipated to improve future safety and circulation conditions.

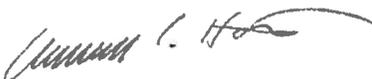
Summary

Based upon the above information, the proposed Bliss Condominium development is expected to have a minimal impact on the operating conditions of the surrounding public roadway system. In addition, the adjacent roadway (specifically 4th Avenue Northeast) is expected to have adequate roadway capacity to handle the anticipated additional project traffic from the Bliss Condominium project site.

If you have any questions or comments regarding the above matter, please contact us as soon as possible.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Christopher C. Hatton, P.E.
Senior Vice-President



Danni H. Jorgenson, P.E.
Project Manager

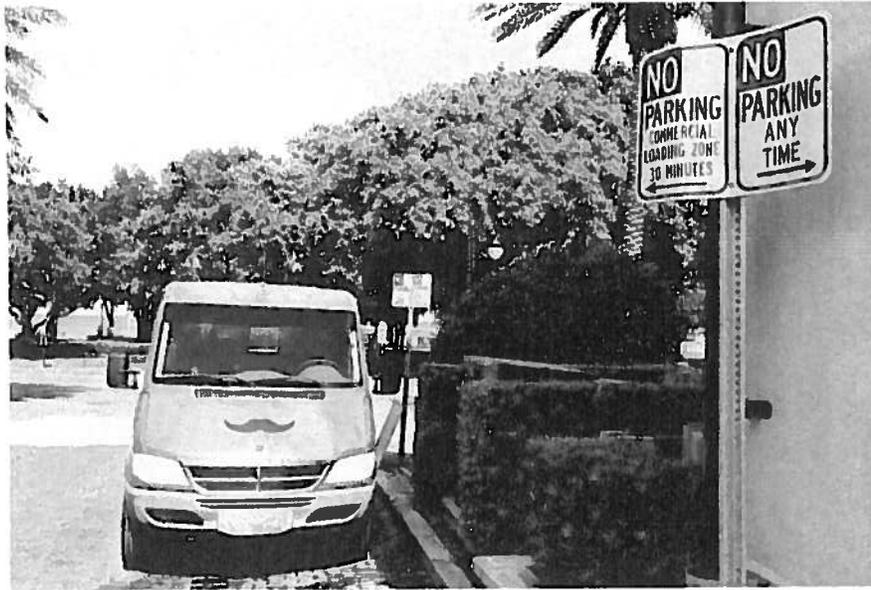
CC: Brian Taub (Taub Entities – St. Pete, LLC)



Building to be demolished and existing driveway to parking lot. View from 4th Avenue Northeast.

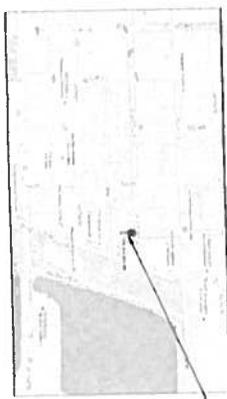


Building to be demolished and existing alley. View from 4th Avenue Northeast.

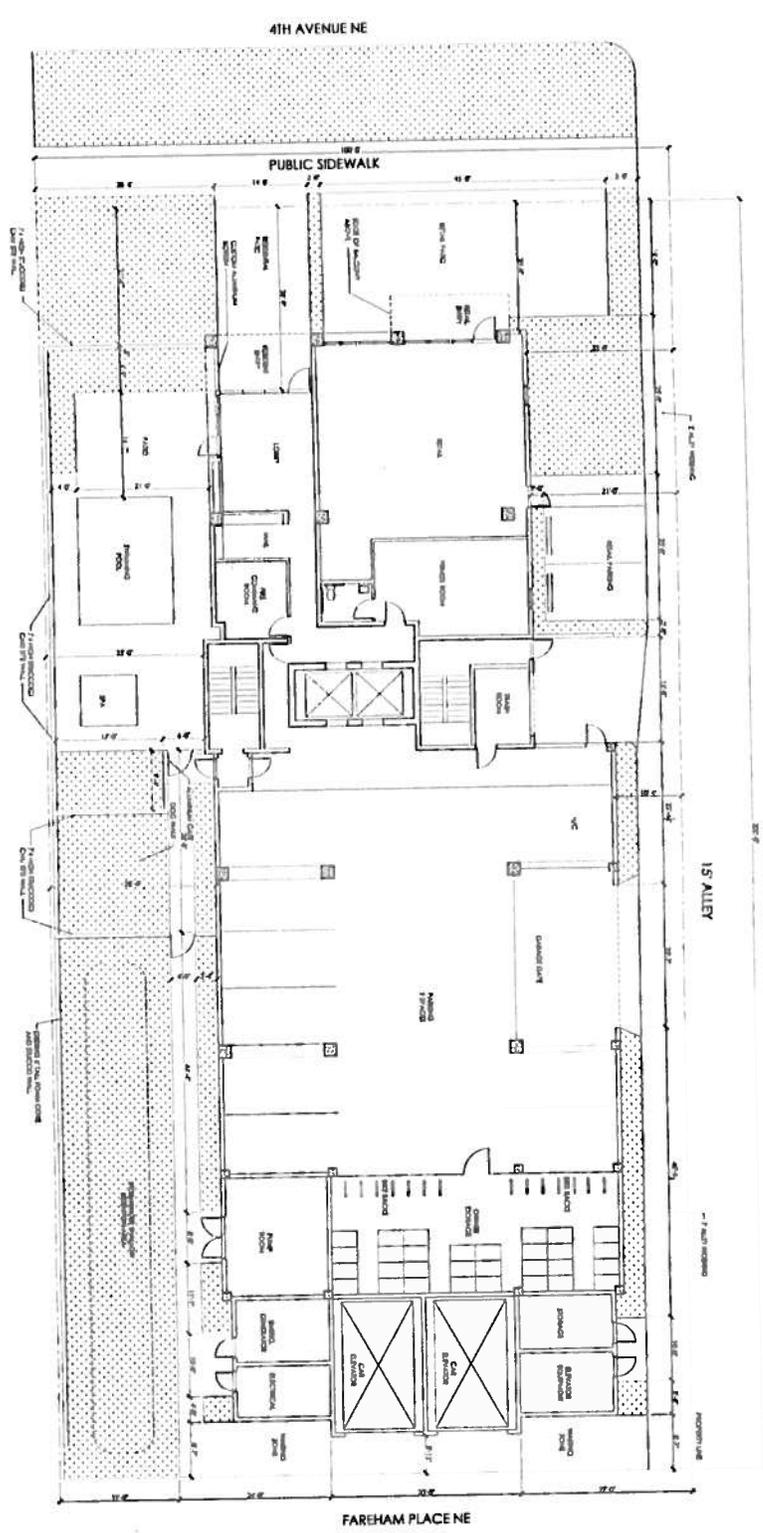


Existing Commercial Loading Zone sign on the south side of Fareham Place North.

Vicinity Plan
SCALE: 1/8" = 1'-0"



Site Plan
SCALE: 1/8" = 1'-0"



DATE: 08/17/14	DESIGNER: MESH ARCHITECTURE
REVISIONS: 08/17/14	DRAWN BY: JAM
CHECKED BY: TC	PROJECT NO: 14-001

bliss condominiums
176 4th Ave NE
St. Petersburg, Florida 33701



2900 44th Ave N
St. Petersburg, FL 33714
T | 727.823.3760
F | 727.822.0881
www.mesh.us
AA# 26002337

11.1



Quality Counts

Site Code: 2742201

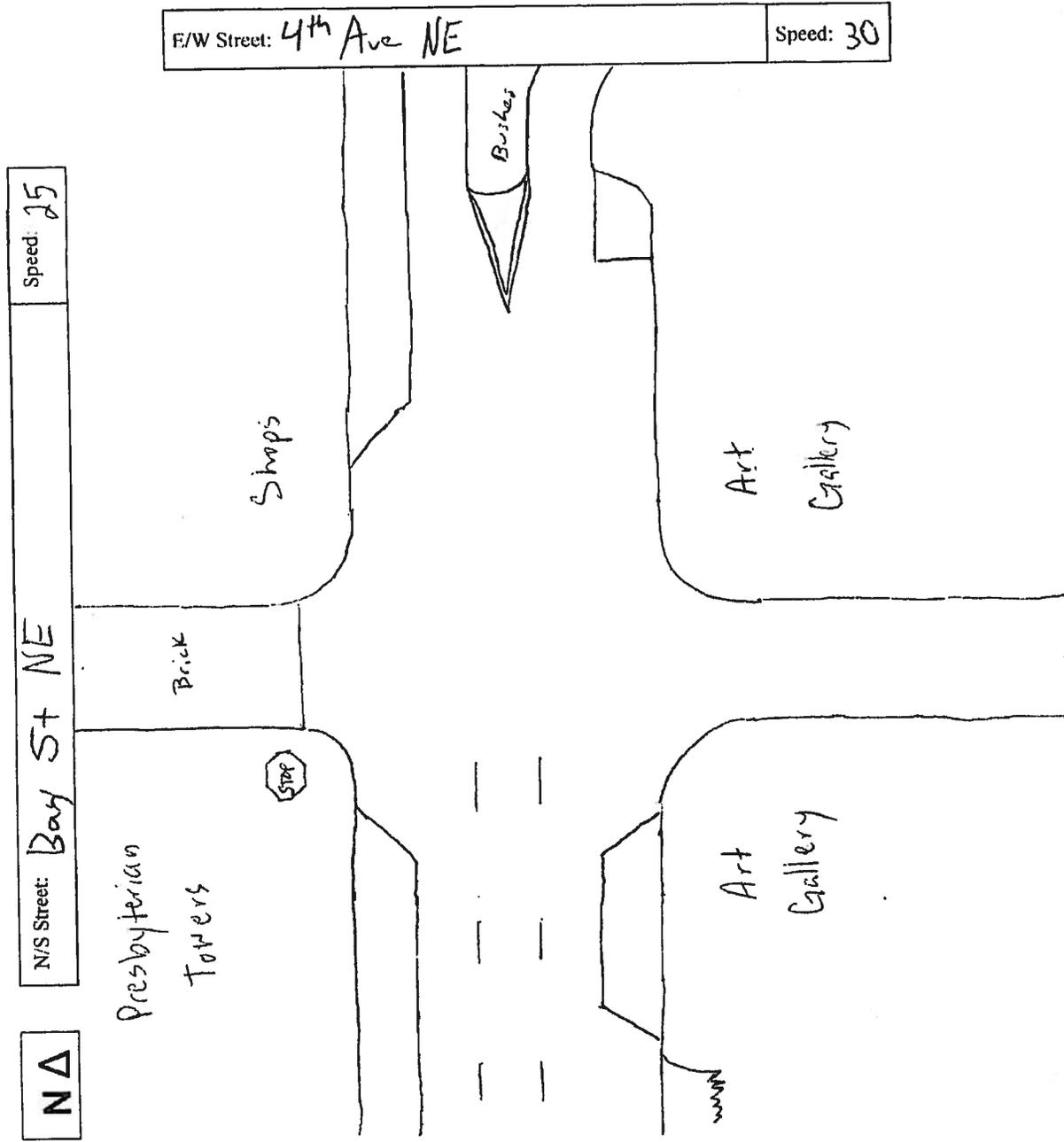
Date: 7-16-2014

Weather: Rain 7

City: St. Petersburg

County: Pinellas

Count Times: 4:00 PM - 6:00 PM

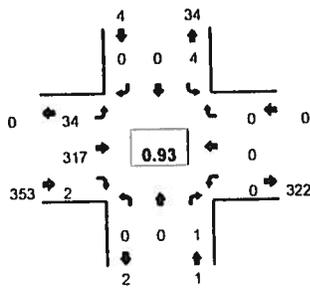


Type of peak hour being reported: Intersection Peak

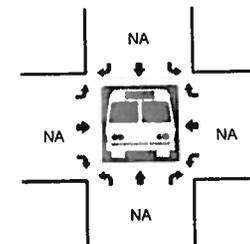
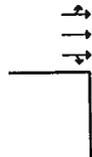
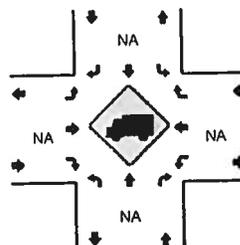
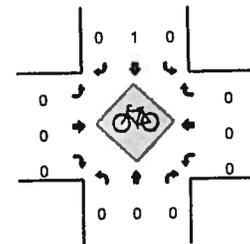
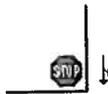
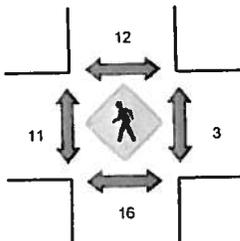
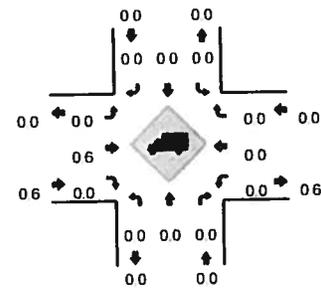
Method for determining peak hour: Total Entering Volume

LOCATION: Bay St NE/Side Alley -- NE 4th Ave
 CITY/STATE: St Petersburg, FL

QC JOB #: 12742201
 DATE: Wed, Jul 16 2014



Peak-Hour: 5:00 PM -- 6:00 PM
 Peak 15-Min: 5:15 PM -- 5:30 PM



15-Min Count Period Beginning At	Bay St NE/Side Alley (Northbound)				Bay St NE/Side Alley (Southbound)				NE 4th Ave (Eastbound)				NE 4th Ave (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	1	0	0	2	0	0	0	9	50	2	0	0	0	0	0	64	
4:15 PM	0	0	1	0	1	0	0	0	9	48	0	0	0	0	0	0	59	
4:30 PM	0	0	1	0	2	0	0	0	10	56	0	0	0	0	0	0	69	
4:45 PM	0	1	0	0	3	3	0	0	7	52	0	0	0	0	0	0	66	258
5:00 PM	0	0	0	0	2	0	0	0	13	67	1	0	0	0	0	0	83	277
5:15 PM	0	0	0	0	1	0	0	0	5	89	1	0	0	0	0	0	98	314
5:30 PM	0	0	0	0	1	0	0	0	7	85	0	0	0	0	0	0	93	338
5:45 PM	0	0	1	0	0	0	0	0	9	76	0	0	0	0	0	0	86	358

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	0	0	0	4	0	0	0	20	356	4	0	0	0	0	0	384
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pedestrians		32				8				8				0			48
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Railroad																	
Stopped Buses																	

Comments:



NA

N/S Street: Bay St NE/Alley

Speed: N/A

Site Code: 12742202

Date: 7-16-2014

Weather: Rainy

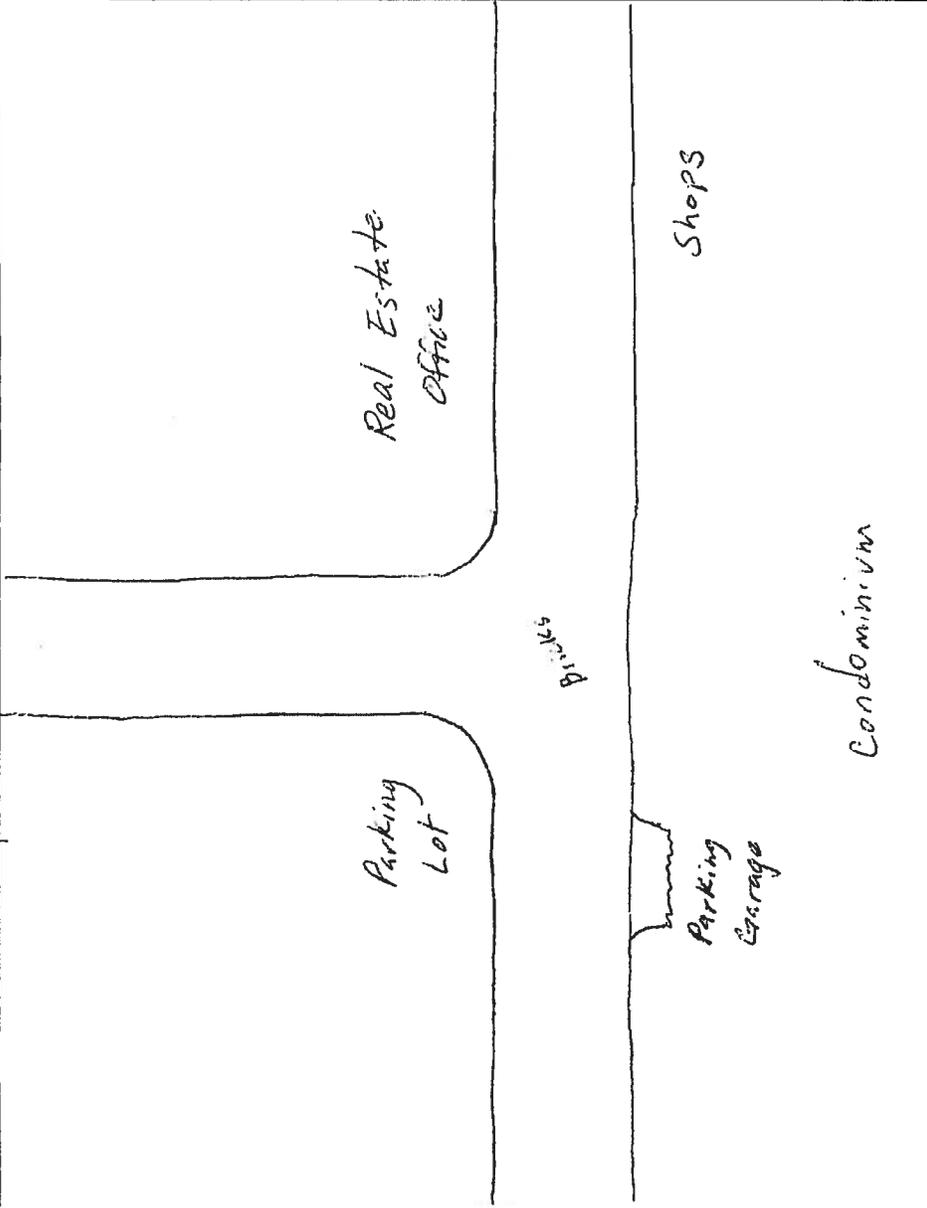
City: St. Petersburg

County: Pinellas

Count Times: 4:00PM-6:00PM

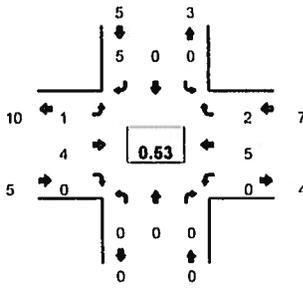
E/W Street: Foreham Pl N

Speed: N/A

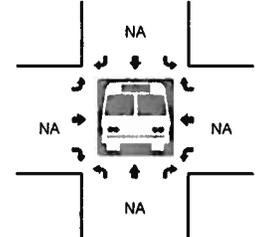
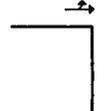
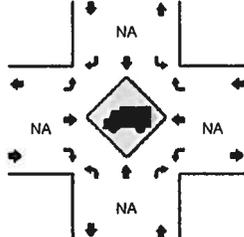
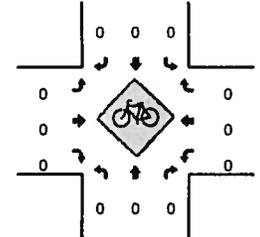
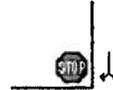
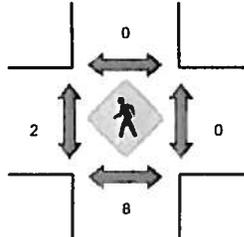
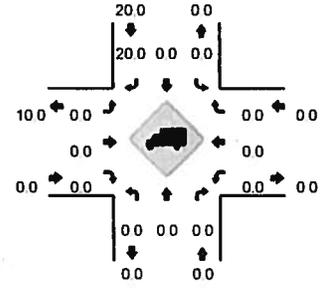


LOCATION: Bay St NE/Side Alley -- Fareham PI NE
 CITY/STATE: St Petersburg, FL

QC JOB #: 12742202
 DATE: Wed, Jul 16 2014



Peak-Hour: 4:15 PM -- 5:15 PM
 Peak 15-Min: 4:30 PM -- 4:45 PM



15-Min Count Period Beginning At	Bay St NE/Side Alley (Northbound)				Bay St NE/Side Alley (Southbound)				Fareham PI NE (Eastbound)				Fareham PI NE (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
4:30 PM	0	0	0	0	0	0	1	0	1	1	0	0	4	1	0	0	8	
4:45 PM	0	0	0	0	0	0	2	0	0	2	0	0	0	0	1	0	5	15
5:00 PM	0	0	0	0	0	0	2	0	0	1	0	0	0	0	0	0	3	17
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16
5:30 PM	0	0	0	0	0	0	1	0	0	3	0	0	0	0	0	0	4	12
5:45 PM	0	0	0	0	0	0	1	0	0	3	0	0	0	2	0	0	6	13

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	0	0	0	0	0	4	0	4	4	0	0	0	16	4	0	32
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pedestrians		12				0				0				0			12
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Railroad																	
Stopped Buses																	

Comments:

ThyssenKrupp Elevator



September 16, 2014

Mr. Tim Clemmons
Mesh Architecture
Tel: (727) 823-3760

Email- tim.c@mesh.wc

RE: Bliss Condominium- St. Petersburg, FL

This letter is to provide clarification to the questions / concerns below:

- What type of operating device is used by the driver to call the elevator? TKE Response- A private key fob will be used to swipe and register a call. The programming can provide access to any of the parking level, or a specific landing. This is programmed by the security subcontractor.
- Does the driver leave his vehicle during operation of the elevator? TKE Response- There is no need for the driver to get out of the vehicle.
- Is there an exterior light indicating that the elevator is in use? In other words, will an approaching driver know the current location of the two elevators? TKE Response- We can absolutely locate a position indicator by the pedestal where the call station / card reader is located.
- Can the elevators be programmed to return to the first floor (street level) when not in use? TKE Response- Yes, car homing is typical for all elevators.
- How long does the garage door take to open? TKE Response- On average, 7-8 seconds maximum. This can be adjusted in the field to fit the needs of the residents, within a reasonable amount of time. In addition, be advised the power operated doors will include an infrared beam detection system that will not allow the doors to close if there is an object interfering with the beam (i.e. car not completely inside the elevator).
- What is the travel time from the 1st floor to the 4th floor (the travel distance is 35')? TKE Response- 33.6 seconds. Assuming the elevator is on the 1st floor, what is the total estimated time from when the elevator is summoned by an approaching driver until the car leaves the elevator on the 4th floor? TKE Response- The average internal waiting time for an elevator is always the major variable. Based on the number of units, number of elevators, and speed of the elevators, the average wait time is 27.2 seconds. Once an elevator arrives, the power doors will take 7-8 seconds to open and 7-8 seconds to close. Estimate a travel time to the 4th level of 33.6 seconds and 7-8 for the doors to re-open. This calculates to a total travel time of approximately 78 seconds. For example, the occurrence where the elevator(s) will be "homed" at the 1st level, will be common for a building with such a low population. In this instance, the 27.2 interval wait time will not factor into the total trip time.
 - Estimated total trip 1-4: 78 seconds
 - Estimated total trip 1-3: 67 seconds
 - Estimated total trip 1-2: 59 seconds

Upon review of the above, please contact me with any questions and / or concerns.

Respectfully,

Louis A. Cosmelli

New Equipment Branch Manager

ThyssenKrupp Elevator Company
5100 West Grace Street
Tampa, FL 33607
Telephone: (813) 287-1744 or (800) 683-8880
Fax: (813) 288-1954
E-mail: louis.cosmelli@thyssenkrupp.com
Internet: www.thysselevator.com



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6990-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building bliss condominium SE corner
Location:	St. Petersburg, FL
Latitude:	27-46-33.24N NAD 83
Longitude:	82-37-57.18W
Heights:	13 feet site elevation (SE) 211 feet above ground level (AGL) 224 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6990-OE.

Signature Control No: 220780887-229743322

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6990-OE

Proposal: To construct a Building (southeast corner) to a height of 211 feet above ground level (AGL), 224 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.71 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.71 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 67 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

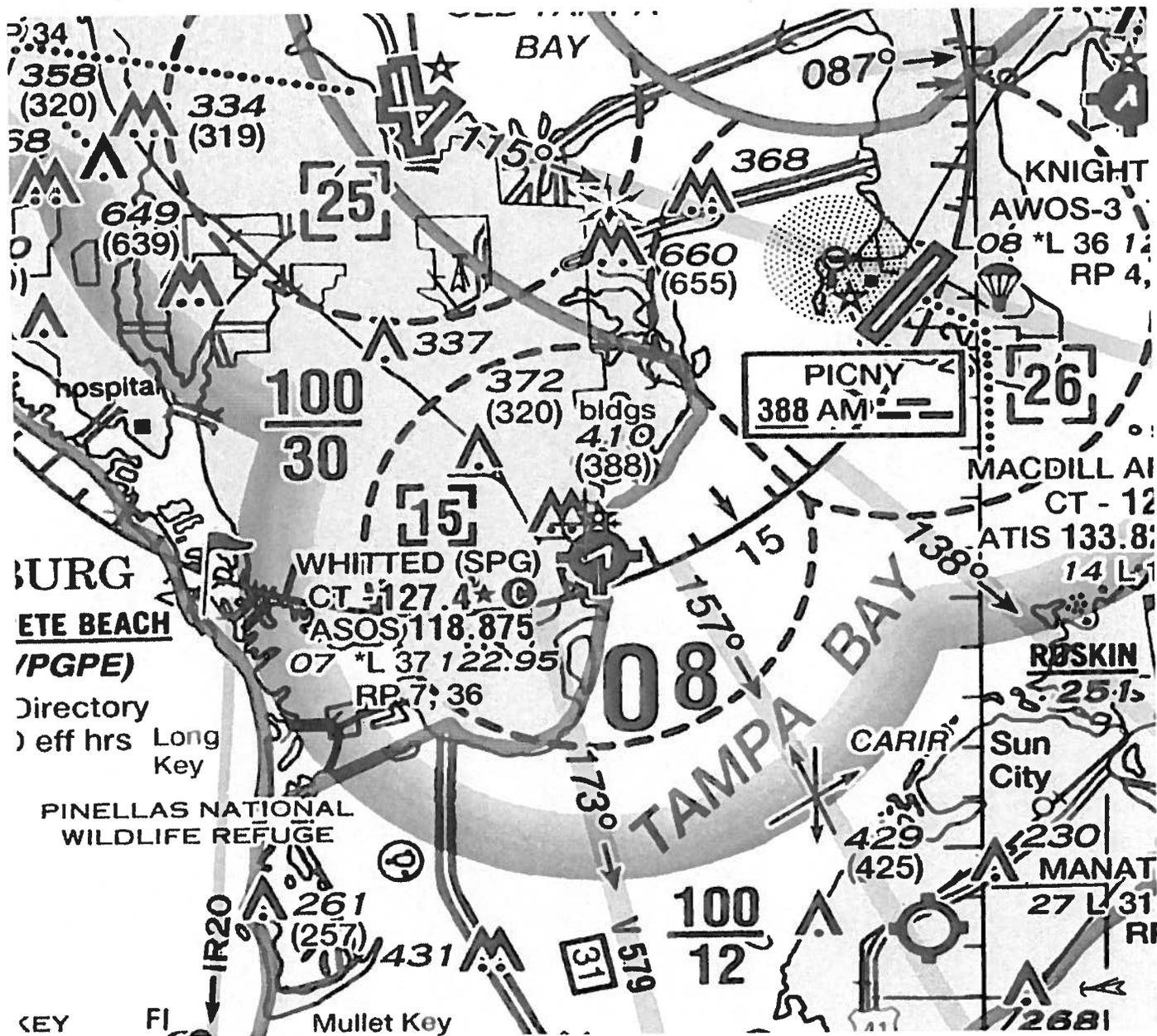
The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2014-ASO-6990-OE



Sectional Map for ASN 2014-ASO-6990-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6987-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building bliss condominium
 Location: St. Petersburg, FL
 Latitude: 27-46-34.36N NAD 83
 Longitude: 82-37-57.90W
 Heights: 16 feet site elevation (SE)
 211 feet above ground level (AGL)
 227 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6987-OE.

Signature Control No: 220780884-229743211

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6987-OE

Proposal: To construct a Building (northwest corner) to a height of 211 feet above ground level (AGL), 227 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.73 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.73 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 70 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

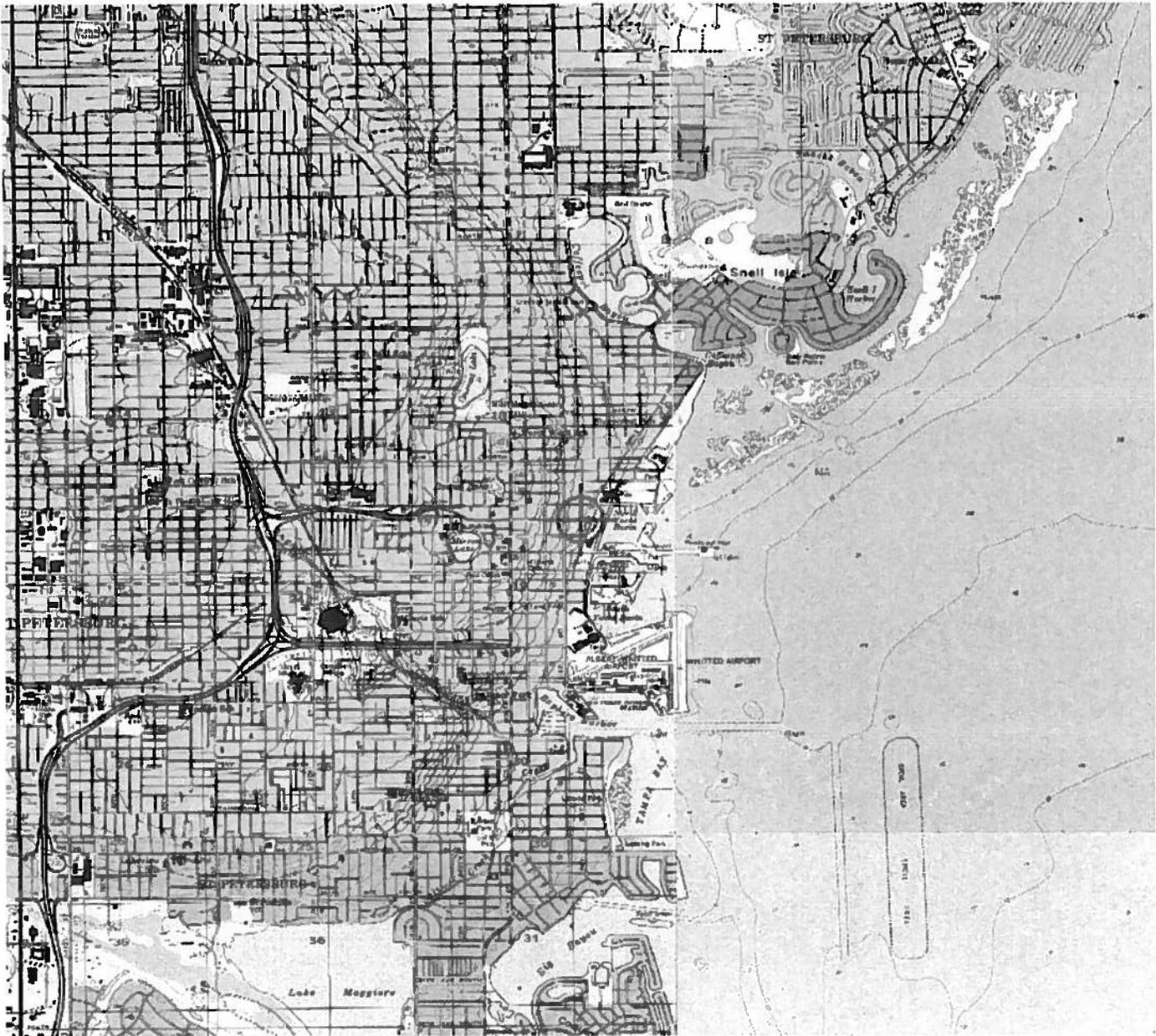
The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

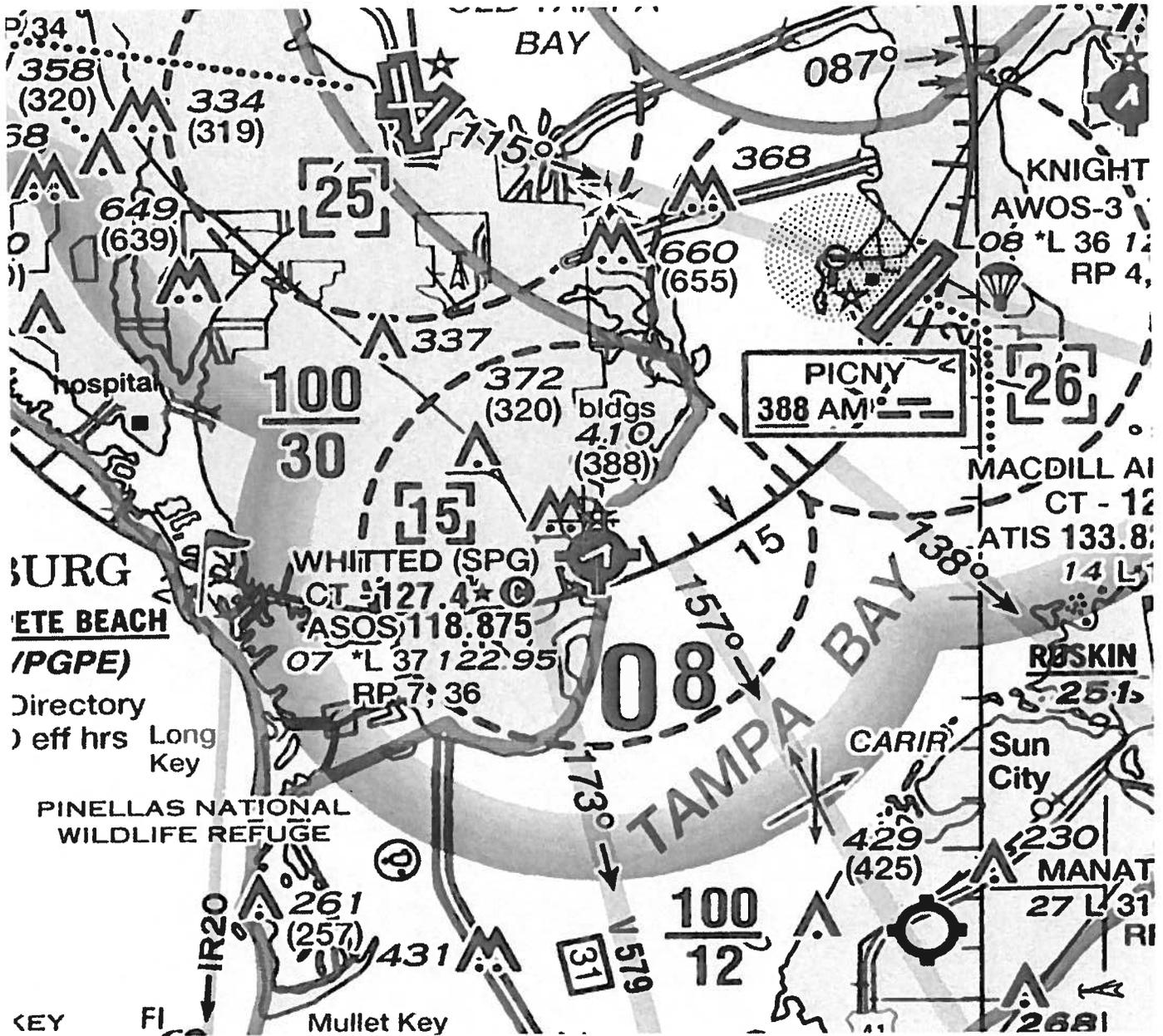
The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2014-ASO-6987-OE



Sectional Map for ASN 2014-ASO-6987-OE



6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6988-OE.

Signature Control No: 220780885-229743275

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6988-OE

Proposal: To construct a Building (northeast corner) to a height of 211 feet above ground level (AGL), 226 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.73 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.73 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 69 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6988-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building bliss condominium NE Corner
 Location: St. Petersburg, FL
 Latitude: 27-46-34.36N NAD 83
 Longitude: 82-37-57.33W
 Heights: 15 feet site elevation (SE)
 211 feet above ground level (AGL)
 226 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

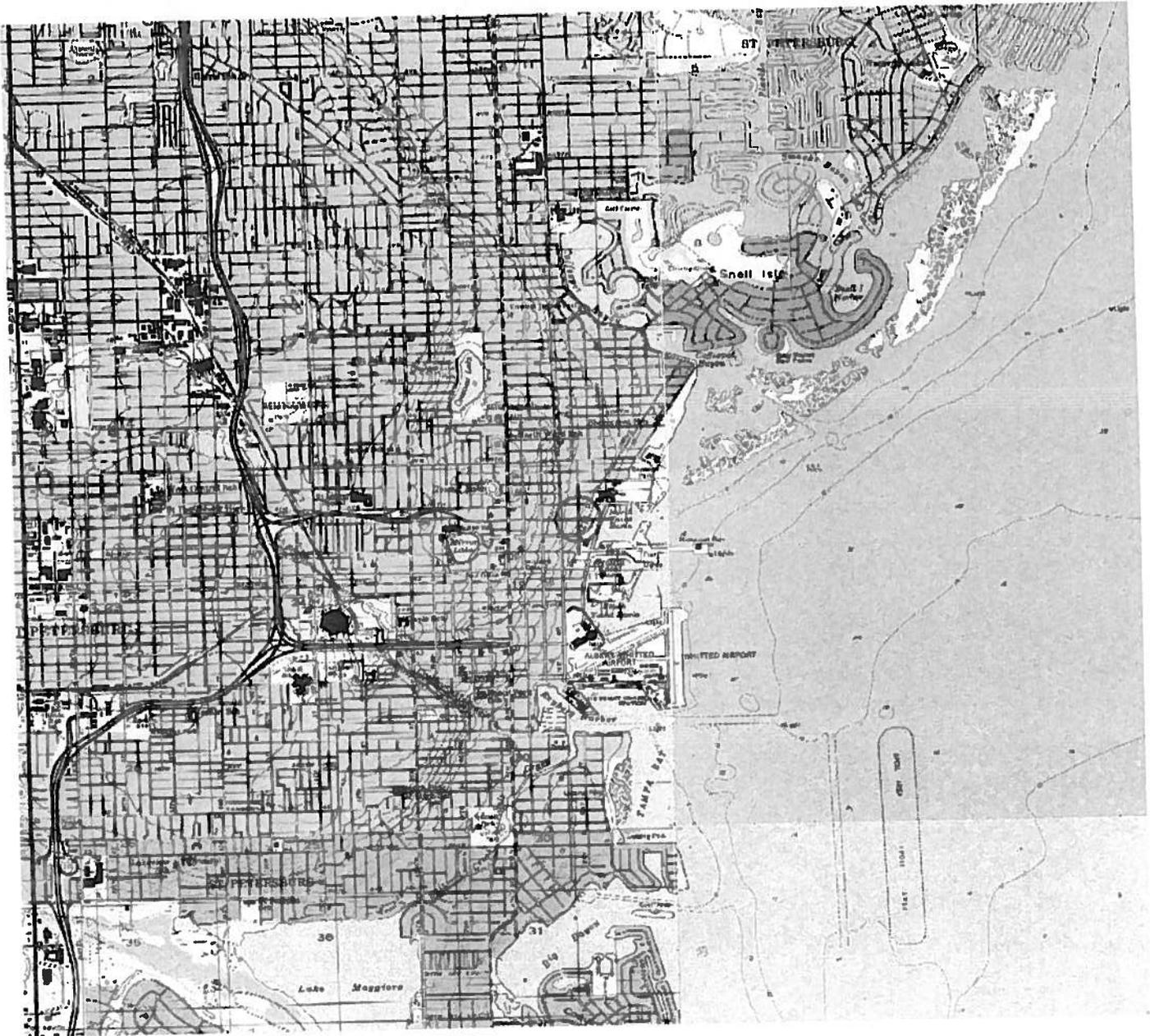
- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

TOPO Map for ASN 2014-ASO-6988-OE





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-ASO-6989-OE

Issued Date: 09/19/2014

Brian Taub
 Taub Ventures, Inc
 921 Anchorage Road
 Tampa, FL 33602

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building bliss condominium SW corner
Location:	St. Petersburg, FL
Latitude:	27-46-33.23N NAD 83
Longitude:	82-37-57.89W
Heights:	14 feet site elevation (SE)
	211 feet above ground level (AGL)
	225 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/19/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 19, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 29, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Michael Blaich, at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ASO-6989-OE.

Signature Control No: 220780886-229743301

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-ASO-6989-OE

Proposal: To construct a Building (southwest corner) to a height of 211 feet above ground level (AGL), 225 feet above mean sea level (AMSL).

Location: The structure will be located approximately 0.71 nautical miles (NM) northwest of the Albert Whitted Airport (SPG) reference point.

The proposals would exceed the Obstruction Standards of Title 14 of the Code of Federal Regulations (14 CFR), Part 77 as follows:

Section 77.17(a)(2) by 11 feet - a height that exceeds 200 feet above ground level within 0.71 NM as applied to SPG.

Section 77.19(a) SPG: Horizontal Surface --- > Exceeds by 68 feet.

Part 77 Obstruction Standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study in order to determine if they would have significant adverse effect on protected aeronautical operations. While the obstruction standards trigger formal aeronautical study, including circularization, they do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds an obstruction standard of Part 77 does not provide a basis for a determination that the structure would constitute a hazard to air navigation.

An aeronautical study for Visual Flight Rules (VFR) disclosed that the proposed structure would not affect VFR navigation.

Details of the proposed structure were circularized to the aeronautical public for comment. No letters of objection were received during the comment period.

The proposed structures' proximity to the airport was considered and found to be acceptable.

The proposed structure was found to have no substantial adverse effect on the VFR traffic patterns in the vicinity of the site.

The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use and military airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the proposed structure would have no substantial adverse effect upon any terminal or en route instrument procedure or altitude.

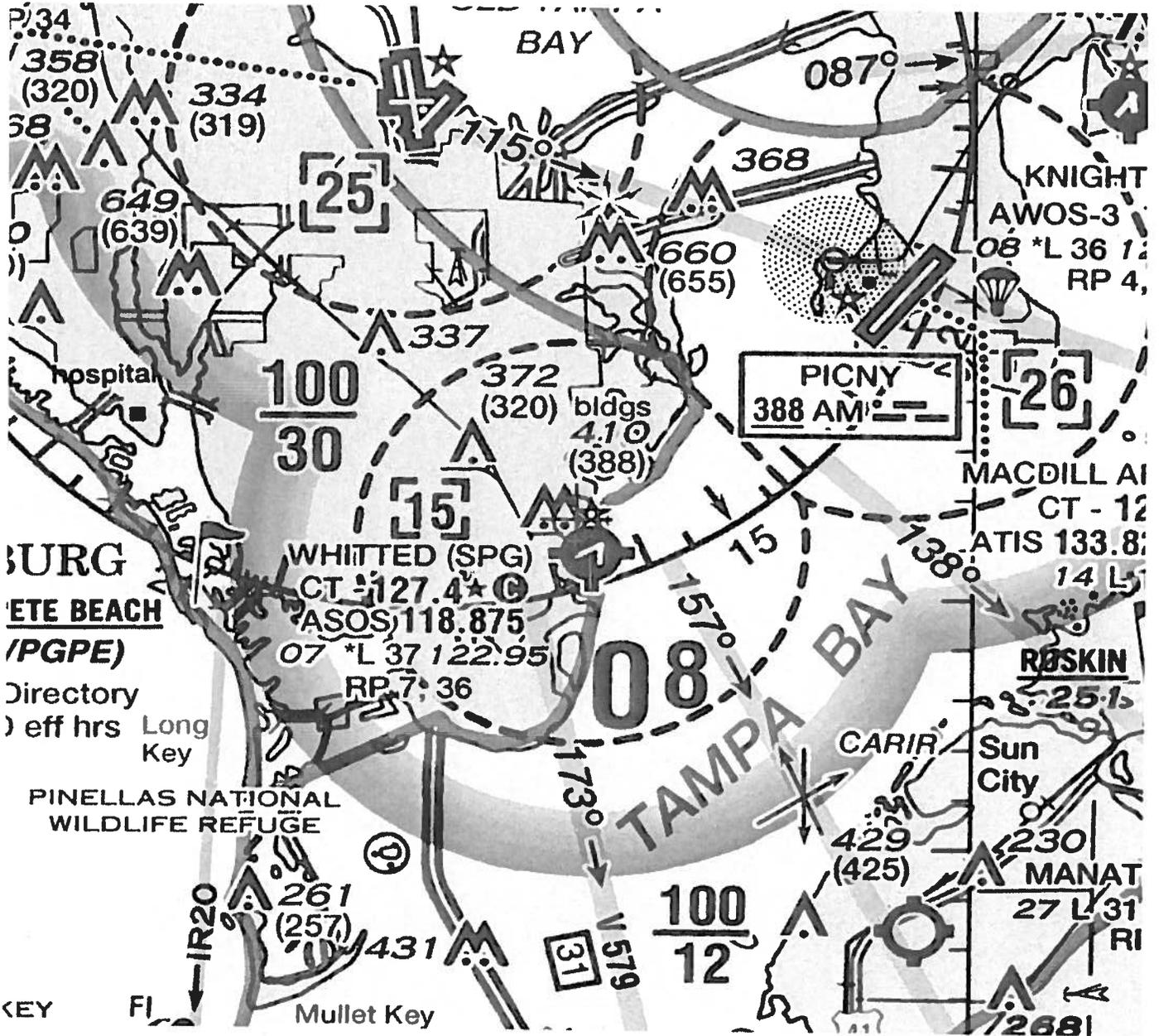
The cumulative impact (IFR/VFR) resulting for the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on any navigation facility and would not be a hazard to air navigation.

TOPO Map for ASN 2014-ASO-6989-OE



Sectional Map for ASN 2014-ASO-6989-OE



**MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT**

TO: Barbara Race, Development Services Department
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: July 9, 2014
SUBJECT: Site Plan Review
FILE: 14-31000015

LOCATION: 176 4th Avenue Northeast
PIN: 19/31/17/77238/000/0040
ATLAS: E-4
PROJECT: 176 4th Avenue Northeast

REQUEST: Approval of site plan to construct an 18 story, 29 unit multi-family development. The applicant is requesting floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations.

SPECIAL CONDITIONS OF APPROVAL: The Engineering Department has no objection to the proposed site plan provided that the following special conditions and standard comments are added as conditions of approval:

1. Habitable floor elevations must be set per building code requirements to at least one foot above the FEMA elevation. The construction site upon the lot shall be a minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by the engineering director. In no case shall the elevation of the portion of the site where the building is located be less than an elevation of 103 feet according to City datum.
2. Wastewater reclamation plant is adequate. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City's Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). **If an increase in flow of over 1000 gpd is proposed,** the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent or need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City's Water Resources department for system analysis of main sizes 10" and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

3. The scope of this project will trigger compliance with the Drainage and Surface Water Management Regulations as found in City Code Section 16.40.030. Submit drainage calculations which conform to the water quantity and the water quality requirements of City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped. Stormwater systems which discharge directly or indirectly into impaired waters must provide net improvement for the pollutants that contribute to the water body's impairment. Stormwater runoff release and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm.
4. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless specifically limited by the DRC approval conditions. The DC zoning district requires 10-foot wide public sidewalk along 4th Avenue Northeast. Existing sidewalks and new sidewalks will require curb cut ramps for physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.
5. Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City's Water Resources department or a variance is granted by the City Water Resources department). Note that the City's Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City's Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).
6. This project is within the Downtown National Historic District. All existing roadway brick, granite roadway curbing, and hexagon block sidewalk must be preserved. It is noted that the current sidewalk within 4th Avenue Northeast is hexagon block. Any existing brick, granite curbing, or hexagon block which will not be utilized or is contained within streets or alleys to be vacated shall remain the property of the City and shall be neatly stacked, palletized and returned to the City's Maintenance yard by and at the expense of the developer.
7. Widening of the eastern alley shall be done in conformance with current City Engineering Standards and Specifications. The pavement section shall be an inverted crown at the alley centerline. Milling and overlay of the entire alley will be required. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way.
8. City sanitary sewer atlas map E4 indicates that an 8" sanitary sewer extends into this property from public manhole E4-207 (located in the east/west alley south of the proposed development). The applicant shall verify if any other properties are connected to the north/south segment of sanitary sewer which extends into the private lots and will be required to relocate services as may be necessary to maintain all public sanitary sewer flows. All public sanitary sewer mains shall be contained within public right of way or public utility easement. Private mains which

only service this development site will be abandoned to the ownership/maintenance of the property owner.

9. Proposed alley access to the garage must be coordinated and approved through Michael Frederick (phone 727-893-7843) of the City's Neighborhood Transportation and Parking division.

10. The stormwater outfall from the detention area shall be piped to connect to the public stormwater conveyance system. Discharges to the alley or otherwise overland are not desirable in the downtown area.

STANDARD COMMENTS: Water service is available to the site. The applicant's Engineer shall coordinate potable water and /or fire service requirements through the City's Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated right-of-way or easement.

A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans should include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with any plans for development on this site.

It is the developers responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, SWFWMD and Pinellas County, as required for future development on this site. Plans and specifications are subject to approval by the Florida state board of Health.

NED/MJR/jw

pc: Kelly Donnelly
Reading File
Correspondence File

Subdivision File - ROWLAND'S, E. B. SUB

Chris and Bob Hilton
300 Beach Drive NE, Unit 1501
St. Petersburg, FL 33701



July 29, 2014

TO: The Planning & Economic Development Department

My wife and I have lived in Parkshore Plaza Condominium since August 2006. We have always lived on the alley immediately behind the building, first living in Unit 501, then moving to Unit 1501 in August 2013 when the opportunity availed itself, which was shortly after the six story Rowland Place construction was announced. We made the move primarily to enjoy the beautiful view of North Tampa Bay. At that time, we were more than reasonably assured that the property immediately to the west of Rowland Place (where the former gallery for P. Buckley Moss is located) would not receive zoning exceptions beyond a six story building as the property next to Rowland Place would not support a building larger than that.

We are fully aware of the alley's existing heavy traffic issues so we were more than shocked to learn that an 18-story building with rooftop amenities was being considered for the property in question. The Bliss project is planning to only use the alley to access and exit the proposed building's garage. Bliss also plans to use an electric elevator parking system for the project's parking garage. The elevator parking system requires a significant amount of time to move one vehicle into the garage, a problem that is compounded by the fact that the garage entrance is only six feet from the alley. When two or more vehicles approach the parking garage entrance at the same time, a backup of one or more vehicles at the garage entrance will occur, creating a traffic flow problem in an already congested alley.

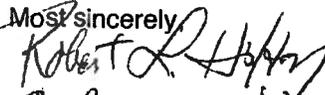
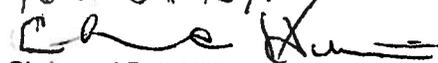
The current traffic volume on the alley is hazardous enough without adding permanent traffic. Having exited from Parkshore's garage on a daily basis at least once a day, I have, on a number of occasions, been in near driver and passenger side collisions, at times because of sunrise or sunset blind spots and at times because of unsafe car speeds going through the alley.

In addition to the safety hazard added traffic would cause, the proposed building presents issues for the many commercial deliveries required of the retail establishments along Beach Drive NE between 3rd and 4th Avenues. These commercial deliveries are primarily made via the alley. When the alley is blocked, several drivers have opted to make their deliveries via Beach Drive, which creates an even greater traffic hazard. Problems would also arise should an emergency vehicle need access to the alley at a time when vehicles are blocking the alley due to backup at the garage entrance to the proposed building. Finally, what will happen in the event the proposed building's garage elevator experiences mechanical failure?

We feel the proposed building's six foot setback from the alley is unacceptable, and should be a minimum of the length of three large vehicles, approximately 25 to 30 feet. Additionally, the ingress and egress in the alley should not be permitted. As a reminder, developers of Parkshore Plaza were forced to change their plans by the city to have the ingress on a different side of the building. Should not the same rules apply here as well?

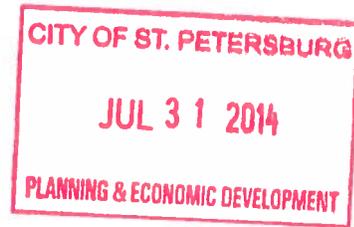
Should the developer be unwilling to increase the garage entrance setback, or reconfigure the garage entrance altogether, we think the Planning & Economic Development Department should deny the proposed building in order to protect the safety of those currently residing in, or working in, buildings that require extensive use of the alley.

Most sincerely,



Chris and Bob Hilton

July 29 2014

To: Planning and Economic Development Dept.
PO Box 2842
St Petersburg Fl 33731



From: Norman Peters
300 Beach drive NE
St Petersburg Fl 33701

Subject: Bliss Condo

I am writing this letter in opposition to the proposed Bliss project planned for the lot on 176 4th ave NE.

What traffic study has the city related to the lane way to understand the impact from all this new traffic coming from Rowland place and Bliss? This is a major safety concern that should be addressed by the city before the Bliss project is approved.

Bliss will create excessive traffic flow in a lane not equipped to handle it. Already ,even before the added traffic from Rowland place, the traffic is bad enough. Delivery trucks are regularly parked in the lane reducing access and visibility. Coming out of Parkshore plaza parking, I almost rammed into a bicyclist trying to get between a delivery truck and a car waiting next to it.

Also, isn't Bliss an outsized project with 20% less footprint than Rowland place, it proposes 18 floors to Rowland's 7.

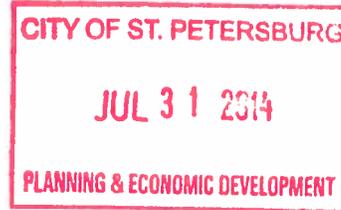
Please take this concern into consideration when making your decision. Once approved it will be impossible to remedy safety concerns in the lane way.

Regards

Norman Peters

August 30, 2014

City of St Petersburg
Planning & Economic Development, PO Box 2842
St Petersburg, FL 33731
RE: Case#14-31000015



Dear Planning Board:

We reside on the south side, #2104, of Parkshore Plaza Condominium. As you are aware, we egress through the alley between Beach Dr NE and 3rd Avenue NE. The alley is already very congested, with the normal flow of homeowners exiting our building, moving vans, vendor trucks servicing nearby restaurants, valet parking from Parkshore Grill, maintenance and service trucks servicing homeowners and nearby neighbors, garbage and other city vehicles, etc. blocking the alley. There is also a problem with speeding cars using the alley as a thruway. We have both experienced near misses with cars racing from Beach and not visible due to trucks blocking the view from the east side of the alley. Soon there will be an additional number of cars exiting from the soon to be occupied Rowland Place. There is also pedestrian traffic in the alley.

We are very concerned about the safety of exiting our building if the Bliss project goes ahead as proposed with additional vehicles cars not only exiting but entering from the alley, creating twice as much usage as with egress only, as is the case in our building. This would be a concern if it was just a matter of an opening gate into a garage, but we fear the proposed automobile elevator is going to result in an additional pileup of vehicles waiting its availability and blocking the alley.

We are unable to attend the hearing, but respectfully ask you to deny the application.

Yours truly,

Handwritten signatures of Maury and Betty Youmans in blue ink. The signature of Maury is on the left and Betty's is on the right, overlapping slightly.
Maury and Betty Youmans

HAROLD E. WELLS

300 Beach Drive Northeast

Number 2304

St. Petersburg, Florida 33701



July 30, 2014

Planning & Economic Development Department

Development Review Commission

Ref: Number 14-31000015

PO Box 2842

St. Petersburg, Florida 33731

Dear Sirs:

We are writing in reference to the proposed Bliss Condominium project to be built facing 4th Avenue NE. We are greatly opposed to this project because of the increased traffic it would create in the alley between the back of the proposed building and the back of the Parkshore Plaza Condominium building. It is our understanding that the proposed Bliss project would allow 55 vehicles to ingress and egress through two automobile elevators that would be located only 6 feet from the edge of the 20 foot alley. This alley is heavily trafficked now and to increase that would cause not only unbelievable congestion, but create a serious safety situation should any emergency vehicle need access.

As we will be out of town on the day of the public hearing, we ask that you take our written concerns under serious consideration. Thank you for your attention.

Yours truly,


Becky and Harold Wells

Kenneth R. Safko, M.D.

300 Beach Drive N.E., Unit 306

St. Petersburg, Florida 33701

727.894.3441

elkriverken@mac.com



July 30, 2014

Planning & Economic Development Department
P.O. Box 2842
St. Petersburg, FL 33731

Re: File #14-31000015
Bliss Building Project

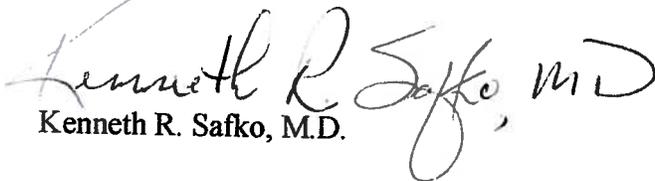
Dear Sir/Madam,

The Bliss building project as presently designed will create problems not only for residents of Parkshore Plaza Condominium, but adjacent buildings and businesses. Specifically the already congestion of and safety issues due to the multiple uses of the adjacent alleys will be compounded by the planned use of the alleys for ingress and exits of traffic generated by residents, guests and service companies for the Bliss project.

Please note that the main alley, named Fareham Place is well used by we residents of Parkshore Plaza, the owners and employees of Parkshore businesses and service vehicles to all, including The Moon Under Water restaurant and the Birchwood Hotel and it's restaurants. And a small "driveway" used by service vehicles for the Beach Drive businesses is planned as the ground floor garage entrance for the Bliss. Many times congestion requires a turnaround at our exits or even exiting via the entrance on third avenue NE. And this is before the Rowland Place condominium is completed and adding to the already overcrowding of that alley. I know that emergency vehicles would face delays trying to navigate that area when needed.

Please deny the application of the Bliss Project as presently planned. A major rework of the design is needed to address the issues alluded to above.

Sincerely,


Kenneth R. Safko, M.D.

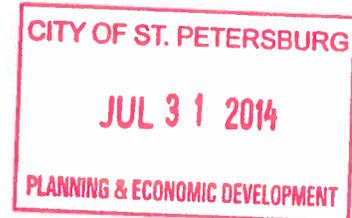
The Wallace's

300 Beach Dr. N.E. apt 204
Saint Petersburg, FL 33701-3404
wesleywallace@gmail.com
joannerwallace@gmail.com
603-315-9363



Tuesday, July 29, 2014

Planning & Economic Development Department
P.O. Box 2842
St. Petersburg, FL 33731



Re File # #14-31000015

Dear Sirs:

I am writing in reference to the proposed project **bliss** 176 4th Ave, NE

I have concerns over this project and as currently designed am against the project moving forward. My reasons for concern are as follows:

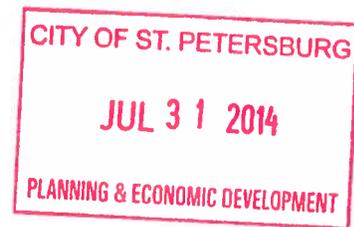
- **Traffic congestion:** With 3 floors devoted to parking 18 cars each, total 54 cars, all serviced by two elevators there a high likelihood that congestion will result in the abutting alley entrance to these elevators. The elevators open directly to the alleyway without significant setback. I am unaware of the cycle times of the elevators but in high traffic times the likelihood of significant stacking of cars in the alley seems high. Traffic studies and models of use might further elucidate this. As the elevators are mechanical elements and parking in the garage obligates their use it would be well to predict cycle times and likelihood of times of mechanical breakdown. What is the experience of other buildings using this methodology of vehicle management?
- **Setbacks:** The lot plan shows minimal setbacks from the street, alleys and the abutting building. This seems out of keeping with similar buildings with high rise profiles.
- **Character:** While there are two high rise building nearby, 300 & 400 Beach Drive, both have more on street amenities and seem more in keeping with the idea of opening vistas for view along sight lines to the water. This building seems to be maximizing occupancy density at the expense of the neighborhood character.

Sincerely

A handwritten signature in black ink that reads "Wesley Wallace". The signature is fluid and cursive.

Wesley Wallace

July 29, 2014



Planning & Economic Development Department

P.O. Box 2842

Saint Petersburg, FL 33731

Dear Commissioners,

We are writing to air our concerns about the Bliss Site plan that will be discussed at a meeting on Wednesday, August 6th at 2:00 pm. (file #14-31000015). As a long time resident of Parkshore my husband and I are concerned with the additional traffic this building will create in our alley way. Residents of Parkshore exit onto the alley that at present can be difficult with delivery trucks and cars that already line the alley. I can't imagine it getting worse by having other residents and or deliveries using the same small alley way. We are full time residents and fell that this proposed project will greatly impact us.

We hope you will give our valid concerns consideration as you review the Bliss Site Plan application. We appreciate and enjoy our downtown community and will continue to keep being involved in any further discussion on this matter.

Cordially,

Mr. & Mrs. Barry Greenfield

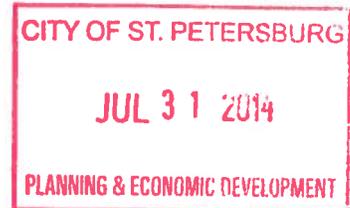
Mr. & Mrs. Barry Greenfield

300 Beach Dr Ne

Unit 301

Saint Petersburg, FL 33701

**The Nikjeh Family
300 Beach Drive #1701
St. Petersburg, FL 33701**



July 30, 2014

Planning & Economic Development Dept.
P.O. Box 2842
St. Petersburg, FL 33731

Re: File# 14-31000015

Attn: Board Members

My husband and I own a unit in Parkshore Plaza. After reviewing the proposed plans for the Bliss Condominium project, we strongly object to any variance for this project. We respect property rights, but we don't see why you should approve additional floor area for this small piece of land.

Let the developer design within the existing zoning restrictions. This would reduce the number of units and therefore, it reduces traffic generated in the alley immediately next to our building. The alley between us is regularly congested with vehicles and trucks which supply to nearby restaurants.

It is hard to believe that you will allow 30 additional residences which will generate 300 trips per day through this alley. The fact that cars are to use elevators which unload onto the alley is hard to believe, knowing how often elevators breakdown. We also would like the car elevators to be relocated to the alley running to the east of Bliss with direct access to 4th Avenue, instead of Beach Drive, where many pedestrians cross. This would be a fact that you need to consider.

In conclusion, we are not against development of Bliss, we are just asking you to keep the development to the existing zoning entitlements.

Your consideration of our concern is greatly appreciated.

Regards,

A handwritten signature in blue ink that reads "D. Nikjeh". The signature is written in a cursive style and is positioned above the typed name "The Nikjeh's".

The Nikjeh's

300 Beach Drive NE, Unit #2502
St Petersburg, FL 33701

July 30, 2014

Planning and Economic Development Department
PO Box 2842
St Petersburg, FL 33731

Re: Case #14-31000015 (Bliss Site Plan application)

Dear Sir/Madam:

The purpose of this letter is to express opposition to the proposal to build the Bliss condominium at 176 4th Avenue Northeast in downtown St Petersburg. The Bliss proposal would cause a very serious problem with traffic and public safety in the alley behind Bliss.

The alley already is one of the busiest in St Petersburg. At the large Parkshore Plaza condominium, all of the residents exit from their parking garage into the alley, and there are numerous moving vans and deliveries that go to its loading dock in the alley. The nearby office building and the B&B use the alley for parking access, and the restaurants and retail establishments use it for delivery trucks. One large restaurant has a busy valet parking facility that is entered and exited from the alley. The alley is also used by the garbage and recycling trucks. In addition, more traffic difficulties will soon be added by the new Rowland Place condominium that is currently under construction. It will have some resident parking spaces only a couple of feet from the alley, with cars backing directly into the alley.

The Bliss condominium is proposed to have two car elevators to take residents' cars from the alley up to their parking spaces. Since Bliss would have 30 residences, there would be 50-60 more cars that would be using the alley for both entering and exiting their parking area. The traffic problem would be compounded by the need to wait for the car elevators and the fact that the entrance to the elevators would be only about 6 feet from the alley. This would cause traffic back-ups in the alley while the Bliss residents wait for the car elevators.

The alley is quite narrow and it currently is almost impossible for two vehicles to pass each other, especially if one is a truck. Where the alley reaches Beach Drive, it intersects with a sidewalk that is used by many pedestrians both day and night. Beach Drive is a busy street and has only one traffic lane in each direction, so it would also be very difficult for more traffic from the alley to use Beach Drive.

In summary, the Bliss condominium proposal should be denied because the alley cannot accommodate it. If Bliss were built, there would undoubtedly be traffic jams in the alley, which could be especially dangerous if a fire truck or other safety vehicle needed to access the alley. The increased traffic in the alley would endanger the drivers using the alley, as well as tourists and other pedestrians walking on the sidewalk.

Sincerely,


Barbara Burdge


Geoffrey Burdge

City of St. Petersburg

Planning & Economic Development Dept.

Case #: 14-31000015

Address: 176 4th Avenue Northeast



To whom it may concern:

I am writing in objection to the applicants request for floor area ratio bonuses. Floor area ratios are set to limit the amount of building area given a certain land size. This is codified to make sure that essential public services will not be unduly stressed. This request will not only create an unacceptable tax on public roadways but, it will create a life safety issue.

- The Alley between 3rd and 4th Avenues Northeast known as Fareham Place N is currently the only means of exit for the residents and businesses occupying the Parkshore Condominium
- Fareham Place N is currently highly congested with commercial delivery vehicles serving the businesses on Beach Drive
- The applicant's site plan calls for using Fareham Place N as the main entrance and exit for vehicular traffic further stressing an already stressed public roadway
- The applicant's site plan calls for a parking elevator system whereby cars could not fully pull in from Fareham Place N while waiting for the parking elevator gate to open blocking Fareham Place N and creating increased congestion and no means for emergency egress

Please reject the bonus.

Barbara Race - Reasons why the request for approval of the site plan for the Bliss project proposal should be denied. Case No: 14-31000015

From: <michaellevy2@aol.com>
To: <Barbara.Race@stpete.org>, <michaellevy2@aol.com>
Date: 7/31/2014 11:51 AM
Subject: Reasons why the request for approval of the site plan for the Bliss project proposal should be denied. Case No: 14-31000015

Dear Barbara,

As discussed, I would appreciate it if you would circulate the following to the members of the Development Review Commission as well as all appropriate city planning staff.

The statute in the DC-3 zoned area of the Downtown Historic District calls for a maximum FAR of 2.0. Residents of the area have a justifiable expectation that this limit will only be exceeded if a proposed project merits FAR bonuses. We rely on the city planners and their oversight bodies, including the Development Review Commission and the City Council, to consider the best interests of the residents of the area and all the residents of St. Petersburg in determining which projects should receive bonuses. The bonuses in the DC-3 area were introduced to attract development to an area that was in economic and population decline and that objective has been admirably achieved. The Beach Dr. corridor which encompasses the proposed project has by far the highest population density of any area in the city. At peak times there is tremendous vehicular and pedestrian congestion, and infrastructure such as parking and sanitation is overtaxed. Those projects that are sensitive to the quality of life of the surrounding residents and that are consistent with the overall development objectives of the city should be the only ones that warrant serious consideration for bonuses. On many criteria the Bliss project fails to pass the test.

With respect to the subject property, there seems to be a presumption that the seller of the land, who appears to be asking a clearly above-reasonable market price, is entitled to drive a review process to the legal maximum FAR of 4.0 if the proposed buyer claims they can not make the economics work at any lower ratio. THIS SHOULD BE OF NO CONCERN TO THE CITY. Rowland Place, the project nearing completion immediately to the east, was brought in within the statute at a FAR of 2.0.

The outsized footprint of the residential tower has necessitated a parking structure that will rely on car elevators rather than conventional ramped parking, with an array of adverse and potentially dangerous consequences, and is being discussed in the primary opposition presentation of Parkshore Plaza and others.

St. Petersburg has a downtown residential waterfront profile that is unique in the state. Since Bayfront Tower was built in 1979 on a very pronounced N-S axis, presenting a monolithic curtain wall to the city, all the residential towers have been square, round or on an E-W axis, preserving maximum air and light space through the skyline. One of the most appealing charms of the city is that the waterfront is not blocked by walls of buildings. Allowing the Bliss tower to be constructed, a very monolithic structure on a pronounced N-S axis, would forever block views of nearly 25% of the downtown waterfront marinas all the way to the Gulf.

The building presents its "face" to the east, along an alley, which would be visible mainly from Straub Park and the Bay. What surrounding residents, vehicular and pedestrian traffic on Fourth Ave. and streets to the west, will see are flat predominantly concrete facades. This is surely not consonant with the precepts of sound and sensitive urban planning. As a point of comparison, the initial Rowland Place design was viewed as too much like a Beachfront condo and the developer was asked to make it more like some of the classic buildings in downtown St. Pete, which it did.

The Tower as currently proposed is coterminous with the much shorter Rowland Place "tower" and will block sunlight to its residents for much of the day. It will also block significant views and light for the residents of Parkshore Plaza and loom over its pool deck.

The Beach Dr. corridor, which contains the subject property, has a population density of approximately 50 persons per acre (ppa), compared with a city average of 10ppa. The city recently had several urban design and planning firms present their overview of concerns and prospective plans for the city; one of the recurring themes was the need to attract development away from the Beach Dr. corridor, which was viewed as seriously overdeveloped and underserved in infrastructure. One could argue that all FAR bonuses in the area should be eliminated. Looking at the most recent project in the corridor to near completion, Rowland Place, with 17 units, assuming 2 occupants per unit and a site slightly over one acre, would be below the 50ppa density of the area. The proposed Bliss project, with 29/30 units and under one acre, would be above the area average at roughly 65ppa.

The economic calculus is worth close inspection. There is a significant likelihood that the project will depress surrounding relative market values over the long-term, which could more than offset the potential tax revenues from the project itself! An approval risks being "penny-wise, pound-foolish".

The units are significantly smaller than comparable condos along the Beach Dr. corridor. An alternative single-unit per floor Tower, having the same north border but substantially smaller footprint than the one proposed (approximately 53' E-W x 60' N-S vs. current 114' N-S), containing 20 roughly 3000sf truly luxurious 3 bedroom condos, with glass on all sides, with more conventional ramped parking on lower floors and to the south of the Tower, would go a long way toward lessening all of the foregoing negative impacts of the current site plan.

Certainly the plan in its current form should be rejected, as it will do irreparable harm to the quality of life and charm of the City of St. Petersburg.

Thank you for your consideration.

Kind regards,

Michael Levy

300 Beach Dr NE, #1402
St Petersburg, FL 33701

City of St Petersburg
Staff of the Planning & Economic Dept.
P O Box 2842
St Petersburg, FL 33731

Re: Case 14-31000015

Our unit in the Parkshore Plaza condominium is directly across the alley from the proposed building to be located at 176 4th Avenue Northeast (Bliss Project). Although firmly supportive of developing a vibrant downtown area, we have several concerns regarding the Bliss Project five of which are stated in this letter.

One of the major concerns is the traffic congestion which will result in the alley between the Parkshore Plaza and the proposed Bliss Project. The Parkshore Plaza condominium car exits feed into the alley where heavy truck and car traffic already pose a safety problem for exiting vehicles. This situation will only be made worse when the Roland condominium (which is located directly behind the Bliss Project and across the alley from the Parkshore Plaza) is completed (it is unfortunate the Planning and Economic Development Dept. failed to adequately evaluate the situation prior to approving Roland). If the additional traffic resulting from the Bliss Project is added, there will be a significant safety hazard for residents of all three buildings (Parkshore Plaza, Roland, and Bliss).

In addition to the traffic congestion, the Bliss Project will add to the noise problem generally existing in the area between 3rd and 4th Avenue. Not only will the Bliss building reflect noise from the rooftop lounge and air conditioning units associated with The Birchwood, but also add additional noise emanating from the rooftop entertainment area. It is unclear how the Bliss Project air conditioning will be handled, but this too could potentially add one more sound pollution source.

Another environmental concern, in addition to the noise pollution, is sun light blockage. Although light blockage is inevitable in urban high rise developments, the closeness of the Bliss Project to Roland and the Parkshore Plaza, as well as the building height, constitute an unwarranted light blockage to both pre existing buildings.

Related to the sun light blockage issue, is the obstruction of water views from the Parkshore Plaza north facing units. Other cities with which we are familiar (such as Naples and Miami) place emphasis on the impact a particular development will have on obstructing the views from existing residential buildings, when evaluating proposed new development projects. In the past, St Petersburg has required offsets so as to minimize the visual impact of new developments on existing buildings (Parkshore Plaza and the Cloisters being an example).

Finally, the renderings developed by the Bliss Project apparently for marketing and perhaps for Planning & Economic Development Dept. consumption are misleading. The Bliss Project does not abut Beach Dr as shown in their literature, and is not a flowing extension of the current architectural motif. Beach Dr is an important St Petersburg asset, the visual impact of which should be vigorously preserved!

You have a difficult job balancing the economic interests of developers against the negative implications for surrounding residents. Perhaps this application can serve as an opportunity for St Petersburg to meaningfully upgrade its development standards in the areas of traffic safety, noise pollution, sunlight blockage, view preservation, and other areas affecting quality of life in our city.

Sincerely,

Mary Jones
Walter Jones

Mary and Walter Jones

300 Beach Drive NE
St. Petersburg, FL 33701

July 31, 2014

Planning and Economic Development Department
PO Box 2842
St. Petersburg, FL 33731

Re: Case #14-31000015 (Bliss Site Plan Application)

Dear Sir or Madam,

The purpose of this letter is to express opposition to the proposal to build the Bliss condominium at 176 4th Avenue NE. The Bliss proposal will cause a very serious safety risk to people using the alley between the Bliss condominium and Parkshore Plaza.

There are 115 units within Parkshore Plaza that egress onto this alley. There are numerous moving vans and delivery trucks that dock in the alley servicing Parkshore as well as the restaurants and retail stores on Beach Drive. Additionally valet drivers use this alley to park cars for a nearby restaurant. The traffic situation will be exacerbated by Rowland Place which will be using this alley. Some Rowland Place residents will be backing onto the alley from garages.

The Bliss proposal includes two car elevators directly off this alley. Residents will be using these elevators to enter and exit their building. No doubt, people will be waiting in the alley for access to elevators. This will cause more congestion in the alley. Most importantly, there are many people walking down this alley to get to Beach Drive shops and restaurants. Birchwood has become a very popular destination resulting in pedestrians using this alley at night.

Our elected officials make many decisions that improve our city and protect our community. Please be informed that the Bliss condominium will present a significant safety risk to our community. It will cause more congestion which may deny access to important safety vehicles, e.g., fire trucks, ambulances, etc. Additionally more traffic in this narrow alley will endanger drivers, pedestrians and cyclists using the alley.

The Bliss condominium could ingress and egress off of 4th Avenue; however, it would not qualify for an additional FAR and exemptions for concealing the garage from 4th Ave. Hence the building could not be as tall as proposed. We trust our city officials will agree that our safety is more important than a few more stories on a high rise. Please do not approve the Bliss plan as submitted.

Sincerely,

Marianne and Bill Ferrari

Kenneth R. Safko, M.D.

*300 Beach Drive N.E., Unit 306
St. Petersburg, Florida 33701
727.894.3441
elkriverken@mac.com*

July 30, 2014

Planning & Economic Development Department
P.O. Box 2842
St. Petersburg, FL 33731

Re: File #14-31000015
Bliss Building Project

Dear Sir/Madam,

The Bliss building project as presently designed will create problems not only for residents of Parkshore Plaza Condominium, but adjacent buildings and businesses. Specifically the already congestion of and safety issues due to the multiple uses of the adjacent alleys will be compounded by the planned use of the alleys for ingress and exits of traffic generated by residents, guests and service companies for the Bliss project.

Please note that the main alley, named Fareham Place is well used by we residents of Parkshore Plaza, the owners and employees of Parkshore businesses and service vehicles to all, including The Moon Under Water restaurant and the Birchwood Hotel and it's restaurants. And a small "driveway" used by service vehicles for the Beach Drive businesses is planned as the ground floor garage entrance for the Bliss. Many times congestion requires a turnaround at our exits or even exiting via the entrance on third avenue NE. And this is before the Rowland Place condominium is completed and adding to the already overcrowding of that alley. I know that emergency vehicles would face delays trying to navigate that area when needed.

Please deny the application of the Bliss Project as presently planned. A major rework of the design is needed to address the issues alluded to above.

Sincerely,

Kenneth R. Safko, M.D.

300 Beach Drive
Unit 1802
St Petersburg, Florida 33701

July 30, 2014

Development Review Commission
Planning & Economic Development Department
PO Box 2842
St. Petersburg, FL 33731

Reference file #14-31000015

Dear Members of the Development Review Commission :

As the owners and residents of unit 1802 at the Parkshore Plaza, 300 Beach Drive, we are writing to express our opposition to the proposed new building project Bliss, across the alleyway from our building.

We are very concerned that the Bliss project will be detrimental to our property value by blocking the North front view from our unit.

We purchased our unit in February 2014, after Rowland Place had announced and begun construction on their building. We bought our unit with the belief that the open Buckley Moss property was too small a footprint to build a high rise. Since the property is of similar size to that of Rowland Place, our expectation was that if any building would be built there, it would be of similar height to that of Rowland Place.

We are shocked that the Bliss Project is for a building that is 19 stories high, 3 times higher than Rowland Place, resulting in a major blockage of our view from our 18th floor Parkshore apartment. We would never have paid the price we did if we had had the slightest suspicion that this beautiful view could be blocked and we could, as a result, suffer a serious loss in the apartment's value.

We therefore ask you to do everything in your power to stop the Bliss Project from going forward.

Sincerely,

Diane Seligsohn & Denis Thuin



From: Abby Elliott <aelliott@associagulfcoast.com>
To: "barbara.race@stpete.org" <barbara.race@stpete.org>
Date: 8/1/2014 6:31 AM
Subject: FW: Bliss

Abby Elliott, CMCA®
Licensed Community Association Manager

Parkshore Plaza Condominium Association
300 Beach Dr. NE, St Petersburg, FL 33701
Office: 727.823.4252 Ex. 5

Associa® - Delivering unsurpassed management and lifestyle services to communities worldwide.
Learn more at www.associagulfcoast.com / Follow us at [www.facebook.com/Associa Gulf Coast](http://www.facebook.com/AssociaGulfCoast)

Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please virus check all attachments to prevent widespread contamination of files and operating systems. The unauthorized access, use, disclosure or distribution of this email may constitute a violation of the Federal Electronic Communications Privacy Act of 1986 and similar state laws. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transaction Act or any other statute governing electronic transactions.

-----Original Message-----

From: Joe [mailto:rosenthal.joe@gmail.com]
Sent: Wednesday, July 30, 2014 2:47 PM
To: Abby Elliott
Subject: Bliss

Abby, please pass my memo on to the appropriate city officials that are reviewing this situation:

As an owner at Parkshore and a Real Estate Broker I have a serious doubt the alley behind Parkshore that services our loading dock can handle additional traffic without posing a serious threat with regard to egress from the building.

Both the west and east parking garages exit onto this alley; they compete with food delivery trucks, garbage trucks, moving vehicles, restaurant valet and a host of other traffic using the alley. Roland place will put additional traffic on the alley further congesting an already congested area.

I understand Bliss will deploy elevators for their residents parking access, where will automobiles cue when waiting for an elevator ? How will one car exit when one is waiting for an elevator ? Will the alley become one way ? If so which way ? Has the city done any kind of traffic study to determine if the alley can accommodate any additional traffic ? Since there is no way to widen the alley this is a legitimate concern and needs to be addressed by the City before going forward blindly resulting in an unfortunate traffic disaster without a solution.

Joe

Barbara Race - FW: Bliss Project Update July 29 2014

From: Abby Elliott <aelliott@associagulfcoast.com>
To: "barbara.race@stpete.org" <barbara.race@stpete.org>
Date: 8/1/2014 6:31 AM
Subject: FW: Bliss Project Update July 29 2014

Abby Elliott, CMCA®
Licensed Community Association Manager

Parkshore Plaza Condominium Association
300 Beach Dr. NE, St Petersburg, FL 33701
Office: 727.823.4252 Ex. 5

Associa® - *Delivering unsurpassed management and lifestyle services to communities worldwide.*
Learn more at www.associagulfcoast.com / Follow us at www.facebook.com/Associa Gulf Coast

Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please virus check all attachments to prevent widespread contamination of files and operating systems. The unauthorized access, use, disclosure or distribution of this email may constitute a violation of the Federal Electronic Communications Privacy Act of 1986 and similar state laws. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transaction Act or any other statute governing electronic transactions.

From: Ashok Kalro [ashokkalro@gmail.com]
Sent: Wednesday, July 30, 2014 6:03 PM
To: Abby Elliott
Subject: Re: Bliss Project Update July 29 2014

Abby,

Could you please forward the following note to the St. Petersburg Development Review Commission since I will not be able to attend their meeting on August 4th. Thanks

Ashok Kalro
ashokkalro@gmail.com
727-329-8281

To: The St. Petersburg Development Review Commission

My name is Ashok Kalro and I am a resident of Unit 1801 in the Parkshore Plaza at 300 Beach Drive NE, St. Petersburg, FL 33701. I am writing this note to express my deep concern about the planned new building project in St. Petersburg under the name BLISS (file #14-31000015) that you are scheduled to discuss at your meeting on August 4, 2014. Unfortunately, I will not be able to attend this meeting because of other commitments. I am therefore sending you this note to express my strong opposition to the BLISS project.

The BLISS building, which is intended to go up on 4th Avenue North and Beach Drive NE, will destroy the great ambience associated with this part of the downtown area, create significantly more congestion and destroy the privacy of the current residents of Parkshore Plaza. It will also significantly add to traffic and congestion in the alley between 3rd Avenue North and 4th Avenue North. This is a narrow alley that should really be a one-way street because of its traffic, particularly in the evenings during the winter months. It is also used for deliveries and building services to the Parkshore Plaza building and the new building that is currently under construction between 4th Avenue North and this alley. The alley is also currently used for the entrance to the parking lot of a residential building whose front faces 4th Avenue North. There is also an office building on the corner of this alley and 1st Street North that uses the alley all the time.

The Bliss project has no plans for cars to drive up to their parking places. Instead, they intend to use elevators to take residents' automobiles up to their parking levels and the entrance to these elevators is intended to be from this narrow alley. The use of elevators will invariably create backups when multiple automobiles need to be transported at approximately the same time. This situation will considerably add to the congestion in the alley and traffic could well back up into both, Beach Drive and 1st Street North. Also, during public events in the parks in the area, the intended new building would make the situation that much more difficult.

I strongly urge you to reject the application from the Bliss project for the new building at this location. Thank you for your consideration of this note.

Ashok Kalro

ashokkalro@gmail.com
727-329-8281

From: Abby Elliott <aelliott@associagulfcoast.com>
To: "barbara.race@stpete.org" <barbara.race@stpete.org>
Date: 8/1/2014 6:33 AM
Subject: FW: Bliss Project Update July 29 2014
Attachments: 20140728_093146_resized.jpg; 20140728_092743_resized.jpg;
20140728_092836_resized.jpg; 20140728_092601_resized.jpg; 20140723_085541_resized.jpg;
20140723_084753_resized.jpg

Abby Elliott, CMCA®
Licensed Community Association Manager

Parkshore Plaza Condominium Association
300 Beach Dr. NE, St Petersburg, FL 33701
Office: 727.823.4252 Ex. 5

Associa® - Delivering unsurpassed management and lifestyle services to communities worldwide.
Learn more at www.associagulfcoast.com / Follow us at
www.facebook.com/Associa Gulf Coast

Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Please virus check all attachments to prevent widespread contamination of files and operating systems. The unauthorized access, use, disclosure or distribution of this email may constitute a violation of the Federal Electronic Communications Privacy Act of 1986 and similar state laws. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transaction Act or any other statute governing electronic transactions.

From: concierge parkshoreplaza [mailto:concierge.parkshoreplaza@gmail.com]
Sent: Thursday, July 31, 2014 7:20 AM
To: Abby Elliott
Subject: Fwd: Bliss Project Update July 29 2014

----- Forwarded message -----

From: debch2 <debch2@aol.com<mailto:debch2@aol.com>>
Date: Wed, Jul 30, 2014 at 3:04 PM
Subject: RE: Bliss Project Update July 29 2014
To: concierge parkshoreplaza
<concierge.parkshoreplaza@gmail.com<mailto:concierge.parkshoreplaza@gmail.com>>

To whom it may concern
re: Bliss project.

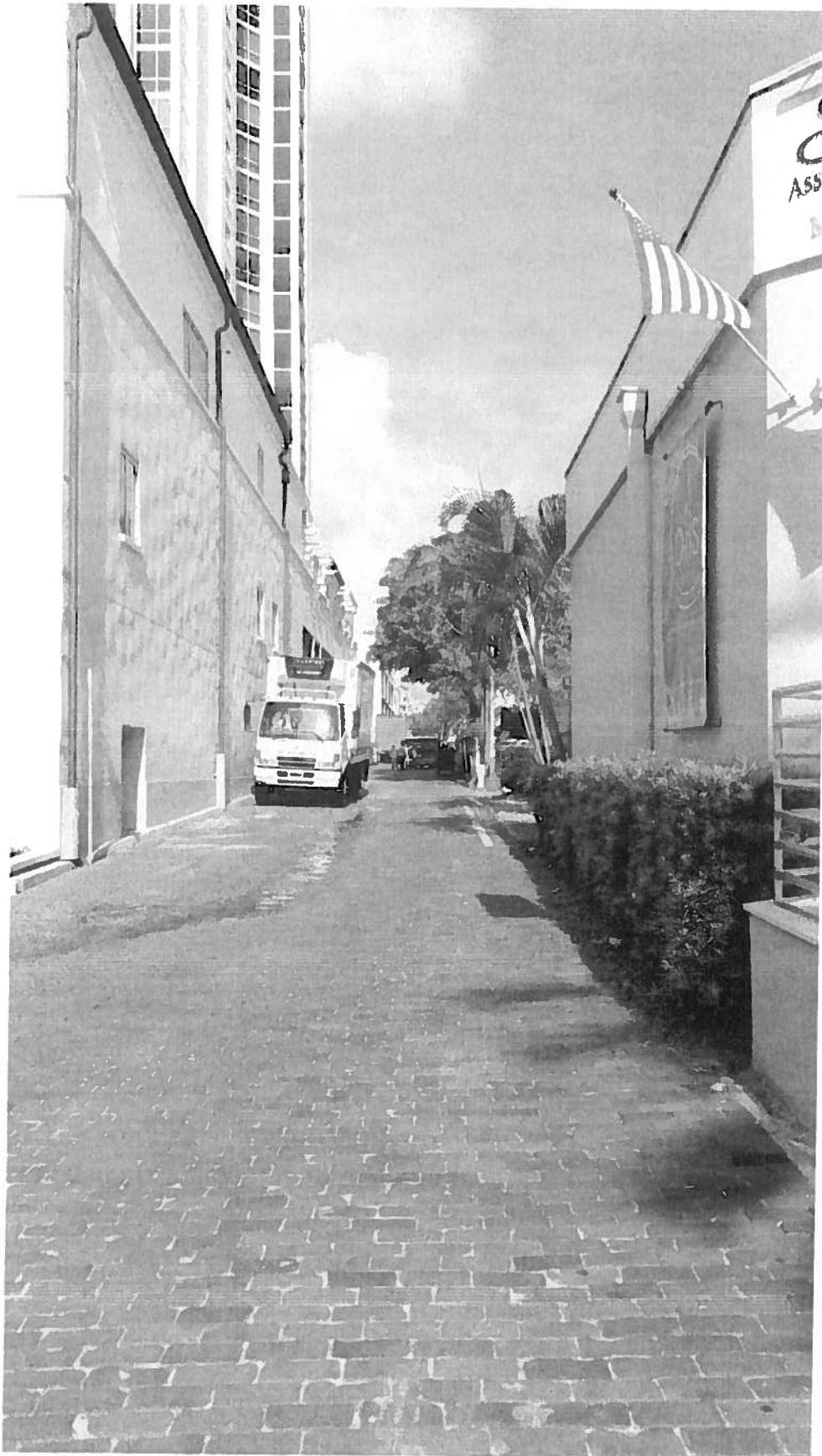
My name is Desiree Glowa, and I live at Parkshore Plaza #1803. Enclosed please find attached 6 different pictures. I only captures ONLY 2 days of the everyday congestion that occurs between our ally and on 4th Avenue. Frequently the trucks that deliver the food for Park Shore grill, Birchwood, and various moving trucks all have nowhere to park to make their deliveries safely. When the garbage and

recycle men come to pick up twice a week down the alley there's no access at all. Also many times the delivery trucks use the parking alley between P buckley Moss and Birchwood to deliver safely. Once bliss is constructed, there will be no areas that are safe to deliver.

Also please consider having the delivery trucks in the alley the congestion of the Rowland place residence entering and exiting in the alley as well as parkshore resident entering and exiting in the alley that's normal traffic. Now take into consider Parkshore grill has valet parking to just add to the whole mess.

Another major concern that I don't believe has been addressed or evaluated is the wind vortex between the buildings. There is an enormous suction vortex between the buildings on 3rd Avenue. That is a normal street which has some allowance for the wind Vortex, but itis very strong sometimes just to walk down the sidewalk. I don't believe there has been any evaluation down our small little alley. Frequently there are small win spirals on are loading dock with just the Rowland building on our loading dock, what's going to happen with all of the construction between Parkshore, Rowland, and Bliss? Thank you for hearing my concerns. If you have any questions please feel free to call me at 727-430-7466<tel:727-430-7466>.

Sent from my T-Mobile 4G LTE Device

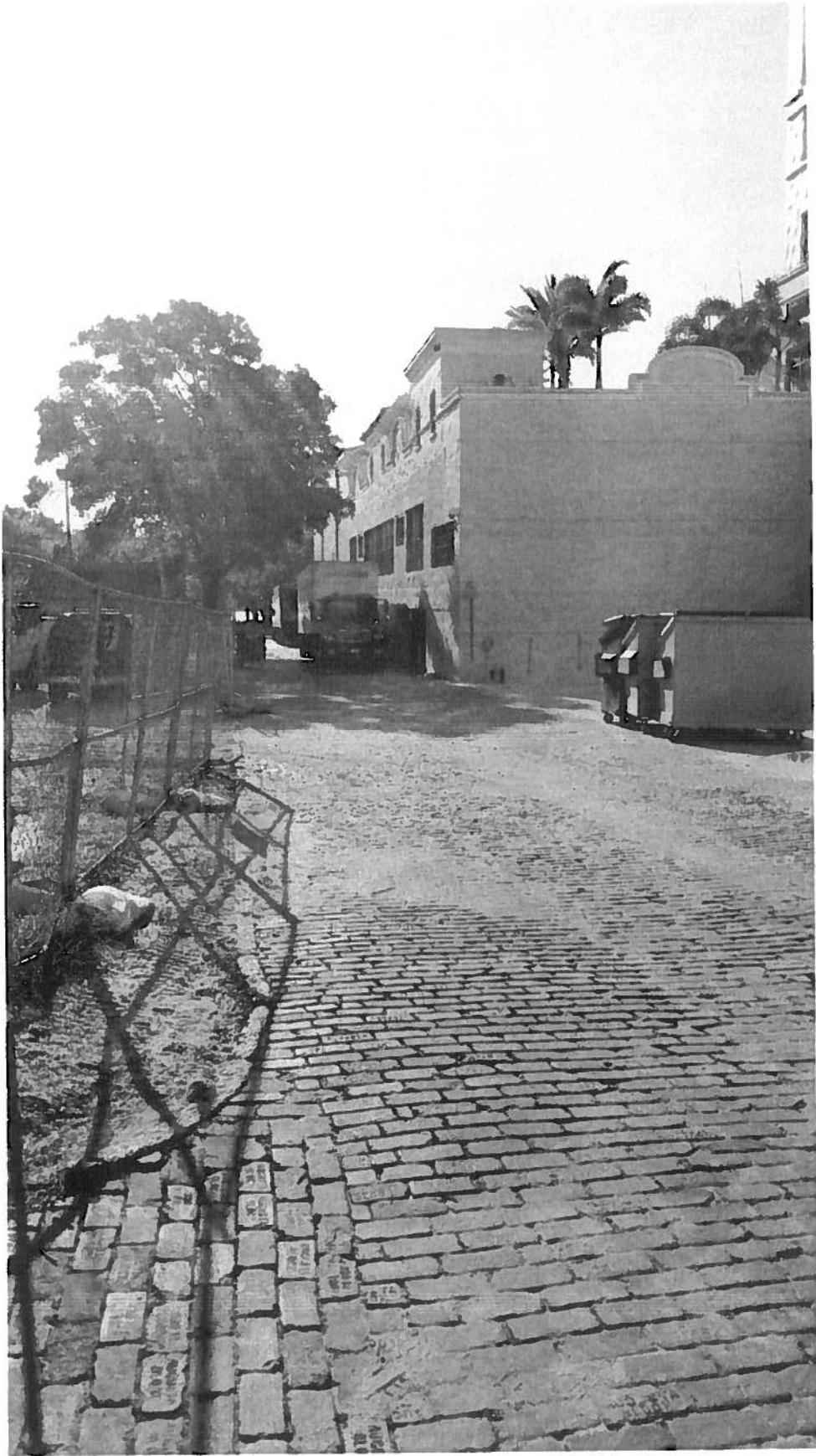












J. Guillermo Castro
Parkshore Plaza Condominium
300 Beach Drive NE
Apartment 1201
St. Petersburg, Florida 33701



July 29, 2014

Planning and Economic Development Department
P.O. Box 2842
St Petersburg, Florida 33731

Re File #14-31000015 aka The Bliss Project

Gentlemen/Ladies:

I write in total opposition to the project in question. My main reason is that the alley behind the condo where I live is an accident waiting to happen. And this is before the 6 story condo being built between 4th Avenue and the alley is occupied which will add lots of vehicles. And never mind this new project with even more vehicles added to the mix. You also need to be aware that the alley is used by all sorts of vehicles as a shortcut between 1st street and Beach Drive. That is on top of those who have a "legitimate" reason-homeowners, workers from the business in the immediate area, valet drivers for the restaurants, food deliveries for the various eateries nearby, etc, etc.

I have seen drivers doing 30 miles per hour and more. At the last Board meeting I attended I think in March (I have been away since April 3 and am writing this from Atlanta, GA), there was a discussion of installing a warning system on the outside of our garage exit so that vehicles transiting and pedestrians walking on the alley are warned about a vehicle about to enter the alley. That is how bad it is now.

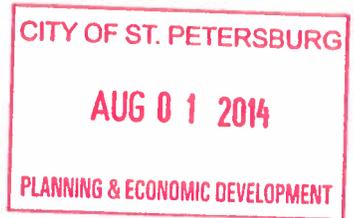
From what I see and am being told, both of these new buildings will have both their in and out access into the alley. I just cannot believe that small roadway is going to be able to handle the traffic imposed on it if this project goes forward as designed.

Please do your duty and do not approve this project.

Cordially,

A handwritten signature in blue ink that reads "jgcastro". The signature is written in a cursive, flowing style.

Danielle & Michel Amblard
Parkshore Plaza
300 Beach Drive NE #902
St Petersburg, FL 33701



July 30, 2014

Planning and Economic Development Department
PO Box 2842
St Petersburg, FL 33731

File # 14-3100015

RE: BLISS site plan application Public Hearing August 6, 2014

We would like to voice our concerns about the Bliss project and our opposition to the granting of the FAR variance to the project as submitted and for the following reasons:

ALLEY safety

The alley that is on the south side of the project (north of Parkshore Plaza) is already suffering from a significant volume of traffic. The proposed "elevator" parking system could bring even more gridlock to this alley. It is already used by all delivery trucks to a number of retail stores. This is in addition to the cars egressing from Parkshore Plaza and pretty soon from Rowland Place. It also handles the traffic from the Bed and Breakfast, as well as some traffic by the Valet parking that serves the Parkshore Grill.

The alley is also used by other delivery and service vehicles servicing Moon Under Water and The Birchwood.

Coming out of the Parkshore parking garage is difficult with vehicles parked in the alley and we risk a crash every time.

We believe the additional volume of cars that would both ingress and egress from Bliss will cause an excessive traffic pattern for such a small alley.

PROJECT LAYOUT

The project as presented is a large North South building that is at odds with all other condo projects already approved. It will block light and views for any other building that could be considered further west.

PROJECT STYLE

The project style is more of a beach building rather than a downtown residence. We believe that it does not fit within the desired aspect of the area. This will be just behind The Birchwood project where the city insisted on keeping with the historical aspect of the building. It is difficult to see how the proposed exterior aspect will enhance the area.

EXCESSIVE DENSITY OF THE AREA

The project as submitted, and if the FAR is approved as requested, will add significantly to the density of the Beach Drive area which is already the highest in the city. This obviously adds to traffic to the entire area of three blocks.

Beach Drive traffic is already difficult under normal circumstances and is at a standstill when an event takes place. The addition of such a number of units above what is already here will only add to the problem.

A project similar to Rowland Place with a limited impact and footprint would be a better use of the land.

Perhaps the reason for the requested FAR is only due to the excessive land price.

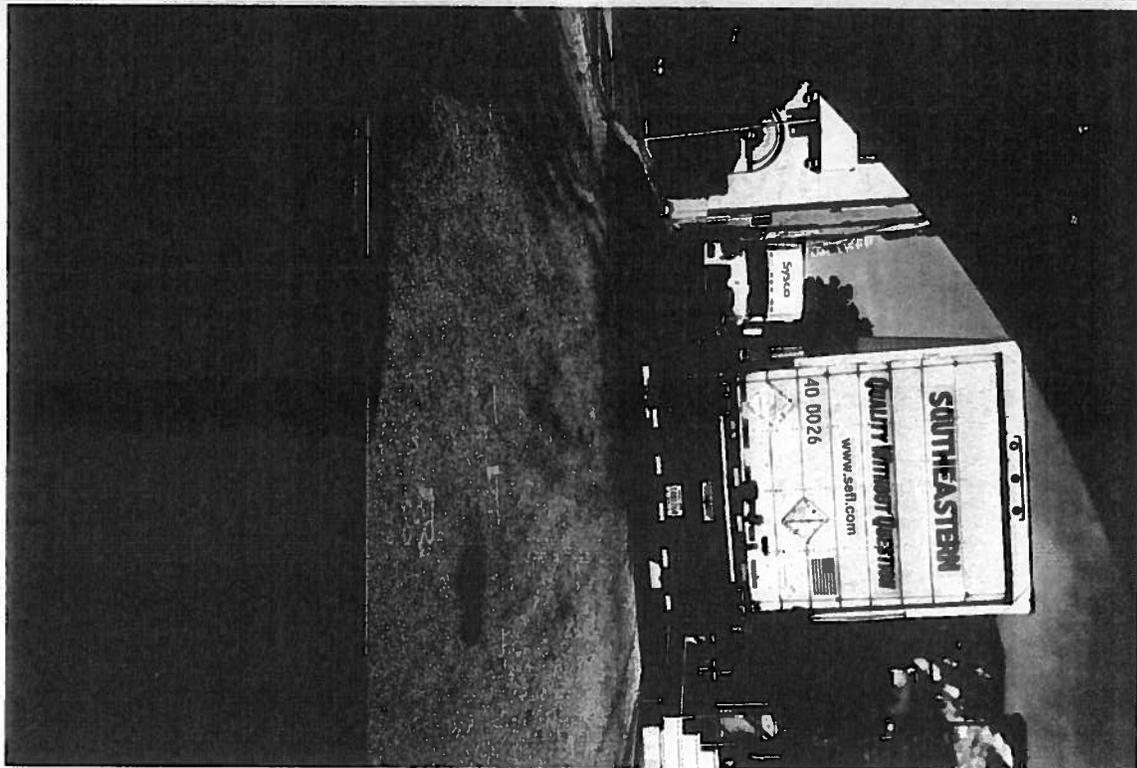
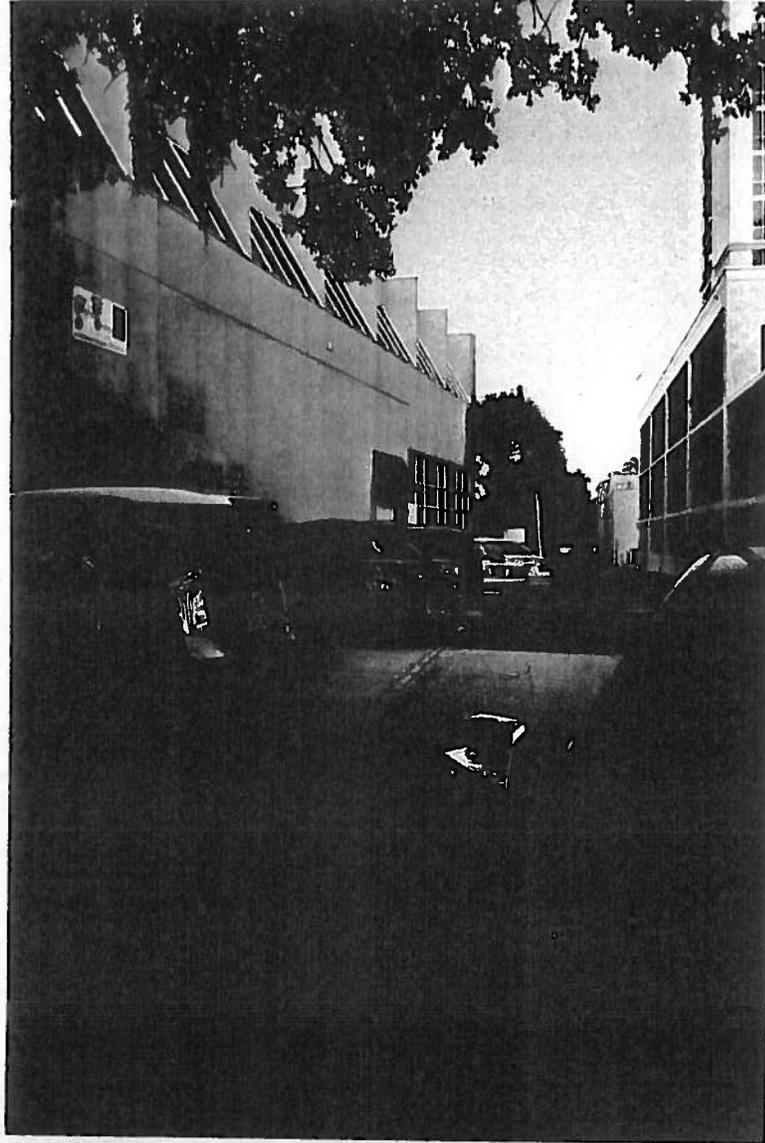
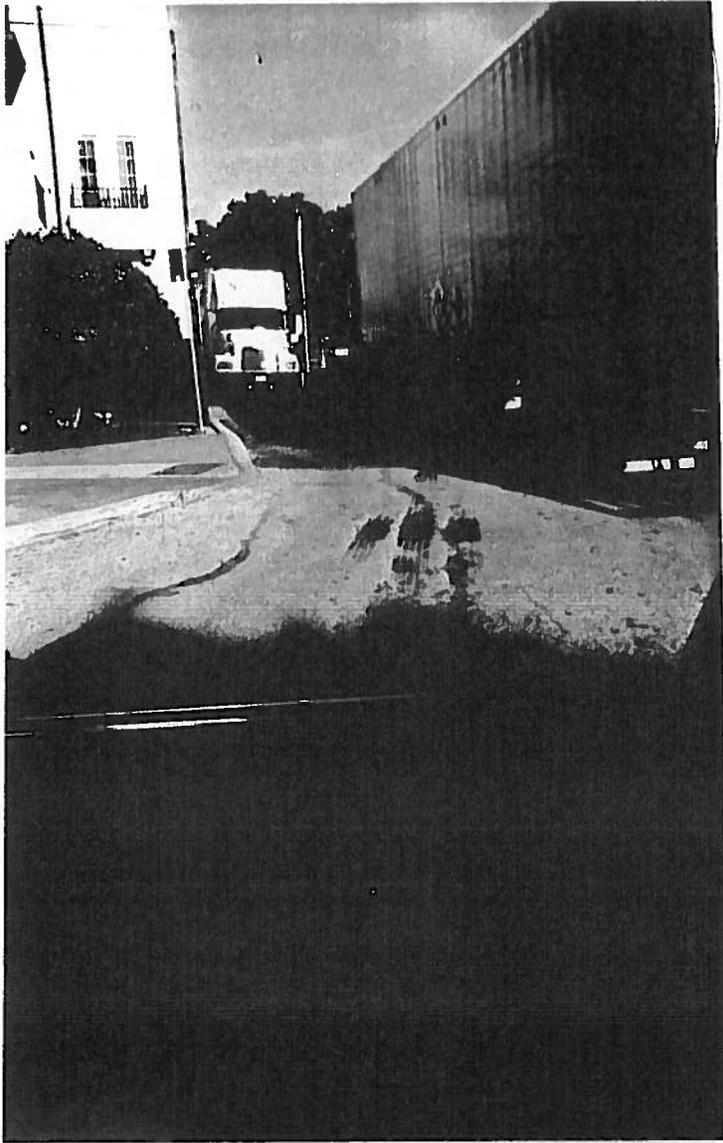
DEVIATION FROM THE URBAN LAND INSTITUTE RECENT RECOMMENDATIONS

The city spent a significant amount of time, effort and treasury to analyze the city's future potential development options.

In their conclusions it was recommended to favor development to the south and west of the Beach Drive area. This recommendation appeared to have the backing of the city. Deviating from it will only add to the congestion of a small area of the city at the expense of other areas that should receive the favored support of the city Planning and Development Department.

Respectfully submitted
Attachments 3 pictures

MJ →
Y. Am HP



John F. Majors
300 Beach Drive NE
Apt 2603
St. Petersburg, FL
33701
Phone: 727-895-8780
E-mail: majorjo@msn.com



July 31, 2014

Re: File #14-31000015

**Planning & Economic Department
P.O. Box 2842
St Petersburg, FL 33731**

Members of the Development Review Commission:

I am writing to object to rye proposed Bliss building. As a happy resident of downtown St Petersburg, I support responsible development. I find the current proposal lacking in two critical respects. Both relate to the number of vehicles and the parking arrangement proposed.

The proposed ingress and egress to virtually all parking would be from the alley running between Beach Drive and First Street (behind the proposed building). This alley is already too busy and creates safety concerns as it is used by many vehicles and pedestrians; the overcrowding on Beach Drive exacerbates the problem as entering or exiting the alley from/to Beach Drive is almost impossible during "high season" and during the many special events and parades in the immediate area.

In addition, the use of automobile elevators for entry and exit by the proposed building—with them approximately six feet from the alley—is ludicrous. Despite the developer's claims that cars arrive and depart "evenly spaced out during the day", thus creating no problem, this will not be reality. There will undoubtedly be cars required to wait in the alley for their turn to use the elevator. Also, there will be cars that turn into the area to access the elevator only to discover a car exiting the elevator—thus requiring the entering car to back out into the alley—very dangerous. And, imagine when one of the elevators breaks down... If they were sitting on their building's property, that would be their problem. But to clog the alley creates a problem for all of us.

Thank you in advance for protecting the safety and quality of living for all of us.

A handwritten signature in black ink that reads "John F. Majors". The signature is written in a cursive style.

Grace B. Gallaway
300 Beach DR NE
Unit 2103
St Petersburg FL 33701



Planning & Economic Development Dept.

POBox 2842

St Petersburg FL 33701

Reference#31000015

I have been a resident of Parkshore Plaza, located at 300 Beach Drive NE in St Petersburg FL since it first opened. During the past few years, traffic in the alley has increased to a dangerous level between Parkshore Plaza Valet drivers, Birchwood Inn traffic, cars coming and going from the B&B fronting on 5th Ave., (with their parking lot entrance and exit into our alley), as well as cars whipping up and down the alley between BeachDr and First St, trying to shorten their drive through round-the-block traffic.

Due to all the above factors, I am totally against even considering the Bliss project allowing an ingress of 55 vehicles through two auto elevators only 6 ft from the edge of our 20 ft alley for it will clearly create unbelievable congestion, as well as being a serious safety issue.

Sincerely,

A handwritten signature in black ink that reads "Grace B. Gallaway". The signature is written in a cursive style with a large initial "G".

Grace B. Gallaway, 300 Beach Dr NE, Unit 2103

July 30, 2014

300 Beach Drive NE, Unit 401
St. Petersburg, Florida 33701

Barbara Race
Planning and Economic Development Department
City of St. Petersburg, Florida
P.O. Box 2842, St. Petersburg, Florida 33731

Dear City Officials,

We are writing in regard to the application of the **Bliss Condominium Tower** developers to secure variances needed for construction. This is **File #14-31000015**, for which we received a letter from you because we reside within 200 feet of the proposed construction site.

We have three concerns about the request.

1. As resident homeowners of an apartment on the north side of Parkshore Plaza, we look directly onto the proposed construction site. Our view to the northeast will be completely blocked by the structure. I guess this is an inevitable consequence of urban life in a growing city, but it's something that will affect our property's value.
2. Of greater concern is our apprehension about machinery sounds from the building. We had the unfortunate experience with the Birchwood of being blindsided by the continuous machinery sounds of their HVAC system, 24/7, when they began operations. It seems our City's sound restriction rules have no teeth in them for limiting the continuous emission of machinery noise from buildings. We do not want to encounter another layer of continuous high-intensity sound from Bliss. The architect says the proposed location of the HVAC condensers will limit the disturbance risk, but the plans on file do not show where any of this equipment will be placed.
3. Of greatest concern is the proposed provision of Bliss resident parking. We believe the proposed scheme poses serious operational and safety issues, and for those reasons should not be approved.

The Bliss plans call for a pair of car elevators to lift vehicles to the parking levels which will contain places for 63 vehicles. Entry to these elevators is to be from Fareham Place (the brick-paved street to the north of Parkshore Plaza and south of the proposed construction site). This mode of entry will occasionally require cars to queue on Fareham Place--or even Beach Drive--to use the elevators, one car at a time.

Fareham Place is already heavily used by delivery trucks, utility vehicles, and cars exiting existing garages, valet operations, and parking lots. The narrow roadway lacks sidewalks for pedestrians and is barely wide enough for two vehicles to pass one another—especially at the east end near Beach Drive where the Bliss entry will be and where traffic is heaviest.

There are times right now when the area near Beach Drive is heavily congested, and the fact that drivers on Beach don't see Fareham Place as another street, and that drivers exiting Fareham Place have to push out to make a turn, adds to the danger. Pedestrians seem to ignore Fareham Place altogether—they don't see it as a street. Adding the car elevator entry for Bliss will increase this density, adding more traffic turning into Fareham Place from Beach Drive where pedestrian traffic is heaviest, and more traffic turning out of Fareham Place.

In reviewing the file available for public inspection, I found reference to alley-use data (not specific to Fareham Place) from 2008 suggesting that traffic density on Fareham Place may not be an issue. Shouldn't this topic be revisited in light of current conditions? The volume of downtown activity is many times what it was six years ago, and is about to see a further increase when Rowland Place opens.

In a nutshell, adding Bliss Condominium's resident and guest traffic will turn a less-used roadway into a thoroughfare ill-prepared for the volume of traffic it will bear, and with little provision for safe pedestrian transit. By tradition we may think of Fareham Place as an alley; the reality of its use warrants ranking it as a street.

We hope you will take these points into consideration in your deliberations.

Respectfully,



Kent and Toni Lydecker

Barbara Race - File # 14-31000015

From: Bob Churuti <bchuruti@beachdriveretail.com>
To: "Barbara.Race@stpete.org" <Barbara.Race@stpete.org>
Date: 8/1/2014 2:05 PM
Subject: File # 14-31000015

Dear Commission Members and St Petersburg Staff

My wife and I would like to express our strong objection to the above referenced request. The plan as it is now filed creates great additional burden on the busiest commercial alley in St Petersburg and will undoubtedly create additional traffic and STACKING as the owners gain ingress from the east west alley via an unproven elevator system. We believe we are uniquely qualified to understand the over all operation of this commercial alley as we (the Hamilton Family) have owned Beach Drive Property since 1958 and now own all the retail space in both the Parkshore Plaza and 400 Beach Drive and have been owner operator since the development started in 2003. We further believe that good planning would never have ingress from a commercial alley and this design is only to gain FAR not further the safety or interest of the city or its residents. We also suggest that the timing of this hearing is thinly veiled attempt to have the hearing at a time when, according to or property manager of Parkshore Plaza, 50% of the residents are away for the summer. I would suggest that a continuance be granted and that all sides can come to an agreement that would be safe and fair. Thank you for your consideration in this matter.

Susan Hamilton Churuti

Robert E Churuti
President Beach Drive Retail
Director Hamilton Partnership

From: John Hamilton Jr <jhamilton@beachdriveretail.com>
To: <Barbara.Race@stpete.org>
Date: 8/1/2014 2:11 PM
Subject: File #14-31000015

Dear Review Board Members and City Staff,

I am writing on behalf of the Hamilton Partnership, LTD. , the owner of the retail condominiums at both Parkshore Plaza and 400 Beach Drive. We are opposing approval of Case number 14-31000015, which is scheduled to be heard by the Development Review Board at 2pm August 6th 2014.

Our primary objection is the impact that the traffic generated from the proposed project will have on vehicular traffic on the ally adjacent to Parkshore Plaza. As I am sure you are aware, this is arguably one of the busiest commercial alleys in the downtown area. Our retailers depend on that ally to service their businesses, not only for deliveries, but also for servicing utilities. We take multiple deliveries each day, and have garbage trucks in the alley six days a week, sometimes multiple times a day. A twenty foot alley may have been adequate at that site in 1920, or even in 1990, but given the traffic it currently generates, it is extremely congested now. With the addition of the traffic generated from Rowland Place, the traffic generated by this project will turn congestion into gridlock. The life safety implications, whether it be police, fire or other emergency services, are serious.

Secondarily, our objection is the overall density of the project as it relates to the village scale of new development downtown. Though we very much believe in providing developers adequate density to motivate them to build, we also believe that the underlying urban planning behind it's engineering must be intelligent. Historically, zoning code has strongly suggested that new construction have its major axis be east-west in orientation in order to preserve the waterfront view corridors from the west. The code may not do that now, but we may regret that if we shut off the water views to any new development to the west. This project, as proposed, will wall off Beach Drive from the rest of the City, which is precisely what decades of effort have opposed. We want to integrate with the rest of the downtown core rather than be shut off from it.

Given that a public hearing is required to increase the F.A.R. from 2.0 to 4.0, I assume you will react to the public response to this project and either reject this application, or send it back to engineer better ingress/egress and a downward density revision. The City of St. Petersburg and Beach Drive are enjoying great success, at least partially because of foresight of our City Fathers; we believe it unwise to ignore those efforts.

John M. Hamilton Jr.
Managing Director
The Hamilton Partnership, LTD
Director
Beach Drive Retail, Inc.
jhamilton@beachdriveretail.com
727-560-0130

ROWLAND PLACE

146 Fourth Avenue, NE
St. Petersburg, FL 33701

August 1, 2014

VIA E-MAIL ONLY: Barbara.Race@stpete.org

Development Review Commission
City of St. Petersburg

Re: Bliss Project
Case No.: 14-31000015

Dear Commissioners,

I write to you on behalf of the Rowland Place homeowners in opposition to the proposed building project known as Bliss. Our home, Rowland Place is immediately adjacent to the western property line of Bliss.

We homeowners analyzed three factors: 1) Density, 2) Intensity Impact and 3) Reasonableness of Property Use, and have decided to oppose this project and request that you do the same.

- 1) **Density:** In contrast with Rowland Place, which is a six story condominium complex (expected to be completed on or about January 2015), and will contain only 17 homes, the Bliss project is anticipated to contain 29 homes. Rowland Place's lot footprint is 120' x 200'. The Bliss will be on a lot size of 100' x 200'. Bliss on a smaller lot will be double the square footage and three times our height, thus creating an unreasonable density and intensity impact in a downtown designed per St. Petersburg's City Code Section 16.20.120.3.4 to "*encourage an intimate village scale along Beach Drive.*" Setting a precedent of high towers on small lots does not seem consistent with the Intent of the Downtown Center's purpose.
- 2) **Intensity Impact :** In the development of Rowland Place, no neighbor ever raised any issues regarding traffic flow, or congestion. In fact, City Officials praised Rowland Place for its scale and design. Our main traffic flow is from Fourth Avenue and does not burden the Alleys in the immediate vicinity. In contrast, the scale and building design of Bliss as it is proposed will rely heavily on two alley ways that are congested with pedestrians, delivery trucks, trash dumpsters, Parkshore vehicles and other vehicles of visitors and workers.

Our concern about intensity focuses solely and exclusively on the amount of traffic in the East/West Alley ("Alley") near our adjoining parcels of land, and the potential safety and liability issues especially in an emergency requiring police, fire trucks or ambulances to have access. The potential congestion that this building will bring with 54 car elevator parking spaces entering and leaving Bliss through the Alley, will burden an already burdened traffic pattern in the Alley.

When you add the intensity impact that currently exists in the Alley and the fact that Rowland Place will add 17 new families, six of which will have separate garages, entering and exiting the Alley, approximately 15 yards west from the Bliss car elevator, the intensity impact that Bliss will bring is not reasonable for its property size and location. Please see attached diagram of Rowland Place parking garages.

- 3) **Reasonableness of Property Use:** While we understand that the developer and property owner of the Bliss Project have a right to build, we believe that any proposed construction should be examined closely for density, intensity impact and reasonable use of the property and the neighborhood it shares. The builder of Bliss states openly that he must build four times FAR in order to justify the purchase price of the land, and that should he be required to reduce the size and scale of the project, he could not afford to move forward due to the purchase price. While we empathize with his position, the purchase price should not be the driving force behind this project.

Unlike Rowland Place's builder, JMC, it is as if Bliss' builder, Mr. Taub is trying to force a square peg in a round hole because of the land cost. That is not a justifiable reason to add this level of density and intensity to our neighborhood.

On behalf of the Rowland Place homeowners, I thank you for your service to our City, and ask that you oppose Bliss' request for an increased FAR density based on the intensity impact and unreasonableness of property use.

Very truly yours,


Agostinho J. Ribeiro, Esq.

Enc.

Gene and Henry Towery
300 Beach Drive NE
St. Petersburg, Florida 33701

August 5, 2014



Planning and Economic Development Department
P. O. Box 2842
St. Petersburg, Florida 33731
Re: File #14-31000015

Dear Sirs or Madames:

Our names are Henry and Gene Towery. Our address is 300 Beach Drive NE, #1601. The purpose of this letter is to urge you NOT to change the density from 2FAR to 4FAR on the parcel of land where The Bliss project is planned.

The reasons we object to this are as follows:

1. Allowing the ingress and egress of these additional cars from The Bliss onto the alley will dramatically intensify traffic problems that are already intolerable. I have identified 21 different kinds of trucks that use the alley on a regular basis for deliveries to businesses. This, plus 250 cars from Parkshore, valet parking from the restaurant, additional cars from Rowland Place and the regular traffic has reached the limit. SAFETY is now an issue.
2. When we purchased the property in 2004 we knew the lot was zoned 2FAR and were not concerned with view blockage but now with 4FAR and the North-South orientation of The Bliss our view will be destroyed. We believe this will adversely effect our property value plus reduce our quality of life.
3. The use of car elevators is a questionable situation. If these malfunction the result would not be pleasant and once the building is built there would be no changing it.

What we have here are two parties, one who is attempting to get more than a fair market value for the property and the other who is trying to build more than the property can accommodate. Neither of these parties live in St. Petersburg and are not concerned with future problems.

If this building is allowed to be built as currently designed and it does create the aforementioned problems we believe there will be no solution to the problems(s).

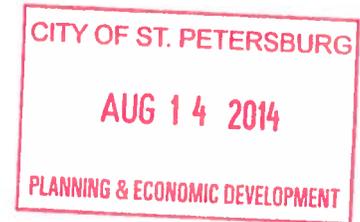
We URGE you to apply common sense to this issue and deny the variance request.

Sincerely yours,


Gene and Henry Towery

Gene and Henry Towery
300 Beach Drive
St. Petersburg, Florida 33701

August 11, 2014



**Planning and Economic Development Department
PO Box 2842
St. Petersburg, Florida 33731**

Re: FILE # 14-31000015

Dear Sirs and Mesdames:

Enclosed please find a copy of the Rowland Place design. This pictures does not clearly show the ingress/egress for the cars using the garages that boarder the alley between Rowland Place and Parkshore Plaza. These 10 cars (5 garages) will be confined to alley use only....they will back up into the alley and use the alley to access their garage. In addition to the already overburdened alley for some 20 different delivery, garbage, and moving trucks' use, the valet parking for Parkshore Grill and egress for the hundreds of cars from Parkshore Plaza it is ludicrous to think of another 60 cars from The Bliss using our tiny alley.

Please consider the safety of all the residents of Rowland Place and Parkshore Plaza when you make your decision concerning the overuse of the property and alley.

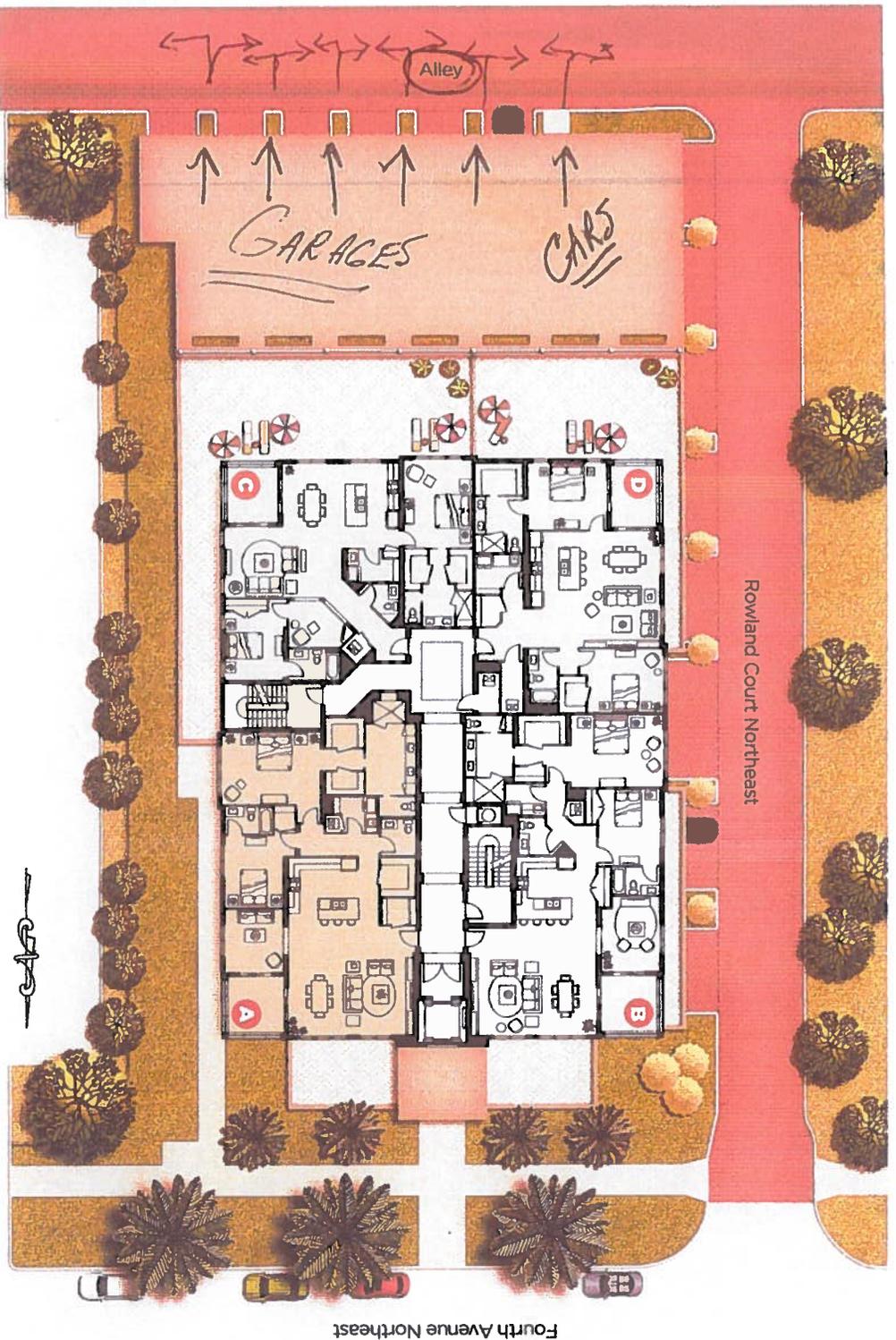
Sincerely,

A handwritten signature in black ink that reads "Gene Towery". The signature is written in a cursive style with a large initial "G".

Gene Towery

Enclosure

Site plan



ROWLAND PLACE

SALES OFFICE

120 Second Avenue NE
St. Petersburg FL 33701
T. 727.898.1180
F. 727.898.1185
Toll Free 1.877.896.1180

SITE LOCATION

146 Fourth Avenue NE
St. Petersburg FL 33701

© 2013 Rowland Place, LLC

ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

All prices are subject to change without notice. Broker participation welcome. This does not constitute an offer to sell where prohibited by law. Views and feature presentations may vary with the location of homes in building. Developer reserves the right to alter designs and specifications may vary. All square footage is approximate. Computer generated images are subject to artist interpretation.

July 30, 2014



To the City of St. Petersburg Development Review Commission:

We are writing to express our strong opposition to the Bliss project as currently proposed. We are most concerned regarding the following issues:

The over-development of the subject property will create additional congestion and safety hazards in an alley that is already overloaded. The situation in the alley is already bad enough as it is and the near completion of the building to our immediate north will further acerbate the problems. The number of garbage trucks, delivery trucks, valet parkers, maintenance and service personnel, and current residents already overload the alley. For example, just last week, access was severely curtailed due to a moving van that blocked garage and alley access for the better part of the day. We were required to reschedule a planned delivery causing missed time from work and great inconvenience.

Increased vehicle traffic is dangerous to the pedestrians who are shopping, dining and walking on the sidewalks at each end of the block. This will be especially true at the East end where people are congregating and dining outside at the adjacent restaurants. There is not a signal to cross at the alley and bringing the level of traffic that would normally be on a street presents a huge hazard.

The proposed building is obviously too big for the size of the property. We are not urban planners, but even a novice can tell that the proposed building is much too large for the lot. The increased density in that block will cause current property values and rental income to drop due to the decreased desirability of the location. While we respect an owners right to develop his property, common sense dictates that not all proposals for use are good ones or in the best interest of the neighborhood.

We call on the Development Review Commission to vote "NO" to the Bliss project as currently proposed. Please resist the urge to go with the big money developer who only wants to maximize his profit and will leave others to deal with the mess after he has moved on.

We trust that as good stewards of our lovely city, you will make the right decision.
With best regards,

Mr. Patrick C. Murtha
President, Bloomin' Brands Int'l.

Mrs. Lynn Murtha
Parkshore residents, Unit 1202

July 30, 2014

CITY OF ST. PETERSBURG

AUG 04 2014

PLANNING & ECONOMIC DEVELOPMENT

Planning and Economic Development Department

File # 14 - 31000015

P.O. Box 2842

St. Petersburg, FL 33731

Dear Sir,

We are residents of Unit #309 at Parkshore Plaza.

We do not support the construction of the 18 story Bliss Condominium project!

It is imperative that this project not go forward for the following reasons:

- Our biggest concern is for the increased traffic in the alley which is not equipped to handle all of the trucks, vans, deliveries, and residents in this area including Parkshore Plaza.
- We are concerned about safety due to overcrowding.
- The quality of life for all of us at Parkshore Plaza and others in the area will decline.

continued →

It is our hope that you will take
the above concerns seriously
and will not go forward
with the Bliss Project.

Sincerely,

Henry Eberhardt
Henry Eberhardt

413-335-0261

Laurie Eberhardt
Laurie Eberhardt

413-335-0260

copy to: Janet Crane
President, Parkshore Plaza
Board of Directors

City of St Petersburg
Planning and Economic Development Department
Development Review Services Division
PO Box 2842
St Petersburg, Florida 33731



Susan M. Taylor
105 Fourth Avenue NE
Unit 402
St Petersburg, Florida 33701

Re: Case # 14-31000015

Dear Ms. Race and Development Review Commission;

I am objecting to the variance requested for the 18 story, 29 unit multi-family development.
My objections are as follow:

- The building will be too tall and against the Albert Whitted Airport Regulations;
- Please consider the recent plane crash that occurred in Vinoy Park, height restrictions exist for reasons;
- The lot is very narrow and the building is going to be too narrow and not aesthetically pleasing;
- The neighborhood "feel" is being eliminated. Currently, we have a nice mix of condos, houses, and other lower structures. Please don't make us a "high-rise city" like Miami. We will lose our charm;
- Consider the sunshine and breezes that will be blocked.

If you do approve this, please ensure that the building is extra hurricane proofed.

Thank you for your consideration.

A handwritten signature in black ink that reads "Susan M. Taylor". The signature is written in a cursive, flowing style.

Susan M. Taylor

CITY OF ST PETERSBURG

PLANNING AND ECONOMIC DEVELOPMENT DEPT.

CASE NUMBER 14-31000015 BLISS PROJECT

DEAR COMMISSION:

MY WIFE AND I ARE 8 YEAR RESIDENTS OF PARKSHORE PLAZA. I LIVE ON THE SECOND FLOOR AND HAVE A UNIQUE PERSPECTIVE ON THE HAPPENINGS AND CONGESTION IN THE ALLEY. NOT ONLY ARE THE RESIDENTS AFFECTED BY THE CONGESTION, THE DELIVERY DRIVERS ARE CONSTANTLY AT ODDS WITH RESIDENTS AND OTHER DELIVERY DRIVERS. THEY ARE TRYING TO MANUEVER FULL SIZED TRUCKS IN A TIGHT AREA AND THE PRESSURE SOMETIMES GETS TO THEM AND THERE ARE CONFRONTATIONS. I HAVE HAD CONFRONTATIONS WITH DRIVERS MYSELF WHEN EXITING THE BUILDING. THIS PROBLEM WILL BE ELEVATED WITH THE COMPLETION OF THE ROWLAND PLACE BECAUSE WE HAVE YET TO FEEL THE EFFECTS OF THIS NEW DEVELOPMENT IN REGARDS TO MORE DENSITY AND TRAFFIC. THE THOUGHTS OF EVEN MORE CONGESTION AFTER THAT ARE INCONCEIVABLE.

THERE ARE ALSO VALET'S PARKING CARS AND COMING AND GOING AT A FAST RATE OF SPEED.

WITH THE CURRENT PLANS FOR THE "BLISS," THERE WILL NOW BE CARS WAITING IN THE ALLEY FOR THE CAR ELEVATOR. THIS WILL BE AN IMPOSSIBLE SITUATION FOR OUR LITTLE ALLEY TO HANDLE.

MY WIFE AND I WOULD LIKE TO APPEAL TO THIS BOARD NOT TO PLACE ANYMORE BURDEN ON THE ALLEY AND THE RESIDENTS OF PARKSHORE PLAZA.

THANK YOU FOR YOUR CONDSIDERATION

TONY AND CAROLYN BOND

CITY OF ST. PETERSBURG

SEP 23 2014

PLANNING & ECONOMIC DEVELOPMENT

DRC Minutes

176 4th Avenue Northeast
DRC Case No. 14-31000015

CASE NO.: 14-3100015
DRC Meeting
October 1, 2014

STAFF REPORT

Corey Malyszka, Urban Design and Development Coordinator, gave a presentation based on the staff report, recommending approval of the site plan with floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations.

APPLICANT PRESENTATION

Brian Taub, the developer, agreed with Staff recommendations. He stated that in an attempt to address the concerns of their neighbors, they have added 2 parallel parking spaces on either side of the vehicular elevators on their property which complies with the City's Parking and Loading Design Standards. Mr. Taub said that even though it was not required, he hired Kimley Horn Traffic Consultants to conduct a traffic analysis. He stated that the City's Transportation and Parking Management department agrees with Kimley Horn's findings which indicate that the projected number of trips by this proposed development will have a minimal impact, less than 1% on Fareham Place.

REGISTERED OPPONENT PRESENTATION

David Bacon, representing the Condominium Association for Parkshore Plaza, spoke in opposition of the request. He stated that bonuses can only be granted as a matter of law to create this kind of density of development if you have a project that meets all other requirements of the Code. Mr. Bacon said that you cannot grant FAR for something that is not Code Compliant and he stated that they do not believe this project is. He said that the focal point of that belief has to do with whether or not this project has a parking garage that satisfies the requirements of the Code. Mr. Bacon said that they do not believe that this plan satisfies the Code so therefore this plan does not qualify for FAR bonuses.

PUBLIC HEARING

Dr. Gene Towery, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about traffic in the alley.

William Ferrari, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about traffic in the alley.

Michel Amblard, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about traffic and dangers in the alley, as well as the FAR Bonuses.

Charles Abro, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about the FAR Bonuses as well as traffic in the alley.

Marianne Ferrari, 300 Beach Drive Northeast, spoke in opposition of the request. Stated safety concerns as well as concerns about traffic in the alley.

Darrell Peters, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about traffic in the alley.

Francine Shebell, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about traffic in the alley.

Michael Levy, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about density, the project being out of character with the neighborhood and the FAR Bonuses.

Janet Crane, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about traffic in the alley.

Bonnie Hechtkopf, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about traffic in the alley and possible issues with the car elevators and repairs.

Dr. Henry Towery, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about alley traffic, density, noise, decreasing property values and the car elevators.

Bob Hilton, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about traffic in the alley.

Valerie Digennaro, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about the alley.

John Hamilton Jr., 430 Brightwaters Boulevard Northeast, spoke in opposition of the request. Stated concerns about traffic in the alley, FAR Bonuses and the layout of the site.

Abigail Smith, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about FAR Bonuses and the new building blocking views.

Andrew Bragg, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about traffic in the alley, and site layout.

William Kolar, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about traffic in the alley and safety for bicyclists.

Augie Ribeiro, 3910 Gulf Boulevard, spoke in opposition of the request. Stated concerns about density and the Parking Garage Code.

Barbara Law, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about traffic in the alley.

Sue LaNeve, 300 Beach Drive Northeast, spoke in opposition of the request. Spoke about concerns about the alley and safety concerns.

Sarah Chaves Nohlgren, 815 Marco Drive Northeast, spoke in support of the request as a future Bliss resident.

Bob Churuti, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about traffic in the alley.

Bob Dollar, 300 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about traffic in the alley and dangers.

Bob Glasser, 330 Beach Drive Northeast, spoke in support of the request. Stated that he owns the building in front of the proposed property. He said that they park about 20 cars in the back daily but he will lose that lot so that will reduce traffic in the alley by about 40 trips per day.

Craig Sher, 2300 Sunset Way, spoke in support of the request. Stated that the alley does not belong to the Parkshore residents, it is a public alley shared by all the land owners. He argued that the Bliss project is the most benign use that property could have.

Bryan Greenberg, 180 Beach Drive Northeast, spoke in support of the request. Stated that Bliss will be an asset to the community.

Michael Igel, 1159 Cordova Boulevard Northeast, spoke in support of the request. He is a buyer in Bliss and thinks this is exactly what downtown needs more of.

Carlos Baker, 400 Beach Drive Northeast, spoke in opposition of the request. Stated concerns about potential construction issues.

Michael Rissman, George F. Young, spoke in opposition of the request. Stated concerns about access to the parking garage and discussed possible alternatives.

Carolyn Nygren, 900 North Shore Drive, spoke in opposition of the request. Requested a more in depth traffic study and a car elevator study.

CROSS EXAMINATION

All parties waived cross examination.

REBUTTAL

City Staff waived rebuttal.

David Bacon, representing the Condominium Association for Parkshore Plaza, stated that the evidence before the Commission does not satisfy all the requirements of the Code. He stated that the elevator parking plan does not meet Code and must be redesigned. Mr. Bacon said that the minimum vehicle stacking requirements cannot be met by adding additional parking spaces. He stated that ingress and egress should be off of 4th Avenue North or in the North-South alley or the parking garage could be moved further to the north.

Brian Taub, the developer, stated that they've addressed the issues of the stacking and the parking garage with the City Attorney's office and the City's Transportation Department and they were comfortable with the definition of the parking garage and the access and stacking. He said that they could add a third space if that is desired. In regards to the alley not meeting today's demands and standards, Mr. Taub apologized but stated that he did not cause the traffic that is there today and will only be adding minimal residential traffic. He said that Parkshore garage openings across from where the Bliss garage will be are only for Parkshore Retail and Valet so they should not affect the Parkshore residents. In regards to the safety concerns in the alley, Mr. Taub stated that he contacted the St. Petersburg Police Department and since 2004 not one traffic accident has been reported.

EXECUTIVE SESSION

Chairman Punzak asked City staff if they could comment on the issue that Mr. Bacon raised about the legality or illegality of the parking garage.

Corey Malyszka, Urban Design and Development Coordinator, answered that Planning and Legal reviewed the criteria under "Parking Garages" and based on the information provided by the applicant as far as the method of operation, the code doesn't actually define it. The applicant says it's a key fob operated device and the applicant agreed to provide 2 spaces behind the building for stacking. Corey stated the Code does not define how stacking operates.

Commissioner Stowe asked what is the distance that key fob would work.

Brian Taub, the developer, answered that they work from 25-30 feet away.

Chairman Punzak asked how long it takes for the car elevator to go up and down.

Tim Clemmons, the agent answered that it's about 9 seconds per floor and they will program the elevators to always return to the first floor.

Commissioner Samuel stated that there are valid concerns about access to the 2 car elevators. He said that he agrees that this use is probably the most benign that could go there. He said there are probably several ways to resolve the access issues.

Commissioner Scherer stated that he was leaning towards not approving this because he hates the traffic flow. He said he loves the project and the building but he thinks people will just be sitting in the alley.

Brian Taub, the developer, said that when he met with staff the previous week, knowing that this was an issue, he presented an alternative. He said they had given up 7 feet of the east alley and if you combine that with the 3 ½ feet of green space in that same area, they have more than enough room for stacking of cars in that area, on their property without having to redesign the plan.

Commissioner Cravey asked how many additional cars that could accommodate.

Tim Clemmons, the agent, answered 3 cars.

Commissioner Cravey suggested that they add a condition to add a requirement for the additional 3 stacking spaces.

1st MOTION: Commissioner Cravey moved and Commissioner Scherer seconded a motion to add Special Condition #16 "Add an area to stack up to 3 additional cars on the southeast corner of the building which would be approximately 70 feet and would replace the green space shown on the plan; giving the applicant the ability to stack up to 6 cars instead of 3, with the understanding that the alley for that 70 feet would not be as wide as originally proposed."

VOTE: Yes – Griner, Samuel, Doyle, Stowe, Scherer, Cravey, Punzak
No – None

Motion passes by a vote of 7-0.

2nd MOTION: Commissioner Doyle moved and Commissioner Cravey seconded a motion to approve the site plan with floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations; subject to the amended conditions in the staff report.

VOTE: Yes – Griner, Samuel, Doyle, Stowe, Scherer, Cravey, Punzak
No – None

Motion passes by a vote of 7-0.

DRC Vote Record

176 4th Avenue Northeast
DRC Case No. 14-31000015

Development Review Commission (DRC)

Hearing Date **OCTOBER 1, 2014**

VOTING RECORD for (14-31000015) (E-4)

176 4th Avenue Northeast

MOTION TO:	1# add Special Condition #16 "Add an area to stack up to 3 additional cars on the southeast corner of the building which would be approximately 70 feet and would replace the green space shown on the plan; giving the applicant the ability to stack up to 6 cars instead of 3, with the understanding that the alley for that 70 feet would not be as wide as originally proposed".		2# approve the site plan with floor area ratio bonuses and a variance to the Albert Whitted Airport Regulations; subject to the amended conditions in the staff report.		3#	
MOVED BY:	Cravey		Doyle			
SECOND BY:	Scherer		Cravey			
NAMES	YES	NO	YES	NO	YES	NO
FISHER						
CRAVEY	X		X			
DOYLE	X		X			
SCHERER	X		X			
STOWE	X		X			
GRINER *1	X		X			
ROBISON *2						
SAMUEL *3	X		X			
FLYNT Vice Chair						
PUNZAK Chair	X		X			

Attendance

A	FISHER
P	PUNZAK
P	SCHERER
A	FLYNT
P	DOYLE
P	CRAVEY
P	STOWE
P	SAMUEL*
P	GRINER*
A	ROBISON*

* Alternate

Staff Presentation

<input type="checkbox"/>	Corey Malyszka made a presentation based on the Staff report.
<input type="checkbox"/>	

"Approved by a vote of 7-0"

Pat Beneby - Fwd: Bliss Count Update

From: Corey Malyszka
To: Beneby, Pat
Date: 10/31/2014 8:48 AM
Subject: Fwd: Bliss Count Update
CC: Abernethy, Elizabeth
Attachments: image001.jpg; 20141030095536049.pdf

Pat,

Please provide this email and the attached PDF to council for the Bliss appeal, the appeal is number 1 under Section E. Public Hearings.

Thanks,
Corey

>>> Tom Whalen 10/30/2014 4:03 PM >>>
Good afternoon,

Christopher Hatton from Kimley-Horn and Associates, Inc. has provided additional counts for the intersection of the north-south alley and Fareham Place. These counts were conducted on Friday, October 24 from 4:00 PM to 7:00 PM and on Saturday, October 25 from 7:00 PM to 12 midnight. Christopher provided a summary of their findings in his email.

Tom Whalen, AICP
Planner III
City of St. Petersburg Transportation and Parking Management Dept.
One Fourth St. N, 8th floor
St. Petersburg, FL 33701
Phone: [\(727\) 893-7883](tel:727-893-7883)
Fax: [\(727\) 551-3326](tel:727-551-3326)

>>> <Christopher.Hatton@kimley-horn.com> 10/30/2014 11:16 AM >>>
Tom,

Please see attached the data that we collected on Friday and Saturday, October 24th and October 25th last weekend.

It shows the Friday and Saturday peak periods, and once again the very low volumes that actually travel through the intersection (27 and 30 total vehicles through the intersection, respectively).

Please review and let me know if you have any questions.

Thank you,
Christopher

E-1

Kimley»Horn

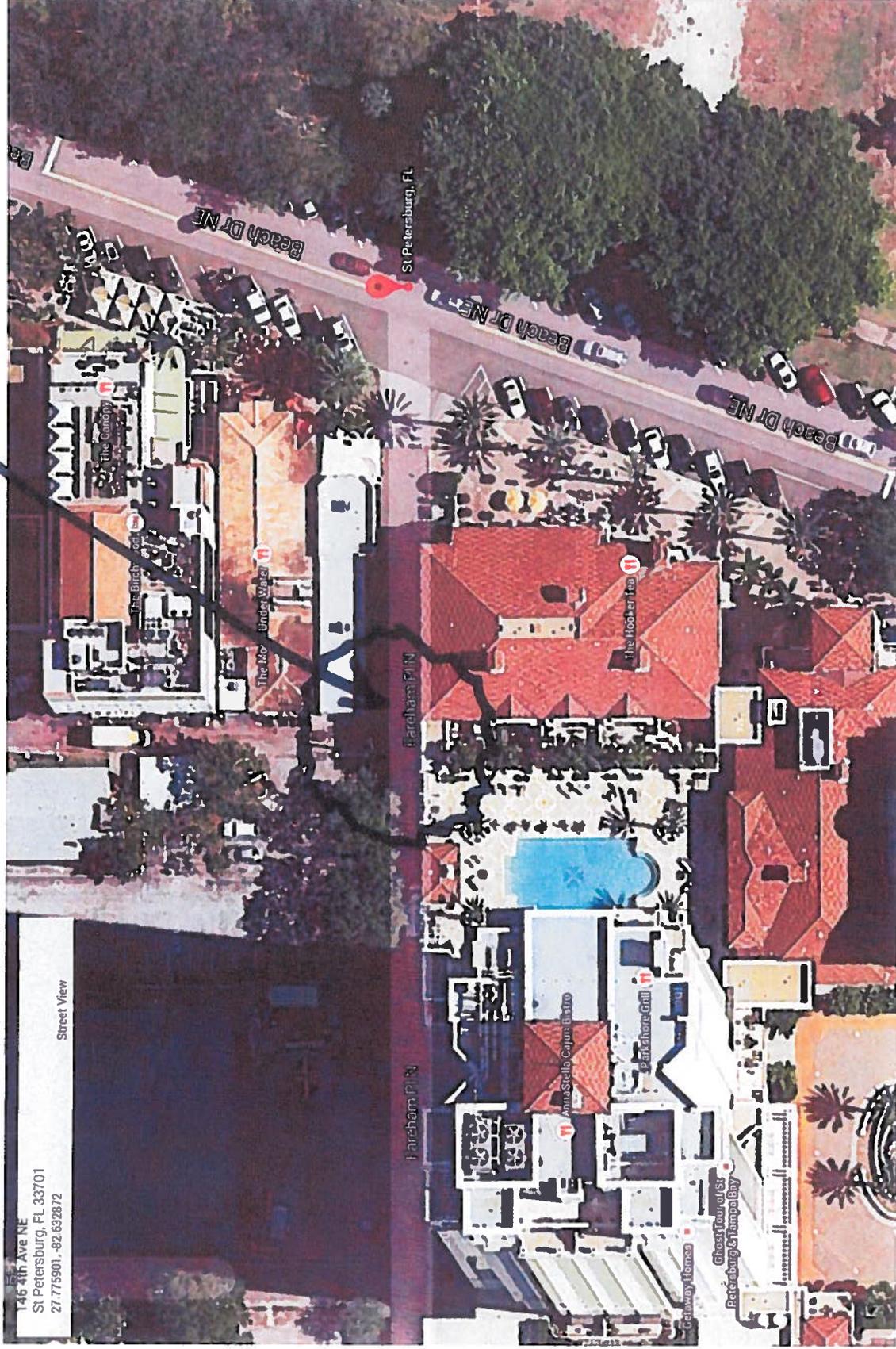
Christopher C. Hatton, P.E. | Senior Vice-President

Kimley-Horn | 655 North Franklin Street, Suite 150, Tampa, FL 33602

Direct: [813-635-5523](tel:813-635-5523) | Mobile: [813-541-3508](tel:813-541-3508)

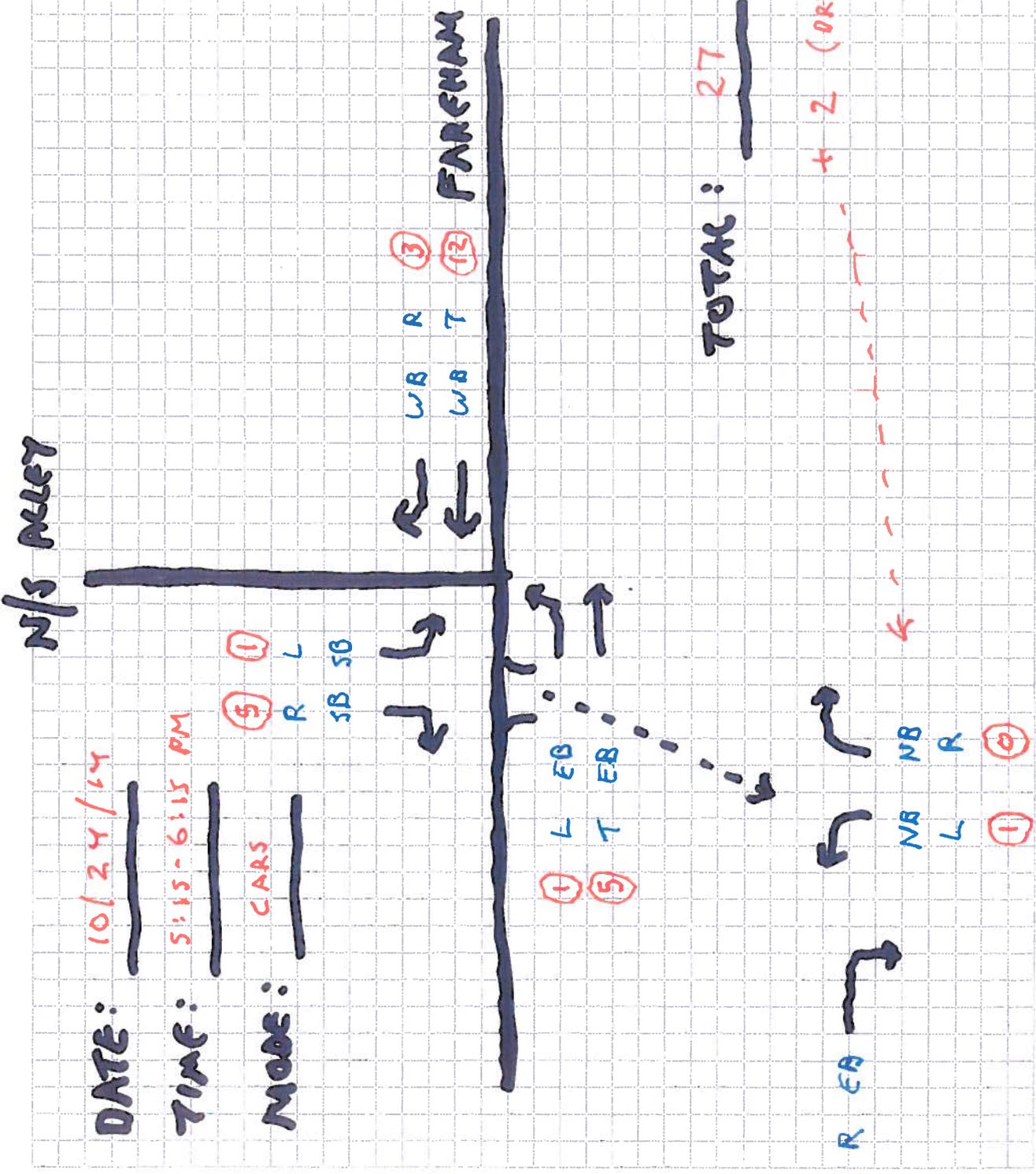
Proud to be one of FORTUNE magazine's 100 Best Companies to Work For

COUNT



Imagery ©2014 Sanborn, Map data ©2014 Google 50 ft

DATE: 10/24/14
 TIME: 5:15 - 6:15 PM
 MODE: CARS

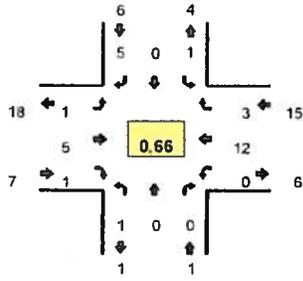


Type of peak hour being reported: Intersection Peak

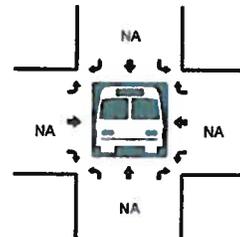
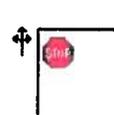
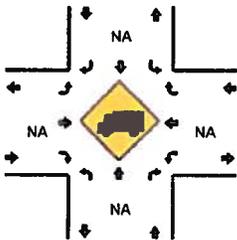
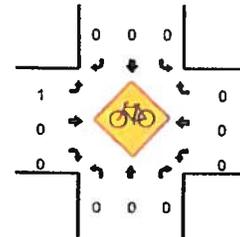
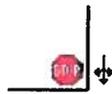
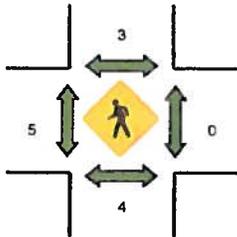
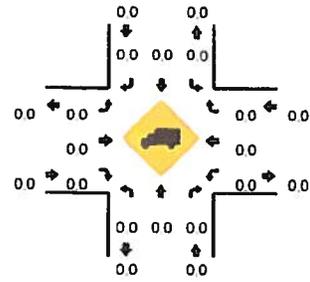
Method for determining peak hour: Total Entering Volume

LOCATION: Bay St N/Side Alley -- Fareham PI
 CITY/STATE: St Petersburg, FL

QC JOB #: 13126501
 DATE: Fri, Oct 24 2014



Peak-Hour: 5:15 PM -- 6:15 PM
 Peak 15-Min: 6:00 PM -- 6:15 PM



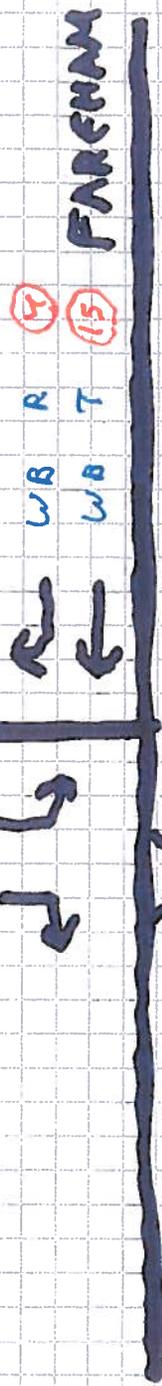
15-Min Count Period	Bay St N/Side Alley (Northbound)				Bay St N/Side Alley (Southbound)				Fareham PI (Eastbound)				Fareham PI (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	0	0	1	0	1	1	1	0	0	4	0	0	8	
4:15 PM	0	0	0	0	1	0	2	0	1	0	0	0	0	2	1	0	7	
4:30 PM	0	0	0	0	1	0	0	0	0	1	1	0	0	2	1	0	6	
4:45 PM	0	0	0	0	0	0	0	0	1	0	1	0	3	1	1	0	7	28
5:00 PM	1	0	1	0	0	0	0	0	0	0	2	0	0	3	1	0	8	28
5:15 PM	0	0	0	0	0	0	1	0	0	2	1	0	0	2	0	0	6	27
5:30 PM	1	0	0	0	0	0	3	0	0	0	0	0	0	1	2	0	7	28
5:45 PM	0	0	0	0	1	0	0	0	1	1	0	0	0	2	0	0	5	28
6:00 PM	0	0	0	0	0	0	1	0	0	2	0	0	0	7	1	0	11	29
6:15 PM	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	4	27
6:30 PM	1	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	3	23
6:45 PM	0	0	0	0	2	0	0	0	0	1	1	0	0	2	1	0	7	25
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	0	0	0	0	0	0	4	0	0	8	0	0	0	28	4	0		44
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians		4				0				4				0			8	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																	0	
Stopped Buses																	0	

Comments:

N/S ALLEY

DATE: 10/25/14
 TIME: 7:30-8:30 PM
 MODE: CARS

① R SB SB
 ③ L SB



① L EB
 ② T EB

NB NB
 L R ⑥

R EB

TOTAL: 30

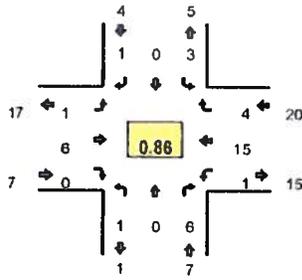
+ 7 (ADVISORY)

Type of peak hour being reported: Intersection Peak

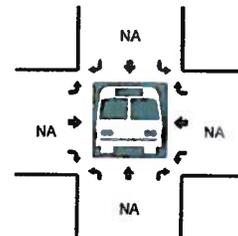
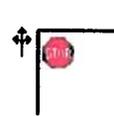
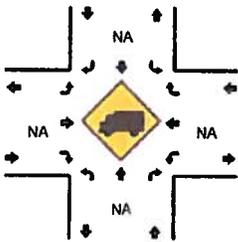
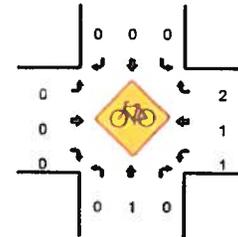
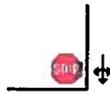
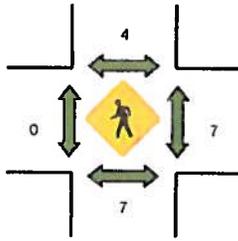
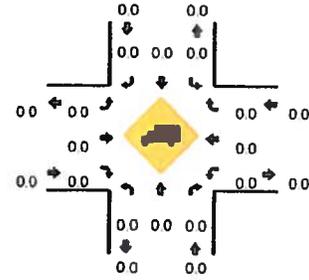
Method for determining peak hour: Total Entering Volume

LOCATION: Bay St N/Side Alley -- Fareham Pl
 CITY/STATE: St Petersburg, FL

QC JOB #: 13126502
 DATE: Sat, Oct 25 2014



Peak-Hour: 7:30 PM -- 8:30 PM
 Peak 15-Min: 8:00 PM -- 8:15 PM



15-Min Count Period	Bay St N/Side Alley (Northbound)				Bay St N/Side Alley (Southbound)				Fareham Pl (Eastbound)				Fareham Pl (Westbound)				Total	Hourly Totals	
	Beginning At	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right			U
7:00 PM	1	0	0	0	0	0	1	0	0	0	4	1	0	0	3	0	0	10	
7:15 PM	0	0	2	0	0	0	0	0	0	0	1	1	0	0	1	0	1	6	
7:30 PM	0	0	1	0	1	0	0	0	0	0	1	0	0	1	5	1	0	10	
7:45 PM	0	0	1	0	1	0	1	0	0	0	1	0	0	0	5	1	0	10	36
8:00 PM	1	0	3	0	1	0	0	0	0	1	3	0	0	1	1	0	0	11	37
8:15 PM	0	0	1	0	0	0	0	0	0	0	1	0	0	0	4	1	0	7	38
8:30 PM	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	0	0	4	32
8:45 PM	0	0	1	0	1	0	0	0	0	1	2	0	0	0	2	0	0	7	29
9:00 PM	0	0	1	0	1	0	0	0	0	0	2	0	0	0	3	0	0	7	25
9:15 PM	0	0	4	0	0	0	0	0	0	0	0	0	0	0	1	0	0	5	23
9:30 PM	0	0	6	0	0	0	0	0	0	0	1	0	0	0	2	0	0	9	28
9:45 PM	0	0	1	0	0	0	0	0	0	0	2	1	0	0	3	0	0	7	28
10:00 PM	2	0	0	0	0	0	1	0	0	0	2	0	0	1	2	1	0	9	30
10:15 PM	1	0	1	0	0	0	0	0	0	0	4	0	0	0	1	0	0	7	32
10:30 PM	0	0	1	0	0	0	0	0	0	0	5	0	0	1	2	0	0	9	32
10:45 PM	0	0	2	0	2	0	2	0	0	0	1	0	0	0	3	1	0	11	36
11:00 PM	0	0	2	0	0	0	0	0	0	0	0	0	0	0	3	0	0	5	32
11:15 PM	0	0	2	0	1	0	1	0	0	0	4	0	0	0	1	0	0	9	34
11:30 PM	0	0	2	0	0	0	2	0	0	0	0	0	0	0	1	0	0	5	30
11:45 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	3	0	0	4	23

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	4	0	12	0	4	0	0	0	4	12	0	0	0	4	4	4	0	44
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pedestrians	16				0				0				20				36	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2
Railroad																		
Stopped Buses																		

Comments:

ST. PETERSBURG CITY COUNCIL
Meeting of November 6, 2014

TO: The Honorable Bill Dudley, Chair, and Members of City Council

SUBJECT: A resolution recommending that Project B4060636763 (“Project”), a confidential project, pursuant to Section 288.075, Florida Statutes be approved as a Qualified Target Industry (“QTI”) Business pursuant to Section 288.106, Florida Statutes with an average private sector wage commitment calculation based on 150% of the average State of Florida wage; finding that the commitments of local financial support necessary for the Project exist; committing \$36,000 as the City’s share of the local financial support for the Project beginning in State FY 2016, subject to appropriation and conditioned on the Project meeting statutory requirements; authorizing the Mayor, or his designee, to execute all documents necessary to effectuate this resolution; and providing an effective date.

EXPLANATION: Project B4060636763 (“Project”), a confidential project, pursuant to 288.075 Florida Statutes, has filed a State of Florida Qualified Target Industry Tax Refund Program (“Program”) application with the State of Florida, Pinellas County, and the City of St. Petersburg. The Project is proposing to expand its existing headquarters. Additional locations the Project is considering are Tampa, Clearwater, and Atlanta.

The Project has requested confidentiality under Florida Statute 288.075. The QTI Program is an incentive program, administered through the State that provides tax refunds for each new job created by new or expanding businesses in target industries. The amount of tax refund is cumulative for this Project: \$3,000 per new job created above 115% of the average wage of the State of Florida; an additional \$1,000 per new job created at 150% of the State of Florida average wage; and an additional \$2,000 per new job created in a high impact sector, for a total refund of \$6,000 per job.

An estimated 60 new jobs are projected to be created by the Project with annual remuneration at or above 150% of the average wage of the State of Florida (\$63,669) and an annual benefit package of \$9,596. These earnings will result in an economic impact of \$4.44 million and 73 new direct and indirect jobs. The Project also will make an investment of \$5.2 million in construction and \$835,000 in equipment. The economic impact of this capital investment is \$6.4 million. The economic impacts were calculated using the U.S. Bureau of Economic Analysis I-RIMS Model for Pinellas County.

The tax refund requested by the Project is based on a Program award of \$6,000 per job created at 150% of the average State of Florida wage of \$63,669 for the 60 new jobs, in a high impact sector, totaling \$360,000. The Program requires a local match of 20% of the total award, or \$72,000. The City would be responsible for providing 50% of the local match or a maximum of \$36,000. Pinellas County is willing to accept financial responsibility for the other 50% of the required local match (\$36,000) and is expected to pass its Resolution of support on November 18, 2014. The QTI tax refund amount is *reimbursed* to the business by the State of Florida, only after the company has documented the required job creation and state tax payments made. If the Project does not generate sufficient tax revenue or falls short of its employment creation

requirements, the refund will be reduced and the City's share will also be reduced on a pro rata basis.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution recommending that Project B4060636763 ("Project"), a confidential project, pursuant to Section 288.075, Florida Statutes be approved as a Qualified Target Industry ("QTI") Business pursuant to Section 288.106, Florida Statutes with an average private sector wage commitment calculation based on 150% of the average State of Florida wage; finding that the commitments of local financial support necessary for the Project exist; committing \$36,000 as the City's share of the local financial support for the Project beginning in State FY 2016, subject to appropriation and conditioned on the Project meeting statutory requirements; authorizing the Mayor, or his designee, to execute all documents necessary to effectuate this resolution; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funding for this item will be required beginning in State FY 2016. Funding will be provided subject to annual appropriation and conditioned on the Project meeting statutory requirements.

ATTACHMENTS: Resolution

APPROVALS:

Administrative: _____ *[Signature]* *06*

Legal: _____ *[Signature]*

Budget: _____ *Q-2 Fall 10-23-14*

Legal: 00205266.doc V. 1

A RESOLUTION RECOMMENDING THAT PROJECT B4060636763 ("PROJECT"), A CONFIDENTIAL PROJECT, PURSUANT TO SECTION 288.075, FLORIDA STATUTES BE APPROVED AS A QUALIFIED TARGET INDUSTRY ("QTI") BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES WITH AN AVERAGE PRIVATE SECTOR WAGE COMMITMENT CALCULATION BASED ON 150% OF THE AVERAGE STATE OF FLORIDA WAGE; FINDING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR THE PROJECT EXIST; COMMITTING \$36,000 AS THE CITY'S SHARE OF THE LOCAL FINANCIAL SUPPORT FOR THE PROJECT BEGINNING IN STATE FY 2016, SUBJECT TO APPROPRIATION AND CONDITIONED ON THE PROJECT MEETING STATUTORY REQUIREMENTS; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Project B4060636763 ("Project"), a confidential project as defined in Section 288.075, Florida Statutes has applied to the State of Florida's Qualified Target Industry Tax Refund Program ("Program") pursuant to Section 288.106, Florida Statutes, for a tax refund of \$360,000 to complete this Project; and

WHEREAS, the basis of the Project's average private sector wage commitment calculation shall be 150% of the average State of Florida wage; and

WHEREAS, the Project will benefit the City of St. Petersburg by creating 60 new jobs that pay an average wage of at least \$63,669, which is at least 150% of the average annual wage for the State of Florida, and cause an estimated capital investment of \$6,019,000; and

WHEREAS, under the Program the local community must provide 20% of the funding for the tax refund; and

WHEREAS, Pinellas County is willing to accept financial responsibility for 50% of the local funds required; and

WHEREAS, the Administration has recommended that the Project be recommended for approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby recommends that Project B4060636763 ("Project"), a confidential project, pursuant to Section 288.075, Florida Statutes be approved as a Qualified Target Industry ("QTI") Business pursuant to Section 288.106, Florida Statutes; and

BE IT FURTHER RESOLVED, that this City Council has determined the basis of the Project's average private sector wage commitment calculation shall be 150% of the average State of Florida wage; and

BE IT FURTHER RESOLVED, that this City Council finds that the commitments of local financial support necessary for the Project exist and commits \$36,000 as the City share of the Local Financial Support for the Project beginning in State FY 2016 subject to annual appropriations, and conditioned on the Project meeting all statutory requirements; and

BE IT FURTHER RESOLVED, that the obligations of the City as to any funding required pursuant to this Resolution, shall be limited to an obligation in any given year to budget, appropriate and pay from legally available funds, after monies for essential City services have been budgeted and appropriated; and

BE IT FURTHER RESOLVED, that notwithstanding the foregoing, the City shall not be prohibited from pledging any legally available non-ad valorem revenues for any obligations heretofore or hereafter incurred, which pledge shall be prior and superior to any obligation of the City pursuant to this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to execute all documents necessary to effectuate this resolution.

This Resolution shall become effective immediately upon its adoption.

Approvals:

Legal:  Administration: 
Legal: 00205265.doc V. 1
Budget: 

ST. PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable William H. Dudley, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his designee, to execute a Temporary Parking Validation Agreement and all other necessary documents between the City of St. Petersburg and Carmike Cinemas, Inc., a Delaware corporation registered in Florida; and providing an effective date.

EXPLANATION: Carmike Cinemas, Inc. a Delaware corporation registered in Florida ("Carmike") purchased the Muvico Theater complex in St. Petersburg ("Theater"), as well as eight other theater facilities in November, 2013. At the time, City and Muvico had an ongoing parking validation agreement dated June 22, 2011, that was amended twice and subsequently expired on May 31, 2014 ("2011 Agreement"), which was the original anticipated date for the grand opening of Sundial.

Subsequent to purchasing the Theater and before the May 31 expiration date, Carmike verbally requested through City Development Administration that the validation program ("Program") continue but did not have a specific timeframe determined for program expiration due to the uncertainty of the Sundial opening date. Carmike believed it was of critical importance to continue free parking until Sundial became substantially open, and agreed to reimburse the City for customer validated parking if a new parking validation agreement was not ultimately executed between Carmike and the City. On September 11, 2014 the City received Carmike's detailed written request for a continuation of the Program, which is explained in more detail below.

For additional background, on June 16, 2011, City Council initially approved the 2011 Agreement for one (1) year to assist Muvico Theaters while the BayWalk complex was remodeled. The Theater has continually been under separate ownership from the BayWalk/Sundial shops and the Theater operator remained committed to its downtown St. Petersburg location during BayWalk's various ownership failures and struggles while awaiting its eventual sale, re-construction and rebranding as Sundial.

This initial 2011 Agreement provided for waiving the one dollar (\$1.00) fee, for Theater patrons, for up to four (4) hours of parking at the City-owned MidCore Garage located on the north side of 1st Avenue North between 1st Street North and 2nd Street North for a one-year period with the parking validations limited to 125,000. The Theater stayed open as BayWalk remained closed for an extended period leading to its request to extend the 2011 Agreement. A First Amendment to the 2011 Agreement was approved on June 7, 2012, extending the validation period to September 30, 2013, and increasing the total validations up to 160,000 to coincide with

the anticipated completion of construction and opening of Sundial. A Second Amendment to the 2011 Agreement was approved on October 3, 2013, extending the validation period to May 31, 2014, and increasing the number of parking validations by 80,000 which revised the maximum total of validations to 240,000.

On September 11, 2014 Carmike provided a written request to extend the validation program through December 31, 2015, which request is attached for reference. Included in the request was a commitment for \$611,000 in theater improvements recently completed or soon to be completed, which will also enhance the customer experience and further entice theater guests to patronize the only existing movie theater in St. Petersburg. Historical attendance figures were provided to demonstrate the continued decline in attendance.

Since September 11, 2014, Carmike and City staff have been discussing the request and negotiated a shorter-term agreement that would continue to serve as a "bridge" to help the theater through the negative impacts of the extended BayWalk redevelopment process. Sundial has been actively opening high-quality tenants over the past several months and is expected to be substantially occupied by the end of this year. Administration is recommending an abbreviated agreement with a validation allowance of up to 70,000 validations for the term which is consistent with the 2011 Agreement (using a 10,000 per month allowance) with a retroactive start date of June 1, 2014 through an end date of December 31, 2014.

In keeping with the spirit and intent of the 2011 Agreement, it should be noted that the proposed theater validation program will end nine months earlier than the agreement approved for Sundial customers. This demonstrates that the Program has been, and is, intended to provide assistance while the Theater has been restrained by circumstances outside of Carmike's control, rather than to be an incentive to Carmike or Theater patrons once the outside circumstances have improved. Carmike has also indicated that it is currently entertaining the option of extending the validation program after December 31, 2014 at its own cost.

Carmike has maintained its position as an entertainment venue and attraction for the City during Sundial's reconstruction. In order to ratify the continuation of the validations referenced above, it is necessary that the City memorialize the Program for the benefit of the Theater patrons for the period of June 1, 2014 through December 31, 2014 in consideration of what has been an unwavering commitment by Carmike to keep the Theater open and continue to attract patrons to this location through arduous circumstances, including continued delays of Sundial major tenant openings. It should also be noted that of the total 240,000 validations that were authorized under the 2011 Agreement as amended, 28,604 remained unused on the May 31, 2014 expiration date.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his designee, to execute a Temporary Parking Validation Agreement and all other necessary documents between the City of St. Petersburg and Carmike Cinemas, Inc., a Delaware corporation registered in Florida; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Providing Carmike with up to 70,000 additional parking validations will result in up to \$70,000 less revenue being generated from the MidCore/Sundial garage. This reduction in revenue can be absorbed by the Parking Revenue Fund.

ATTACHMENTS: Resolution
Carmike Request

APPROVALS: Administration: _____ *[Signature]* **EM**
Budget: _____ N/A
Legal: _____ *[Signature]*

(As to consistency w/attached legal documents)
Legal: 00205167.doc V. 3



Date: September 11, 2014

To: Evan Mory
Chris Ballestra
Bruce Grimes
Joseph Zeoli

From: Dan Ellis
Fred Van Noy

Subject: Muvico Parking Validation Program

Thank you again for your time on September 5. Pursuant to your request, please allow this memo to outline our request with regard to the parking validation program for the Muvico theater in the Sundial development.

Introduction

Carmike acquired the 9 theaters comprising the Muvico circuit on November 15, 2013. At the time of our acquisition, the Sundial redevelopment was well underway but significant work remained and there was no clear reopening date. Since that time, good progress has been made on the redevelopment and two tenants (a jewelry store and a clothing store) have opened. We hear that the development will be fully complete with a significant majority of the space leased by mid-November. We are hopeful this will be the case.

Muvico's future success in the Sundial development will be largely determined by whether the redevelopment will drive additional attendance to the theater. Attached for your reference, you will find a graph summarizing historical attendance for this location. As you will see, the theater is operating at historical low attendance numbers and has much ground to make up in order to achieve prior attendance levels, which is crucial to the theater's future success. We believe the current validation program is a vital component to relaunching the Sundial development and getting attendance numbers trending in the right direction. Also crucial to this theater's future success is Carmike's commitment to the St. Petersburg community and the theater, as more fully described below.

Carmike's Commitment and Investment

Muvico is a well-regarded company in the industry and has a loyal customer base. However, prior to our acquisition, the circuit had been for sale for some time and certain capital and maintenance items had been deferred. Immediately after the acquisition, Carmike developed an action plan for addressing these items for the theater. Some of these items have already been completed and others are scheduled in the near future. These items are summarized below:

<u>Item</u>	<u>Investment</u>	<u>Status/Expected completion date</u>
Installation of new digital menu boards behind concession stand	\$45,000	Complete
Rectifying deferred maintenance items including lighting, HVAC, plumbing, etc.	\$45,000	Complete
Repaint exterior of building	\$120,000	December 31, 2014
Installing 4 digital projectors in Gallery auditoriums to replace 35mm film projectors (This will make many more art films available to the Gallery customers as 35mm film is now almost completely phased out)	\$180,000	November 30, 2014
Installation of 2 new ticket kiosks and point of sale equipment	\$181,000	POS equipment installation complete; kiosks to be installed by December 31, 2014
Installation of closed captioning and audio descriptive equipment for use by guests with hearing and/or visual problems	\$20,000	July 2015
Replacement of damaged IMAX screen	\$40,000	December 31, 2014
Total	\$611,000	

Additionally, Carmike has agreed to be a significant sponsor of and host the BLUE Ocean Film Festival & Conservation Summit to be held in St. Petersburg on November 3-9, 2014. The Muvico/Sundial theater will be the setting for numerous films shown throughout the week. This sponsorship is valued at well over \$100,000.

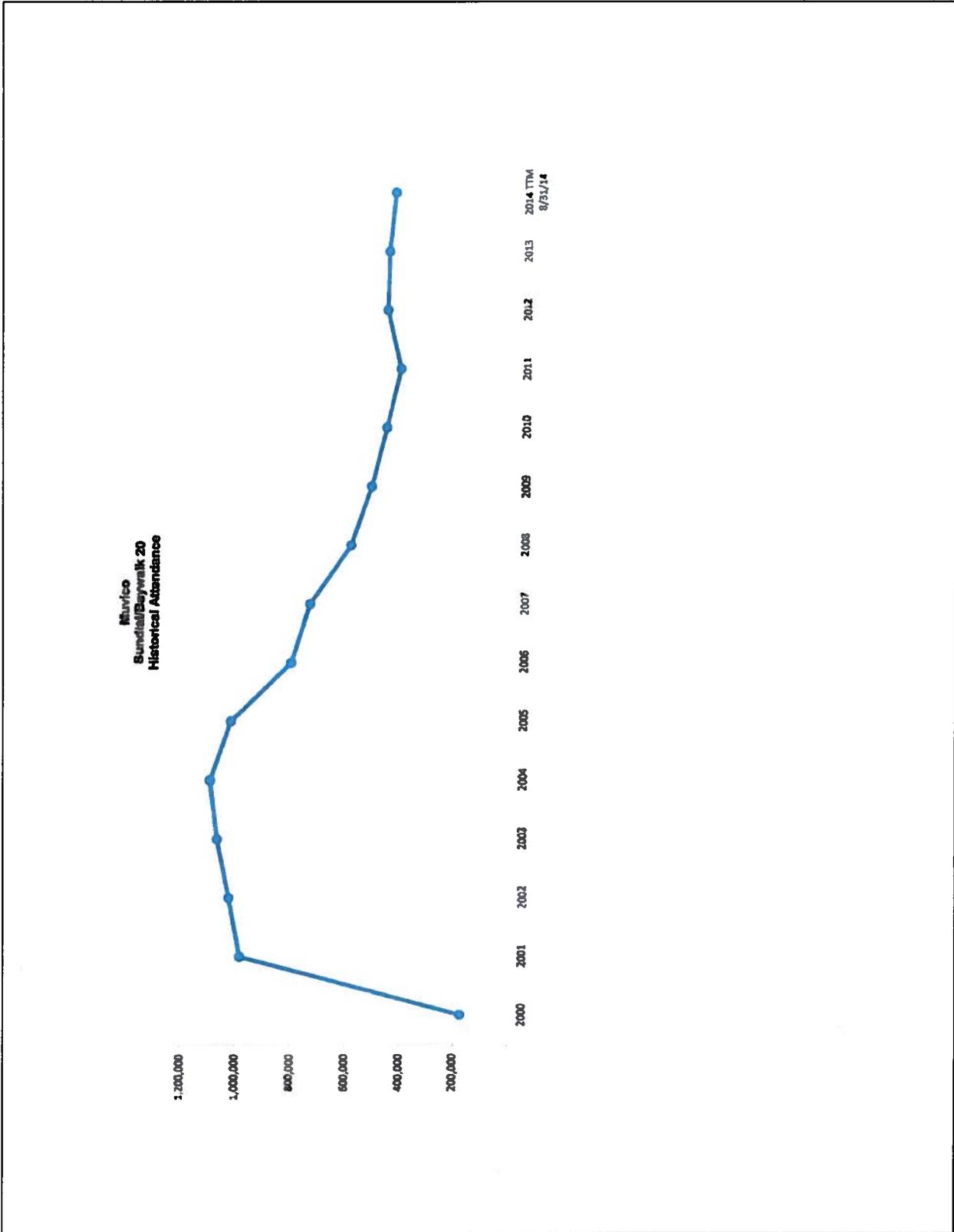
Parking Validation Program

We believe the short-term continuation of the current parking validation program is extremely important as the Sundial redevelopment is completed and new businesses open. Carmike therefore requests that the current validation program remain in effect until December 31, 2015, which should roughly coincide with the one-year anniversary of the grand reopening of the Sundial redevelopment. Additionally, we will agree to cap the amount of validations issued through the end of 2015, consistent with the prior validation agreements.

Carmike also agrees to continue the same arrangement that provides for early termination of the validation agreement in the event 50% of the development (excluding Muvico) is leased and occupied and Muvico has more than 50,000 validations in any consecutive 3 month period.

Also, we would like to build in a provision in the new agreement similar to the arrangement specified in Section 6.4 of the Baywalk Customer Parking Validation agreement dated October 22, 2012 with the Edwards Group providing that Carmike would have the option of reducing the parking fees to zero for customers if Carmike reimburses the City an amount equal to the monies that would have been collected if the parking fees were in fact collected by the garage cashier.

Please let us know if you require any additional information. Please let us know when you expect this matter to come before the City Council so that we may make arrangements to attend.



Resolution No. 2014 - _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A TEMPORARY PARKING VALIDATION AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF ST. PETERSBURG AND CARMIKE CINEMAS, INC., A DELAWARE CORPORATION REGISTERED IN FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 11, 2014 the City received a request from Carmike Cinemas to enter into an agreement between the City of St. Petersburg ("City") and Carmike Cinemas, Inc., a Delaware corporation registered in Florida ("Carmike"), regarding validation of customer parking for Carmike's Muvico Theater located at Sundial; and

WHEREAS, Carmike purchased the Muvico Theater complex in November 2013; and

WHEREAS, at the time, City and Muvico had an ongoing parking validation agreement approved by City Council on June 16, 2011 and dated June 22, 2011, that was amended twice and subsequently expired on May 31, 2014 ("2011 Agreement"), which was the original anticipated date for the grand opening of Sundial; and

WHEREAS, the Muvico Theater complex has continually been under separate ownership from the BayWalk/Sundial shops and the theater operator remained committed to keeping its downtown St. Petersburg location open during BayWalk's various ownership failures and struggles while awaiting its eventual sale, re-construction and rebranding as Sundial; and

WHEREAS, this initial 2011 Agreement provided for waiving the one dollar (\$1.00) fee, for Muvico Theatre patrons, for up to four (4) hours of parking at the City-owned MidCore Garage located on the north side of 1st Avenue North between 1st Street North and 2nd Street North for a one year period with the parking validations limited to 125,000; and

WHEREAS, the Muvico Theater stayed open as BayWalk remained closed for an extended period leading to its request to extend the 2011 Agreement; and

WHEREAS, a First Amendment to the 2011 Agreement was approved on June 7, 2012, extending the validation period to September 30, 2013, and increasing the total validations up to 160,000 to coincide with the anticipated completion of construction and opening of Sundial; and

WHEREAS, a Second Amendment to the 2011 Agreement was approved on October 3, 2013, extending the validation period to May 31, 2014, and increasing the number of parking validations by 80,000 which revised the maximum total of validations to 240,000; and

WHEREAS, notwithstanding the fact that the 2011 Agreement expired on May 31, 2014, the validation program has been continued for the benefit of Muvico Theater patrons with the understanding by Carmike that in the event City Council does not authorize the continuation of the validation agreement through December 2014, Carmike will reimburse the City for all validations from June 1, 2014 to the present; and

WHEREAS, Carmike has maintained its position as an entertainment venue and attraction for the City during Sundial's reconstruction; and

WHEREAS, in order to ratify the continuation of the validations referenced above, it is necessary that the City memorialize a validation program for the benefit of the Muvico Theater patrons for the period of June 1, 2014 through December 31, 2014 in consideration of what has been an unwavering commitment by Carmike to keep the theaters open, make improvements to the theaters, and continue to attract patrons to this location through arduous circumstances, including continued delays of Sundial major tenant openings; and

WHEREAS, it should also be noted that of the total 240,000 validations that were authorized under the 2011 Agreement as amended, 28,604 of the total 240,000 validations remained unused on the May 31, 2014 expiration.

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 Temporary Parking Validation Agreement and all other necessary documents between the City of St. Petersburg and Carmike Cinemas, Inc., a Delaware corporation registered in Florida.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (Designee)
Legal: 00205167.doc V. 3

APPROVED:



Bruce Grimes, Director
Real Estate and Property Management

APPROVED:



Evan Mory, Director
Transportation and Parking Management

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 6, 2014

To: The Honorable William H. Dudley, Chair, and Members of City Council

Subject: Awarding a contract to Precon Corporation in the amount of \$3,058,000 for Southwest Water Reclamation Facility Reclaimed Water Storage Project (TBD).

Explanation: The Procurement Department received two bids for the Southwest Water Reclamation Facility Reclaimed Water Storage Project (see below).

The work includes furnishing all labor, materials, supplies and equipment necessary to construct an open-top 15 million gallon prestressed concrete tank for storage of reject water. The work includes construction of 225 foot inside diameter, 51.5 foot tall prestressed open top concrete tank; 110 feet of 30-inch ductile iron tank inlet piping; 340 feet of 30-inch ductile iron tank outlet piping; 40 feet of 6-inch tank drain line with pump-out connection; 250 feet of 2-inch PVC reclaimed water line to provide wash water connection at the tank; three 30-inch butterfly valves, two with electric motor actuators and one with a manual actuator; associated electrical/instrumentation and control modifications, and site restoration.

The SWWRF has one 5 million gallon and one 10 million gallon reclaimed water storage tank. Currently, the SWWRF is using the 10 million gallon storage tank for reclaimed water storage, and the 5 million gallon storage tank is used for reject water storage. The FDEP operating permit requires effluent that does not meet reclaimed water quality standards (i.e., reject water) be directed to the reject water storage tanks prior to re-treatment. FDEP rules also require that water reclamation facilities have reject water storage equal to one day's flow at the average daily design flow for the facility when an alternate disposal system is not available. This project will increase the volume of reject water storage from 5 million gallon to 15 million gallons, and allow the existing 5 million gallon storage tank to be used for reclaimed water storage to provide for customer demands.

The contractor will begin work approximately ten (10) calendar days from written Notice to Proceed and is scheduled to complete the work within 420 consecutive calendar days thereafter. Bids were opened on August 14, 2014, and are tabulated as follows:

<u>Bidder</u>	<u>Total Bid</u>
Precon Corporation (Newberry, FL)	\$3,058,000
Crom LLC (Gainesville, FL)	\$3,089,000

Precon Corporation the lowest responsible and responsive bidder has met the specifications, terms and conditions of Bid No. 7696 dated June 24, 2014. They have satisfactorily performed similar projects in the past for Hillsborough County, City of Cape Coral and City of Panama City Beach. Precon Corporation meets the SBE requirements. The principals of Precon Corporation are Richard G. Moore, President; Patrick J. Wheeler, Vice President; D. A. Dupree, Secretary.

Recommendation: Administration recommends awarding this contract to Precon Corporation, in the amount of \$3,058,000 for Southwest Water Reclamation Facility Reclaimed Water Storage Project -. This project qualifies for City Code 2-214/Ordinance 79-H, Local Hiring: Construction Incentive Program.

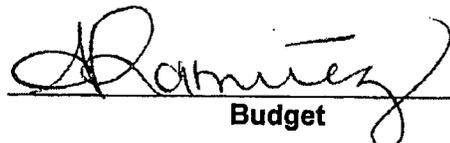
Cost/Funding/Assessment Information: Funds are available in the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), Bayway Trail North – Phase II Project (13639) (Engineering Project No. 13018-112) upon approval of the Supplement No. 1 to the Local Agency Program Agreement ("Agreement") between the City of St. Petersburg, Florida ("City") and the State of Florida Department of Transportation ("FDOT") dated June 27, 2014, for the construction activities of the S.R. 682 (Pinellas Bayway) Trail – Phase II Project ("Project") in the amount of \$817,856.

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION APPROVING THE AWARD OF AN AGREEMENT TO PRECON CORPORATION FOR COMPLETION OF THE SOUTHWEST WATER RECLAMATION FACILITY REJECT WATER STORAGE TANK PROJECT (ORACLE NO. 14231) AT A TOTAL COST NOT TO EXCEED \$3,058,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received two bids for completion of the Southwest Water Reclamation Facility Reject Water Storage Tank Project (Oracle No. 14231) pursuant to Bid No. 7696 dated June 24, 2014; and

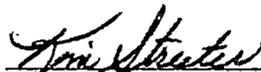
WHEREAS, Precon Corporation has met the specifications, terms and conditions of Bid No. 7696; and

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 award of an agreement to Precon Corporation for completion of the Southwest Water Reclamation Facility Reject Water Storage Tank Project (Oracle No. 14231) at a total cost not to exceed \$3,058,000 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)

RESOLUTION NO. 2014 _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 12-05-URS/W, TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND URS CORPORATION SOUTHERN, IN THE AMOUNT NOT TO EXCEED \$56,526, FOR CONSTRUCTION PHASE PROFESSIONAL ENGINEERING SERVICES FOR THE SOUTHWEST WATER RECLAMATION FACILITY (WRF) 15 MG REJECT STORAGE TANK PROJECT (ENGINEERING PROJECT NO. 14013-111; ORACLE NO. 14231); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 20, 2012, the City Council approved a master agreement with the professional consulting engineering firm of URS Corporation Southern for Potable Water, Wastewater and Reclaimed Water Projects; and

WHEREAS, on October 11, 2013, Task Order No. 12-05-URS/W was administratively approved in the amount of \$89,694 to provide engineering design services associated with the Southwest Water Reclamation Facility (WRF) 15 MG Reject Storage Tank Project.

WHEREAS, this Amendment No. 1 to Task Order No. 12-05-URS/W in the amount of \$56,526, is for URS Corporation Southern, to provide professional engineering services related to the construction phase of this Project, for a total amount of Task Order No. 12-05-URS/W (as Amended) not to exceed \$56,526.

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. 12-05-URS/W with URS Corporation Southern in the amount not to exceed \$56,526 for professional engineering design services related to the Southwest Water Reclamation Facility (WRF) 15 MG Reject Storage Tank Project, for a total amount of Task Order 12-05-URS/W.(as Amended) not to exceed \$146,220 (Engineering Project No. 14013-111; Oracle No. 14231).

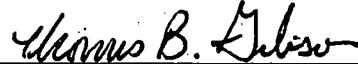
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

Tom Greene
Budget Director

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

To: The Honorable William H. Dudley, Chair, and Members of City Council

Subject: Accepting a bid from Willie A. Roundtree, Sr. and Willie A. Roundtree, Jr. d/b/a Credible Security Services for security guard services at The Pier at an estimated annual cost of \$192,545.

Explanation: The city received 22 bids for security guard services at The Pier. The vendor will provide un-armed uniformed security guard services at The Pier, including the approach and secured building. The guards provide protection to the City's Pier property, buildings and equipment against loss or damage from preventable cause, including fire, structure or equipment failure, theft, vandalism, trespass or other violation of the law. The guards provide written reports to the City documenting events, incidents or changes in property and equipment, injuries, suspected theft or vandalism of property. While security is the main focus on this particular property, public relations is a major component to maintaining a customer friendly/tourist friendly environment. Two guards provide 24/7 coverage. Currently, the City pays \$12.68/hr and \$19.02/hr during holidays. This award will save the City approximately \$30,000/year. In addition, this bid has no premium time for holidays.

The Procurement Department, in cooperation with Downtown Enterprise Facilities, recommends for award:

Credible Security Services.....\$192,545
(17,520 hours @ \$10.99/hr)

Credible Security Services, the lowest responsible bidder, has met the specifications, terms and conditions of Bid No. 7754 dated September 24, 2014. The vendor has been providing security guard services for five years, has performed services for various businesses and has performed satisfactorily. A blanket purchase agreement will be issued to the vendor and will be binding only for actual services rendered. This agreement will be effective from date of award through November 28, 2015 with two one-year renewal options. The contract includes a termination for convenience clause.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Pier Operating Fund (1203) Downtown Enterprise Facilities Pier Security account (2822869).

Attachments: Bid Tabulation (6 pages)
Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO WILLIE A. ROUNDTREE, SR. AND WILLIE A. ROUNDTREE, JR. D/B/A CREDIBLE SECURITY SERVICES IN AN AMOUNT NOT TO EXCEED \$192,545 FOR SECURITY GUARD SERVICES AT THE PIER; 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 22 bids for security guard services at The Pier pursuant to Bid No. 7754 dated September 24, 2014; and

WHEREAS, Willie A. Roundtree, Sr. and Willie A. Roundtree, Jr. d/b/a Credible Security Services has met the specifications, terms and conditions of Bid No. 7754; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Downtown Enterprise Facilities Department, recommends approval of this award.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the bid and award of an agreement to Willie A. Roundtree, Sr. and Willie A. Roundtree, Jr. d/b/a Credible Security Services in an amount not to exceed \$192,545 for security guard services at The Pier is hereby approved and the Mayor or Mayor's designee is hereby 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)

City of St. Petersburg
Bid Tabulation
Procurement and Supply Management

Credible Security Services	
Kissimmee, FL Terms: Net 30 Delivery: 30 Days	
Unit Price	Extended Price
\$10.99	\$192,544.80
	0
	0
TOTAL:	\$192,544.80

EKS Security Services, LLC	
Brandon, FL Terms: Net 30 Delivery: 30 Days	
Unit Price	Extended Price
\$11.33	\$198,501.60
	0
	0
	\$198,501.60

Mason Evans, Inc. dba Diamond Investigations & Security	
Cape Coral, FL Terms: Net 30 Delivery: 21 Days	
Unit Price	Extended Price
\$11.44	\$200,428.80
	0
	0
	\$200,428.80

Sterling Holland Security, LLC	
Clearwater, FL Terms: Net 30 Delivery: 15 Days	
Unit Price	Extended Price
\$11.46	\$200,779.20
	0
	0
	\$200,779.20

Item No.	Description	Est. Annual Qty.	UOM	Unit Price	Extended Price
1	Security Guard Services, non-armed, 2 guards, 24/7 including holidays	17,520	HR	\$10.99	\$192,544.80
					0
					0
					\$192,544.80

Unit Price	Extended Price
\$11.33	\$198,501.60
	0
	0
	\$198,501.60

Unit Price	Extended Price
\$11.44	\$200,428.80
	0
	0
	\$200,428.80

Unit Price	Extended Price
\$11.46	\$200,779.20
	0
	0
	\$200,779.20

City of St. Petersburg
Bid Tabulation
Procurement and Supply Management

Item No.	Description	Est. Annual Qty.	UOM	Swift Security, Inc.		Excelsior Defense, Inc.		Hands On Security Protection & Investigations, Inc. dba Hands On Security, Inc.		ABM Security Services, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Security Guard Services, non-armed, 2 guards, 24/7 including holidays	17,520 HR		\$11.49	\$201,304.80	\$11.59	\$203,056.80	\$12.12	\$212,342.40	\$11.89	\$208,312.80
		2%/10, Net 30 Discount:			0		0		4,246.85		0
		SBE Discount:			0		0		0		0
		TOTAL:			\$201,304.80		\$203,056.80		\$208,095.55		\$208,312.80

City of St. Petersburg
Bid Tabulation
Procurement and Supply Management

Item No.	Description	Est. Annual Qty.	UOM	Investigations & Security Bureau, Inc.		Gator Guards, Inc.		OC Services Corp.		All Pro Security Services, Ltd.	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Security Guard Services, non-armed, 2 guards, 24/7 including holidays	17,520 HR		\$11.95	\$209,364.00	\$11.98	\$209,889.60	\$12.09	\$211,816.80	\$12.49	\$218,824.80
		2%/10, Net 30 Discount:			0		0		0		4,376.50
		SBE Discount:			0		0		0		0
		TOTAL:			<u>\$209,364.00</u>		<u>\$209,889.60</u>		<u>\$211,816.80</u>		<u>\$214,448.30</u>

City of St. Petersburg
Bid Tabulation
Procurement and Supply Management

Item No.	Description	Est. Annual Qty.	UOM	Amerisafety, Inc.		Code 3 Security & Protection Services, Inc. dba Code 3 Security		National Alliance Security Agency, Inc.		US Security Associates, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Security Guard Services, non-armed, 2 guards, 24/7 including holidays	17,520 HR		\$12.55	\$219,876.00	\$12.38	\$216,897.60	\$12.50	\$219,000.00	\$12.70	\$222,504.00
		2%/10, Net 30 Discount:				0	0		0		0
		SBE Discount:			0	0	0		0		0
		TOTAL:			\$215,478.48		\$216,897.60		\$219,000.00		\$222,504.00

City of St. Petersburg
Bid Tabulation
Procurement and Supply Management

Item No.	Description	Est. Annual Qty.	UOM	Genesis Security Services, LLC		Universal Protection Service, LLC		Dothan Security, Inc. dba DSI Security Services		AGG of America, LLC dba Advanced National Security & Investigations	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Security Guard Services, non-armed, 2 guards, 24/7 including holidays	17,520 HR		\$13.50	\$236,520.00	\$13.65	\$239,148.00	\$14.20	\$248,784.00	\$14.75	\$258,420.00
		2%/10, Net 30 Discount:			0		0		0		5,168.40
		SBE Discount:			9,460.80		0		0		0
		TOTAL:			\$227,059.20		\$239,148.00		\$248,784.00		\$253,251.60

City of St. Petersburg
Bid Tabulation
Procurement and Supply Management

Kent Security Services, Inc.
dba Kent Security of Naples, Inc.

North Miami, FL
Terms: Not Specified
Delivery: 4 Days

The Intelligence Company, LLC
dba The Intelligence Company

Clearwater, FL
Terms: Not Specified
Delivery: Not Specified

Item No.	Description	Est. Annual Qty.	UOM	Kent Security Services, Inc.		The Intelligence Company, LLC	
				Unit Price	Extended Price	Unit Price	Extended Price
1	Security Guard Services, non-armed, 2 guards, 24/7 including holidays	17,520 HR		\$14.48	\$253,689.60	\$16.47	\$288,554.40
		2%/10, Net 30 Discount:			0		0
		SBE Discount:			0		0
		TOTAL:			\$253,689.60		\$288,554.40

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

TO: The Honorable William H. Dudley, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his Designee, to execute a License Agreement and all other necessary documents with Progressive Waste Solutions of FL, Inc., a Delaware corporation, for use of a portion of land lying in the Northwest corner of the City-owned Woodlawn Lake property located on the North side of 9th Avenue North on the East side of I-275, St. Petersburg, to install two (2) ground water monitoring wells for a period of three (3) years at an aggregate use fee of \$150.00; and providing an effective date.

EXPLANATION: Real Estate and Property Management received a request from Progressive Waste Solutions of FL, Inc. ("Progressive") to use a portion of the Woodlawn Lake property located on the North side of 9th Avenue North on the East side of I-275, St. Petersburg ("Property"), to install two (2) ground water monitoring wells to monitor environmental contamination found on the property to the North of the Property, which is owned by Progressive. Progressive's environmental consultant informed the City of St. Petersburg ("City") that results from a site investigation indicated a limited area of groundwater impact along the southern boundary of its real estate parcel which has been incorporated into a Site Assessment Report ("SAR") submitted to the Florida Department of Environmental Protection ("FDEP"). The area of concern is immediately north of the City-owned Woodlawn Lake property that is a stormwater detention facility. Progressive is required by FDEP to complete its SAR assessment activities which include the installation and sampling of multiple groundwater monitoring wells as well as the collection of a single-surface water sample from the lake. As part of the assessment and monitoring process, it is necessary to have off-site monitor wells installed on the City property to verify that the contamination is contained and observe results of the FDEP approved cleanup.

Progressive has executed a License Agreement ("Agreement") for a term of thirty-six (36) months ("Term"), subject to City Council approval. The use fee is \$150.00 for the entire Term. The Licensee shall maintain the Property at the Licensee's sole cost and expense throughout the duration of the Term and pay for any costs of utilities associated with its use of the Property. Additionally, the Licensee will maintain a commercial general liability insurance policy in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, protecting the City against all claims or demands that may arise or be claimed on account of the Licensee's use of the Property. The Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the date of termination set forth on the notice.

ILLUSTRATION



Resolution No. 2014 - _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS WITH PROGRESSIVE WASTE SOLUTIONS OF FL, INC., A DELAWARE CORPORATION, FOR USE OF A PORTION OF LAND LYING IN THE NORTHWEST CORNER OF THE CITY-OWNED WOODLAWN LAKE PROPERTY LOCATED ON THE NORTH SIDE OF 9TH AVENUE NORTH ON THE EAST SIDE OF I-275, ST. PETERSBURG, TO INSTALL TWO (2) GROUND WATER MONITORING WELLS FOR A PERIOD OF THREE (3) YEARS AT AN AGGREGATE USE FEE OF \$150.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management received a request from Progressive Waste Solutions of FL, Inc. ("Progressive") to use a portion of the Woodlawn Lake property located on the North side of 9th Avenue North on the East side of I-275, St. Petersburg ("Property") to install two (2) ground water monitoring wells to monitor environmental contamination found on the property to the North of the Property, which is owned by Progressive; and

WHEREAS, Progressive's environmental consultant informed the City of St. Petersburg ("City") that results from a site investigation indicated a limited area of groundwater impact along the southern boundary of its real estate parcel which has been incorporated into a Site Assessment Report ("SAR") submitted to the Florida Department of Environmental Protection ("FDEP"); and

WHEREAS, the area of concern is immediately north of the City-owned Woodlawn Lake property that is a stormwater detention facility; and

WHEREAS, Progressive is required by FDEP to complete its SAR assessment activities which include the installation and sampling of multiple groundwater monitoring wells as well as the collection of a single-surface water sample from the lake; and

WHEREAS, as part of the assessment and monitoring process, it is necessary to have off-site monitor wells installed on the City property to verify that the contamination is contained and observe results of the FDEP approved cleanup; and

WHEREAS, Progressive has executed a License Agreement ("Agreement") for a term of thirty-six (36) months ("Term"), subject to City Council approval; and

WHEREAS, the use fee is \$150.00 for the entire Term; and

WHEREAS, Licensee shall maintain the Property at the Licensee's sole cost and expense throughout the duration of the Term and pay for any costs of utilities associated with its use of the Property; and

WHEREAS, the Licensee will maintain a commercial general liability insurance policy in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, protecting the City against all claims or demands that may arise or be claimed on account of the Licensee's use of the Property; and

WHEREAS, the Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the date of termination set forth on the notice.

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 License Agreement and all other necessary documents with Progressive Waste Solutions of FL, Inc., a Delaware corporation, for use of a portion of land lying in the Northwest corner of the City-owned Woodlawn Lake property located on the North side of 9th Avenue North on the East side of I-275, St. Petersburg, to install (2) two ground water monitoring wells, for a period of three (3) years, at an aggregate use fee of \$150.00.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (Designee)

Legal: 00204450.doc V. 1

APPROVED BY:



Thomas Gibson, Director
Engineering and Capital Improvements

APPROVED BY:



Bruce E. Grimes, Director
Real Estate & Property Management

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

TO: Honorable Bill Dudley, Chair, & Members of City Council

SUBJECT: Recommendation to Approve a Resolution to Provide a Two Percent (2%) Ad Hoc Increase to the Monthly Pension Benefits of the Retirees and Beneficiaries Receiving Benefits from the Supplemental Firefighter's Retirement System due to Normal Retirement, Early Retirement, Service Connected Disability or Death, Non-Service Connected Disability or Death, or Termination of Employment Occurring Prior to October 1, 2008

EXPLANATION:

Section 22-201(n)(1), St. Petersburg City Code, provides that any pension paid under the Supplemental Firefighter's Retirement System may be adjusted upon the recommendation of the Mayor and approval of the City Council by adopted index tables.

The Mayor received, for his consideration, a resolution from the Board of Trustees of the Firefighter's Pension Fund recommending that retirees and beneficiaries receiving benefits under the Plan due to normal retirement, early retirement, service-connected disability or death, non-service connected disability or death or termination of employment occurring prior to October 1, 2008 receive a two percent ad hoc adjustment to their monthly pension benefits effective January 1, 2015. The Board adopted the national Consumer Price Index as the relevant index table. The Mayor is recommending that City Council approve the requested increase.

COST/FUNDING/ASSESSMENT INFORMATION:

The Plan actuary has advised that the estimated annual City cost for the proposed ad hoc adjustment for 157 pension accounts is \$107,400, based on a recommended 20-year amortization schedule. The increase in funding would be effective in fiscal year 2016.

ATTACHMENTS:

- (1) Proposed City Council Resolution Providing an Ad Hoc Increase to certain members of the Supplemental Firefighter's Retirement System
- (2) Resolution adopted by Board of Trustees of the Firefighter's Pension Fund on May 12, 2014
- (3) Actuarial Impact Statement

RESOLUTION NO. _____

A RESOLUTION APPROVING A TWO PERCENT (2%) AD HOC INCREASE TO THE MONTHLY PENSION BENEFITS OF THE RETIREES AND BENEFICIARIES RECEIVING BENEFITS FROM THE SUPPLEMENTAL FIREFIGHTER'S RETIREMENT SYSTEM DUE TO NORMAL RETIREMENT, EARLY RETIREMENT, SERVICE CONNECTED DISABILITY OR DEATH, NON-SERVICE CONNECTED DISABILITY OR DEATH, OR TERMINATION OF EMPLOYMENT, OCCURRING PRIOR TO OCTOBER 1, 2008; PROVIDING AN EFFECTIVE DATE FOR SUCH INCREASE; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION

WHEREAS, Section 22-201(n)(1), St. Petersburg City Code, provides for the adjustment of pensions paid under the provisions of the Supplemental Firefighter's Retirement System ("Plan") based upon adopted index tables; and

WHEREAS, the Board of Trustees of the Firefighter's Pension Fund ("Board") passed a resolution recommending that retirees and beneficiaries receiving benefits under the Plan due to normal retirement, early retirement, service-connected disability or death, non-service connected disability or death or termination of employment, occurring prior to October 1, 2008, receive a two percent (2%) ad hoc adjustment to their monthly pension benefits effective January 1, 2015; and

WHEREAS, the Board adopted the national Consumer Price Index as the relevant index table; and

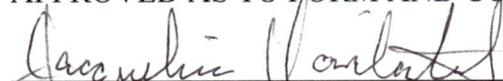
WHEREAS, the Mayor has recommended that City Council approve the recommended increase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the City Council of the City of St. Petersburg approves a two percent (2%) ad hoc increase to the monthly pension benefits of the retirees and beneficiaries receiving benefits from the Supplemental Firefighter's Retirement System due to normal retirement, early retirement, service-connected disability or death, non-service connected disability or death or termination of employment, occurring prior to October 1, 2008.

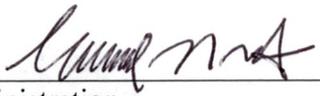
BE IT FURTHER RESOLVED that such increase shall be effective with pension benefit payments beginning January, 2015.

This resolution shall become effective immediately upon its adoption.

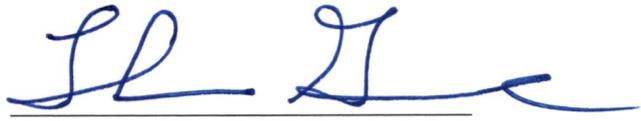
APPROVED AS TO FORM AND CONTENT:


Jacqueline Kovilaritch
Assistant City Attorney

APPROVALS:


Administration

October 16, 2014
Date


Budget

10/16/14
Date

A RESOLUTION RECOMMENDING A ONE-
TIME TWO PERCENT COST OF LIVING
INCREASE FOR CERTAIN RETIREES OF
THE CITY OF ST. PETERSBURG
SUPPLEMENTAL FIREFIGHTER'S
RETIREMENT SYSTEM

WHEREAS, Section 22-201(n)(1), St. Petersburg City Code, provides for the adjustment of pensions paid under the provisions of the City of St. Petersburg Supplemental Firefighter's Retirement System ('Plan') based upon adopted index tables; and

WHEREAS, the Board of Trustees of the Fire Pension Fund ('Board') has adopted the national Consumer Price Index (CPI) with a cap of 2% per year as the relevant index table for such calculations; and

WHEREAS, no adjustment of the benefits payable to retirees, beneficiaries and DROP participants ('Retirees') as a result of an event prior to October 1, 2008 under the Plan has been made since January 1, 2006; and

WHEREAS, the Board recognizes that the increase in the CPI has been greater than 2% for the period from January, 2006 – January, 2014; and

WHEREAS, the Board has been advised by its actuary of the cost impact to the pension fund to implement a one-time 2% cost-of-living adjustment and believes it is reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fire Pension Fund that the Board recommends a one-time cost of living increase ('Increase') for benefits payable on account of normal retirement, early retirement, service-connected disability or death, nonservice-connected disability or death or termination of employment prior to October 1, 2008 in accordance with the following:

1. All retirees, beneficiaries and DROP participants receiving benefits on January 1, 2015 as a result of the following events occurring prior to October 1, 2008 shall be eligible to receive an Increase: normal retirement, early retirement, service-connected disability or death, nonservice-connected disability or death or termination of employment.
2. The Increase shall be a one-time 2% increase applied to their monthly benefit.
3. The Increase shall be effective beginning with the retirement benefit payment in January, 2015.

ADOPTED by the Board of Trustees of the Fire Pension Fund on the 12th day of May, 2014.


Alan D. Rosetti
Chairman

Attest: 
Andrew Swenson
Vice Chairman/Secretary

April 25, 2014

Ms. Vicki Grant
 Manager, Benefits; Human Resources
 City of St. Petersburg
 P.O. Box 2842
 St. Petersburg, FL 33731-2842

City of St. Petersburg Firefighters' Retirement System Ad Hoc COLA Study

Dear Vicki:

As requested, we have estimated the cost under the Firefighters' Retirement System associated with providing a one-time 2.0% cost-of-living adjustment ("COLA") on January 1, 2015 for all retired members under the Supplemental Plan who retired prior to October 1, 2008.

The increase in the unfunded accrued liability and the City contribution in the first year after the COLA is adopted for current retirees can be found in the table below.

<u>One-Time COLA</u>	<u>Number</u>	<u>Increase in Unfunded Accrued Liability</u>	<u>Increase in City Contribution Under 20 Year Amortization</u>
2.0%	157	\$1,139,000 (8.25% of payroll)	\$107,400 (0.78% of payroll)

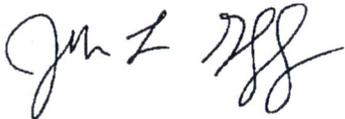
For comparison purposes, the annual City contribution for the Firefighters' Retirement System for the 2014/2015 fiscal year is \$7,152,851 (prior to interest adjustments for contribution timing), or 51.8% of annual projected payroll (\$13,805,792). The unfunded accrued liability as of October 1, 2013 is \$17,045,017.

Our calculations were based upon employee census data submitted for the October 1, 2013 actuarial valuation. The actuarial cost methods and assumptions are the same as those set forth in our actuarial valuation of October 1, 2013. Specifically, we are assuming an annual interest rate of 8.0% and the Fully Generational RP-2000 Combined Healthy Mortality Table with Blue Collar Adjustments for healthy retirees. All computations were performed using generally accepted actuarial principles and methods.

Ms. Vicki Grant
April 25, 2014
Page 2

If you have any questions with regard to this cost study, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JL Griffin".

Joseph L. Griffin, ASA, EA, MAAA, FCA
Director, Atlanta Retirement Practice Leader

Copy to: Lesley Posey, ASA, EA, MAAA – Buck Consultants/Atlanta
Timothy Bowen, EA, MAAA, FCA – Buck Consultants/Atlanta

P:\Retirement\St Petersburg 2014\COLA Studies\Fire Ad Hoc 2% Study\2014 Ad Hoc COLA Study.doc



SAINT PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable Bill Dudley, Chair, and Members of City Council

SUBJECT: Ordinance approving a vacation of a 5 foot wide street radius easement lying at the corner of 37th Street South and 34th Avenue South (City File No.: 14-33000007)

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 November 24, 2014.

The Request: The applicant is Boca Ciega Apartments, LLC. The request is to vacate a 5 foot wide street corner radius easement lying at the southwest corner of 37th Street South and 34th Avenue South. The area proposed for vacation is depicted on the attached maps (Attachment "A", "B" and "C") and survey sketch (Exhibit "A" and "B"). The applicant's goal is to eliminate the easement in order to clear the title and have continued use of the existing parking area and dumpster location which is located partially within the easement.

Discussion: As set forth in the attached report provided to the Development Review Commission (DRC), Staff finds that vacating the subject right-of-ways would be consistent with the criteria in the City Code and the Comprehensive Plan. If approved, the vacation will not have a substantial detrimental impact upon access to another lot of record or to the existing network. The subject corner radius easement was presumably dedicated to accommodate the possibility of a future intersection widening project, which has been determined to be unnecessary. The subject easement is no longer necessary for the purpose that it was originally dedicated and there is no apparent need to retain it for present or future use. Allowing this unnecessary easement to be vacated will facilitate the continuing use of the property.

Agency Review: The application was routed to other departments and utility providers for comments. The proposed ordinance contains conditions to address the issues noted.

Public Comments: Public notices were sent out prior to the DRC hearing September 3, 2014. Staff received six calls regarding the proposed vacation, five had no objection and one had an objection. The objection was due to a concern that vacating the street easement on the south side of 34th Avenue South would allow additional temporary parking on the north side in the right-of-way of 38th Avenue South. Based on staff observation this vacation would have no effect on the ability to park on the north side of 34th Avenue South.

DRC Action/Public Comments:

On September 3, 2014, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 7 - 0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the proposed street radius easement vacation, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall provide written confirmation from Verizon Florida LLC that an acceptable easement has been granted of that the utilities have been relocated at the owner's expense.

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE VACATION OF A 5 FOOT WIDE STREET RADIUS EASEMENT LYING AT THE SOUTHWEST CORNER OF THE 37TH STREET SOUTH AND 34TH AVENUE SOUTH INTERSECTION; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

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

The street easement PLATTED WITHIN Dean Mohr Broadwater Plaza Subdivision, Block 2 Lot 1, according to the map or plat thereof recorded in Plat Book 70, Page 19, of the public records of Pinellas County Florida.

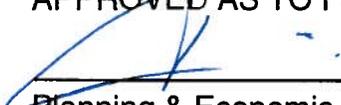
SECTION 2. The above-mentioned right-of-way is not needed for public use or travel.

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

1. Prior to recording the vacation ordinance, the applicant shall provide written confirmation from Verizon Florida LLC that an acceptable easement has been granted or that the utilities have been relocated at the owner's expense.

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

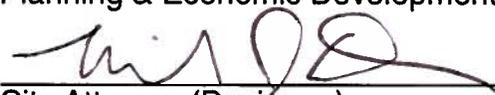
APPROVED AS TO FORM AND SUBSTANCE:



Planning & Economic Development Dept.

10-15-14

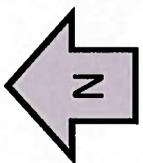
Date



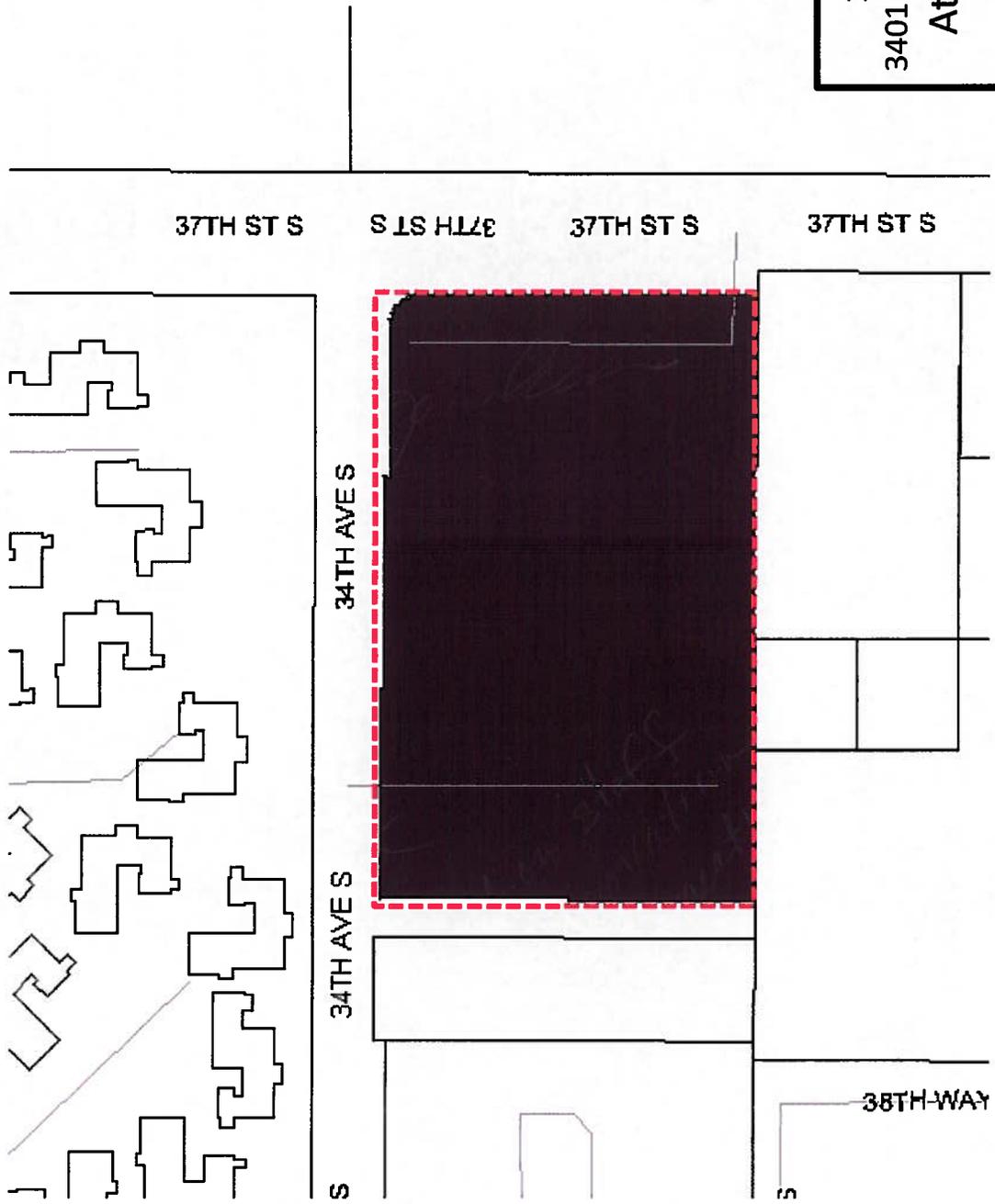
City Attorney (Designee)

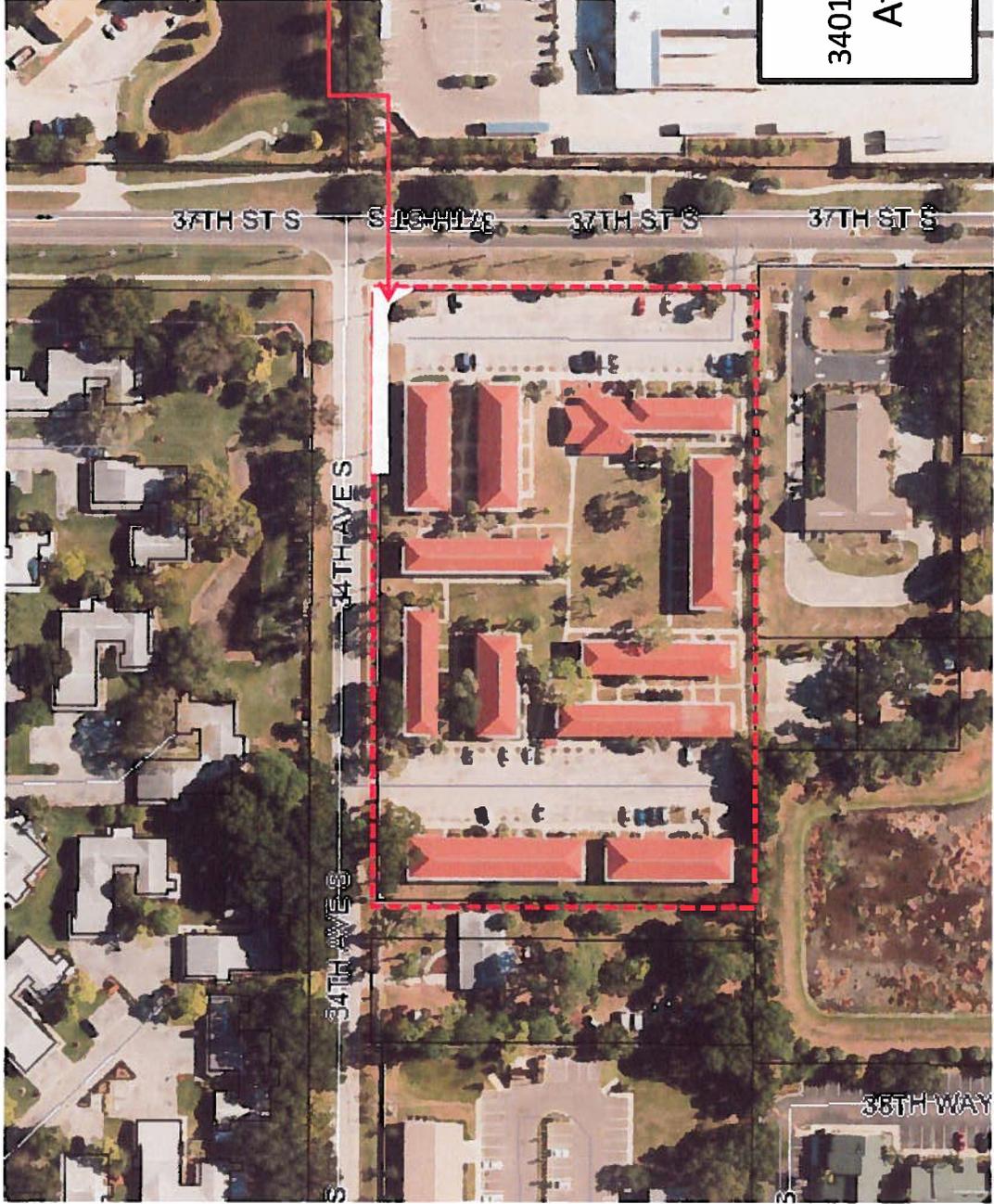
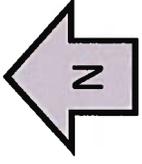
10/15/14

Date



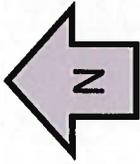
14-33000007
3401 37th Street South
Attachment A
Parcel Map





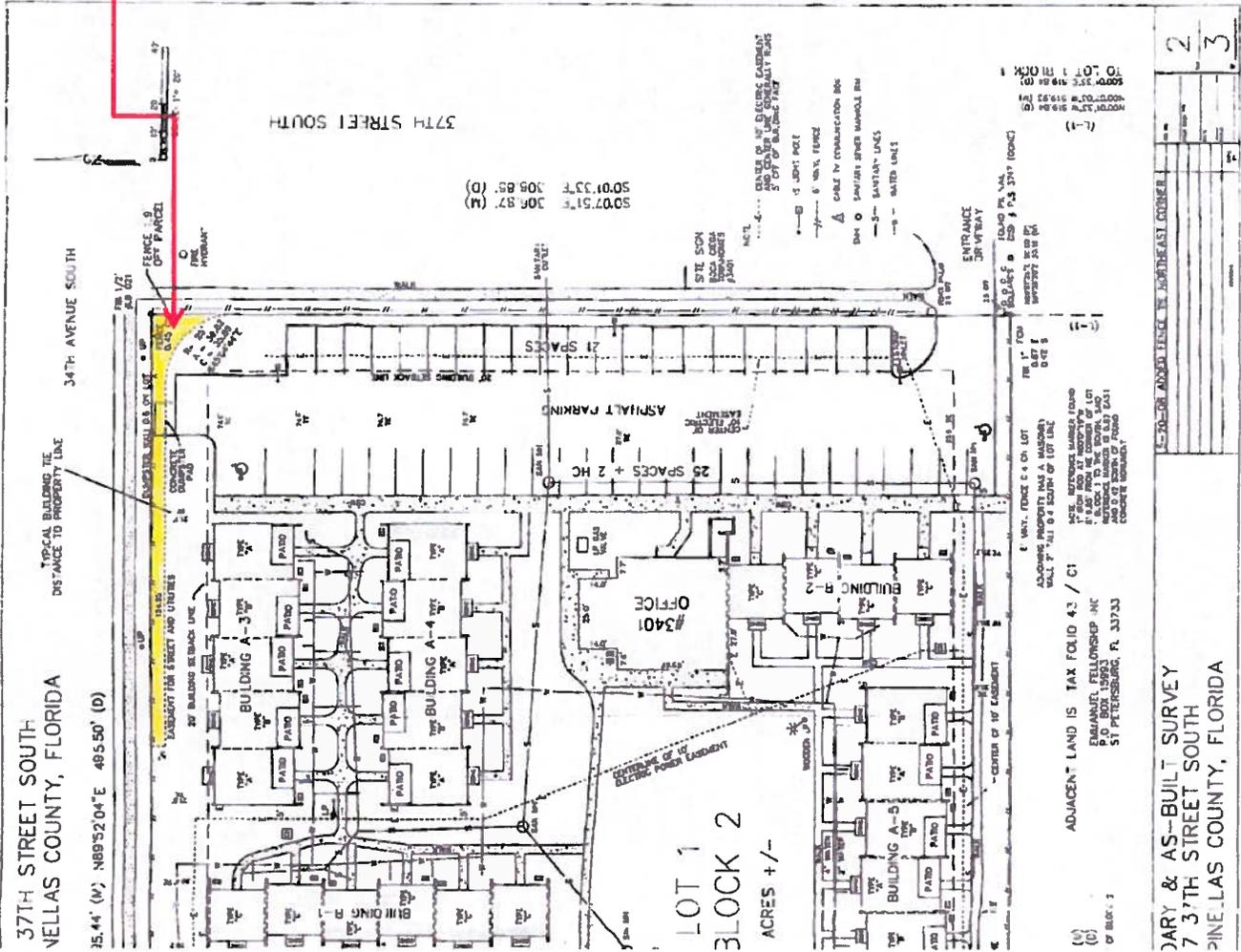
Area of
Vacation

14-3300007
3401 37th Street South
Attachment B
Aerial Photo



Area of
Vacation

14-3300007
3401 37th Street South
Attachment C
Excerpt from
As Built Survey



SECTION 34, TOWNSHIP 31 SOUTH, RANGE 16 EAST
 CITY OF ST. PETERSBURG
 PINELLAS COUNTY, FLORIDA

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- (D) DEED MEASUREMENT
- (F) FIELD MEASUREMENT
- P.B. PLAT BOOK
- PG. PAGE
- L.B. LICENSED BUSINESS
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER

Scale 1"=30'

EXHIBIT "A"

34TH AVENUE SOUTH
 55' RIGHT OF WAY

NORTH BOUNDARY OF BLOCK 2 L6

EASEMENT PARCEL #2 884.71 SQUARE FEET, +/-

EAST BOUNDARY OF BLOCK 2

L4

LOT 1, BLOCK 2
 DEAN MOHR BROADWATER PLAZA
 P.B. 70, PG. 19
 PARCEL I.D. #34/31/16/20547/001/0010

C2

L7

P.O.B.

37TH STREET SOUTH
 100' RIGHT OF WAY

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C2	25.00'	39.32'	90°06'23"	35.39'	N 45°04'45" W

LINE TABLE		
LINE	BEARING	LENGTH
L4	S 89°52'04" W	124.95'
L5	N 00°07'58" W	5.00'
L6	N 89°52'04" E	150.01'
L7	S 00°01'33" E	30.05'

N 00°01'33" W 1272.31'

P.O.C.
 THE SOUTHEAST CORNER OF SECTION 34-31-16
 S 89°49'30" W 1372.87'
 THE SOUTH BOUNDARY OF SECTION 34-31-16 (BASIS OF BEARINGS)

SURVEYOR'S NOTES:

- 1.) This is not a Boundary Survey.
- 2.) Bearings are based on the South Boundary of Section 34, Township 31 South, Range 16 East, Pinellas County, Florida, as being South 89°49'30" West. (Deed Bearing)
- 3.) This sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

David F. Peach

Date Signed: 7/15/14

David F. Peach, P.S.M.
 Registered Surveyor and Mapper
 State of Florida No. 5931

Last Date of Field Survey: N/A

SKETCH ONLY—NOT A SURVEY

SHEET 3 OF 4

SCALE: 1"= 30'
 DRAWN BY: DFP
 DWG. No. 2014-22ESMT2
 PROJ. No. 2014-22

EASEMENT #2
 VACATION

IMPACT SURVEYING AND MAPPING, INC.
 7408 AVONWOOD STREET, TAMPA, FLORIDA 33625
 PHONE: (727) 433-0987 E-MAIL: psn5931@msn.com
 L.B.# 7934 www.impactsurveyingandmapping.com

EXHIBIT "B"

LEGAL DESCRIPTION: EASEMENT PARCEL #2

AN EASEMENT PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID EASEMENT PARCEL BEING A PORTION OF LOT 1, BLOCK 2, DEAN MOHR BROADWATER PLAZA SUBDIVISION, AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 19, OF THE PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE ALONG THE SOUTH BOUNDARY OF SAID SECTION 34, SOUTH 89°49'30" WEST, 1372.87 FEET TO A POINT; THENCE DEPARTING SAID SOUTH BOUNDARY, NORTH 00°01'33" WEST, 1272.31 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, SAID POINT LYING ON THE EAST BOUNDARY OF SAID BLOCK 2, AND LYING ON A TANGENT CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE DEPARTING SAID EAST BOUNDARY, AND 39.32 ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°06'23", A CHORD WHICH BEARS NORTH 45°04'45" WEST, A CHORD DISTANCE OF 35.39 FEET; THENCE SOUTH 89°52'04" WEST, 124.95 FEET; THENCE NORTH 00°07'56" WEST, 5.00 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID BLOCK 2; THENCE ALONG SAID NORTH BOUNDARY, NORTH 89°52'04" EAST, 150.01 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 2; THENCE DEPARTING SAID NORTH BOUNDARY, AND ALONG THE AFORESAID EAST BOUNDARY, SOUTH 00°01'33" EAST, 30.05 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT PARCEL CONTAINS 884.71 SQUARE FEET, MORE OR LESS.

PREPARED BY:
DAVID F. PEACH, P.S.M.
IMPACT SURVEYING AND MAPPING, INC.
7408 AVONWOOD STREET
TAMPA, FLORIDA 33625

SHEET 4 OF 4



SAINT PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable Bill Dudley, Chair, and Members of City Council

SUBJECT: Ordinance approving the vacation of a 10-foot wide street radius easement lying at the corner of 37th Street South and 38th Avenue South (City File No.: 14-33000006)

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 November 24, 2014.

The Request: The applicant is Boca Ciega Apartments, LLC. The request is to vacate a 10 foot wide street corner radius easement lying at the northwest corner of 37th Street South and 38th Avenue South. The area proposed for vacation is depicted on the attached maps (Attachment "A", "B" and "C") and survey sketch (Exhibit "A" and "B"). The applicant's goal is to eliminate the easement in order to clear the title and have continued use of the existing parking area and dumpster location which is located partially within the easement.

Discussion: As set forth in the attached report provided to the Development Review Commission (DRC), Staff finds that vacating the subject right-of-ways would be consistent with the criteria in the City Code and the Comprehensive Plan. If approved, the vacation will not have a substantial detrimental impact upon access to another lot of record or to the existing network. The subject corner radius easement was presumably dedicated to accommodate the possibility of a future intersection widening project, which has been determined to be unnecessary. The subject easement is no longer necessary for the purpose that it was originally dedicated and there is no apparent need to retain it for present or future use. Allowing this unnecessary easement to be vacated will facilitate the continuing use of the property.

Agency Review: The application was routed to other departments and utility providers for comments. The proposed ordinance contains conditions to address the issues noted.

Public Comments: Public notices were sent out prior to the DRC hearing September 3, 2014. Staff received seven calls regarding the proposed vacation, four had no objection and three had no comment on the proposed vacation.

DRC Action/Public Comments: On September 3, 2014, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 7 – 0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

RECOMMENDATION:

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

1. Prior to recording the vacation ordinance, the applicant shall provide written confirmation from Verizon Florida LLC that an acceptable easement has been granted or that the utilities have been relocated at the owner's expense.

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE VACATION OF A 10 FOOT WIDE STREET RADIUS EASEMENT LYING AT THE NORTHWEST CORNER OF THE 37TH STREET SOUTH AND 38TH AVENUE SOUTH INTERSECTION; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

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

The street radius easement PLATTED WITHIN Dean Mohr Broadwater Plaza Subdivision Block 1 Lot 1, according to the map or plat thereof recorded in Plat Book 70, Page 19, of the public records of Pinellas County Florida.

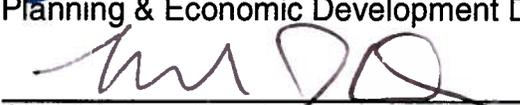
SECTION 2. The above-mentioned right-of-way is not needed for public use or travel.

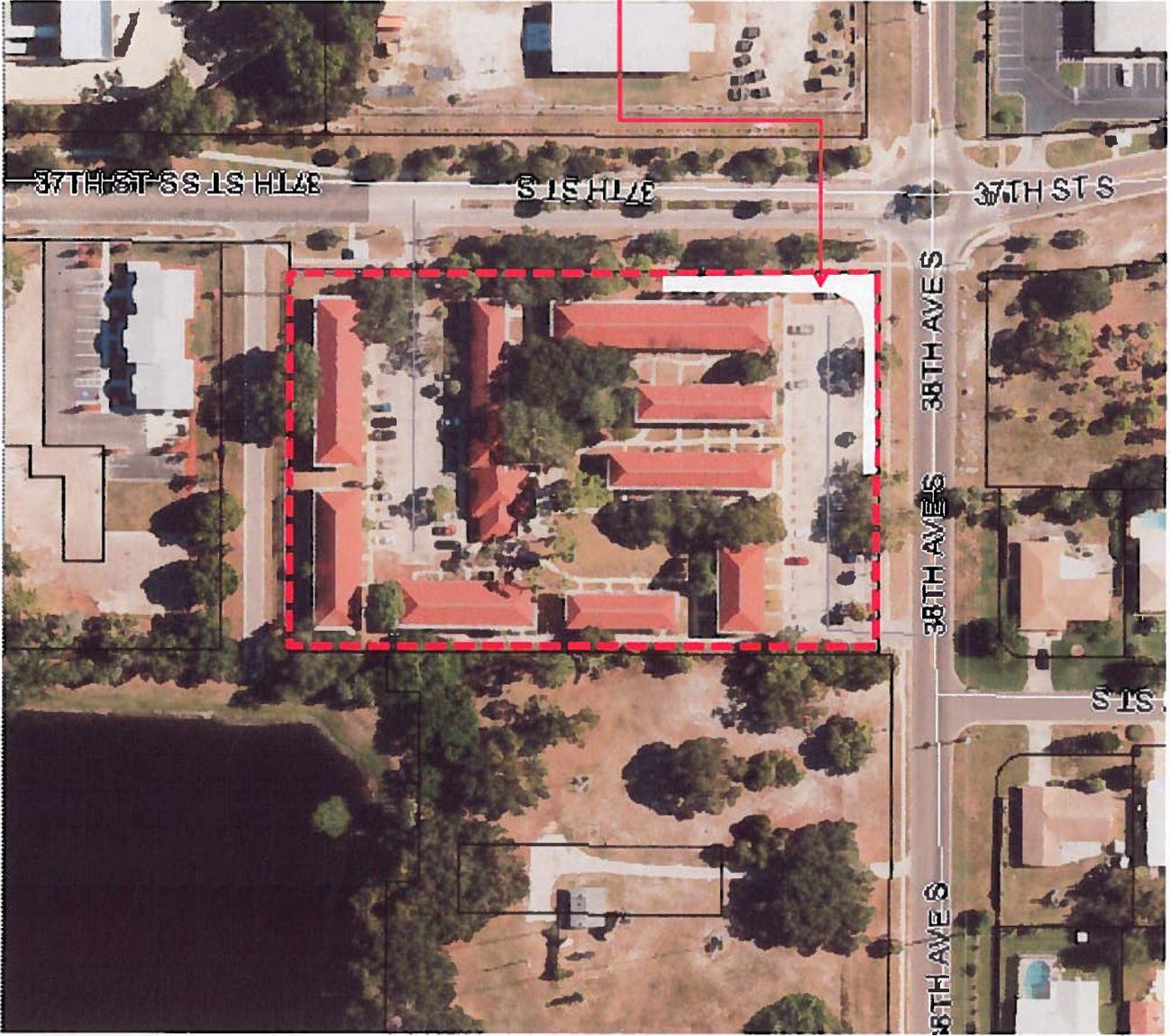
SECTION 3. The vacation is subject to and conditional upon the following:

1. Prior to recording the vacation ordinance, the applicant shall provide written confirmation from Verizon Florida LLC that an acceptable easement has been granted or that the utilities have been relocated at the owner's expense.

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

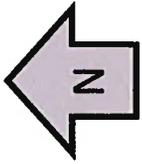
APPROVED AS TO FORM AND SUBSTANCE:

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



Area of
Vacation

14-3300006
3797 37th Street South
Attachment B
Aerial Photo

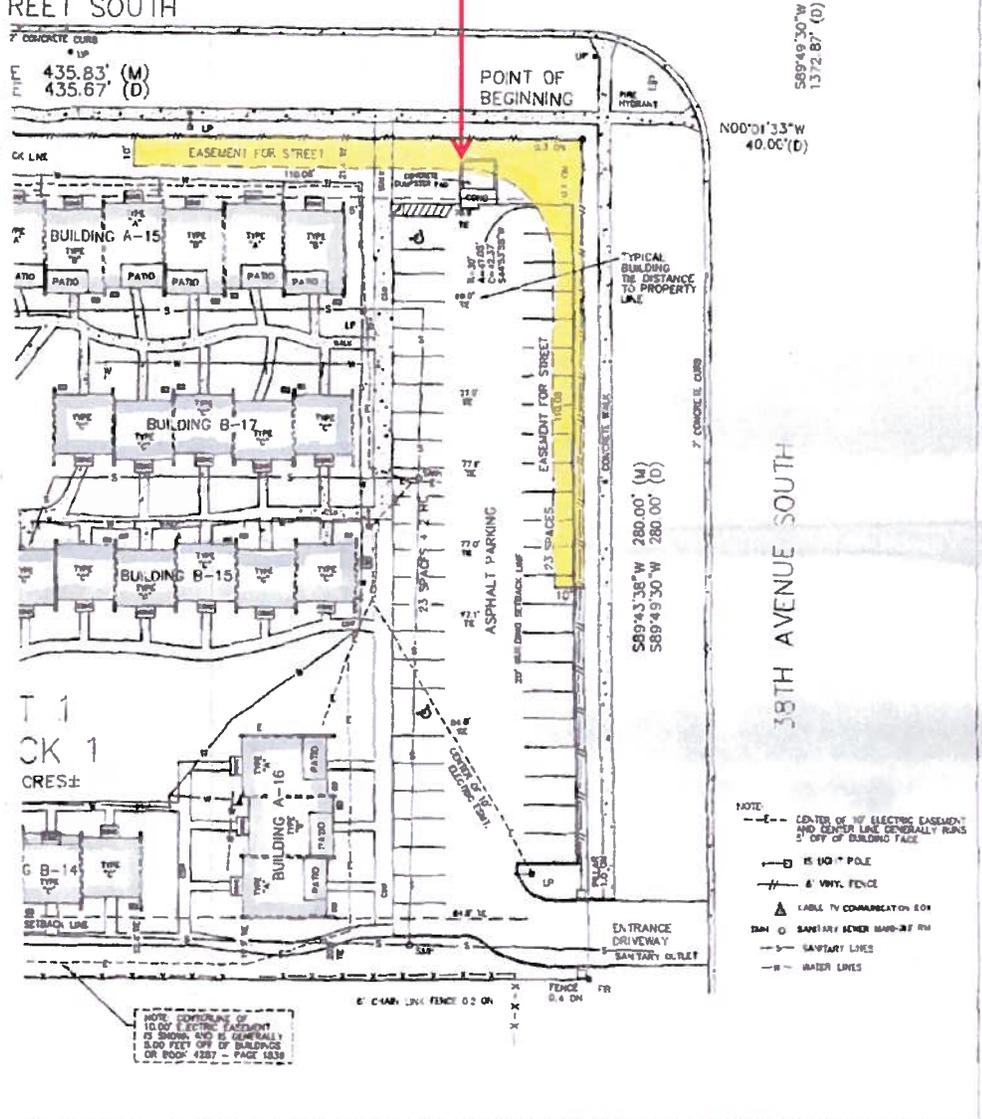


Area of
Vacation

14-33000006
3797 37th Street South
Attachment C
Excerpt from
As Built Survey

AND 3797 37TH STREET SOUTH
DELLAS COUNTY, FLORIDA
(IF BEARINGS)
3797 STREET SOUTH

SE CORNER OF SECTION 34
TOWNSHIP 31 SOUTH, RANGE 16
EAST (D)



AS-BUILT SURVEY
3797 STREET SOUTH
DELLAS COUNTY, FLORIDA

3-20-2008 ADDED WORD "TO" TO BUILDING TO DISTANCE		
DATE	BY	3
		3

SECTION 34, TOWNSHIP 31 SOUTH, RANGE 16 EAST
 CITY OF ST. PETERSBURG
 PINELLAS COUNTY, FLORIDA

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- (D) DEED MEASUREMENT
- (F) FIELD MEASUREMENT
- P.B. PLAT BOOK
- PG. PAGE
- L.B. LICENSED BUSINESS
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER

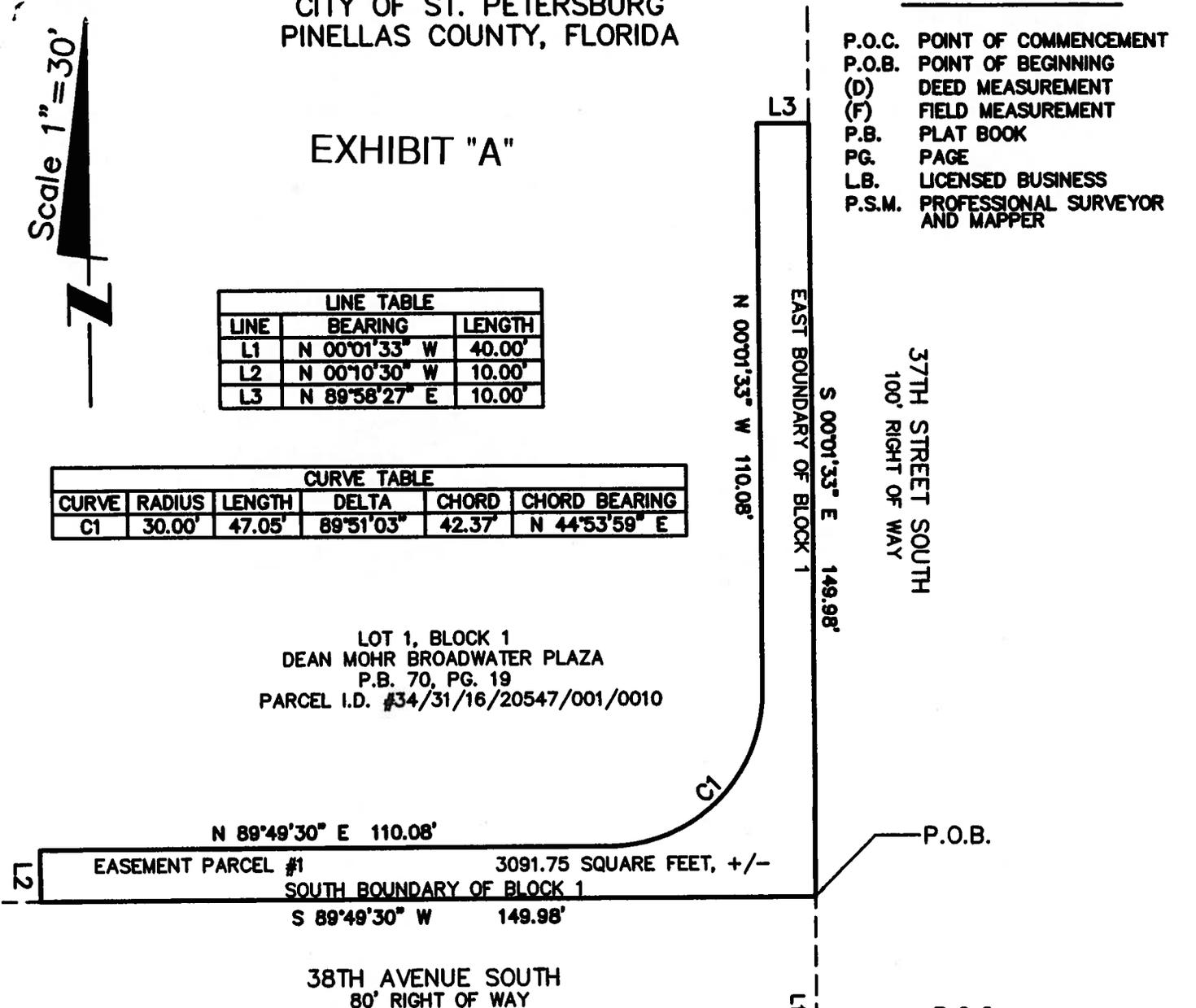


EXHIBIT "A"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 00°01'33" W	40.00'
L2	N 00°10'30" W	10.00'
L3	N 89°58'27" E	10.00'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	30.00'	47.05'	89°51'03"	42.37'	N 44°53'59" E

LOT 1, BLOCK 1
 DEAN MOHR BROADWATER PLAZA
 P.B. 70, PG. 19
 PARCEL I.D. #34/31/16/20547/001/0010



SURVEYOR'S NOTES:

- 1.) This is not a Boundary Survey.
- 2.) Bearings are based on the South Boundary of Section 34, Township 31 South, Range 16 East, Pinellas County, Florida, as being South 89°49'30" West. (Deed Bearing)
- 3.) This sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

P.O.C.
 THE SOUTHEAST CORNER
 OF SECTION 34-31-16
 S 89°49'30" W 1372.87'
 THE SOUTH BOUNDARY
 OF SECTION 34-31-16
 (BASIS OF BEARINGS)

David F. Peach _____ Date Signed: 7/15/14

David F. Peach, P.S.M.
 Registered Surveyor and Mapper
 State of Florida No. 5931
 Last Date of Field Survey: N/A

SKETCH ONLY—NOT A SURVEY

SHEET 1 OF 4

SCALE: 1"= 30'
 DRAWN BY: DFP
 DWG. No. 2014-22ESMT1
 PROJ. No. 2014-22

EASEMENT #1
 VACATION

JMPACT SURVEYING AND MAPPING, INC.
 7408 AVONWOOD STREET, TAMPA, FLORIDA 33625
 PHONE: (727) 433-0987 E-MAIL: psm5931@msn.com
 L.B.# 7934 www.impactsurveyingandmapping.com

EXHIBIT "B"

LEGAL DESCRIPTION: EASEMENT PARCEL #1

AN EASEMENT PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID EASEMENT PARCEL BEING A PORTION OF LOT 1, BLOCK 1, DEAN MOHR BROADWATER PLAZA SUBDIVISION, AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 19, OF THE PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE ALONG THE SOUTH BOUNDARY OF SAID SECTION 34, SOUTH $89^{\circ}49'30''$ WEST, 1372.87 FEET TO A POINT; THENCE DEPARTING SAID SOUTH BOUNDARY, NORTH $00^{\circ}01'33''$ WEST, 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 1 OF SAID DEAN MOHR BROADWATER PLAZA SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE SOUTH BOUNDARY OF SAID BLOCK 1, SOUTH $89^{\circ}49'30''$ WEST, 149.98 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, NORTH $00^{\circ}10'30''$ WEST, 10.00 FEET; THENCE NORTH $89^{\circ}49'30''$ EAST, 110.08 FEET TO A POINT ON A TANGENT CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE 47.05 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF $89^{\circ}51'03''$, A CHORD WHICH BEARS NORTH $44^{\circ}53'59''$ EAST, A CHORD DISTANCE OF 42.37 FEET TO A POINT OF TANGENCY; THENCE NORTH $00^{\circ}01'33''$ WEST, 110.08 FEET; THENCE NORTH $89^{\circ}58'27''$ EAST, 10.00 FEET TO A POINT ON THE EAST BOUNDARY OF SAID BLOCK 1; THENCE ALONG SAID EAST BOUNDARY, SOUTH $00^{\circ}01'33''$ EAST, 149.98 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT PARCEL CONTAINS 3,091.75 SQUARE FEET, MORE OR LESS.

PREPARED BY:
DAVID F. PEACH, P.S.M.
IMPACT SURVEYING AND MAPPING, INC.
7408 AVONWOOD STREET
TAMPA, FLORIDA 33625

SHEET 2 OF 4

**St. Petersburg City Council Agenda Item
Meeting of November 6, 2014**

To: The Honorable Bill Dudley, Chair and Members of City Council

Subject: Ordinances amending Article 4, Chapter 22 of the St. Petersburg City Code relating to the Employees Retirement System ('Plan') to add definitions of 'accrued benefit', designated beneficiary' and 'survivor annuitant' to the Plan; to provide a minimum ordinary and accidental disability benefit amount regardless of eligibility for retirement and to provide that retirees may change their beneficiary up to two times after their retirement date.

Action Being Requested: The Plan was created by Ordinance and it is necessary to modify the City Code when changes are implemented. The modifications for which approval is being sought at this time require changes to Divisions Two and Three, the Employees' Retirement System.

Summary: The proposed Ordinances adds definitions to Sections 22-126 and 22-162 of the Plan and amends Section 22-132 to clarify when a refund of contributions will be paid to a terminated member, clarify how benefits are paid upon the death of a member, clarify the process for the reexamination of disability retirees, clarify the forms of payment, provide for changes to survivor annuitants and provide that accumulated contributions will be refunded. The proposed Ordinance also amends Section 22-165 to provide a minimum benefit amount to all members eligible for ordinary and accidental disability benefits, regardless of the member's eligibility for retirement and clarifies the benefits payable in the event of death of member receiving service or disability benefits.

The Florida Statutes governing the City's Police and Fire Retirement Systems provide that retirees in those plans may change their beneficiary up to two times after retirement. The City and The Florida Public Services Union (FPSU) signed a Memorandum of Understanding on August 22, 2014 agreeing to extend this provision to members of the Employee's Retirement System.

Cost: The most recent actuarial study approved by the Employees Retirement System Board of Trustees was conducted as of October 1, 2013. The actuary has provided an impact statement indicating there is no expected financial impact on the contributions to make this change.

Recommendations:

Recommended City Council Action:

Conduct Second Reading and Public Hearing on November 24, 2014

Attachments:

- (1) Proposed Ordinances
- (2) Actuarial Impact Statement
- (3) Memorandum of Understanding

Approvals:

Shay Mabee (for Gary Cornwell)

Administration

Jim Allen

Budget

10/10/14

Date

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 22 OF THE ST. PETERSBURG CITY CODE RELATING TO RETIREMENT SYSTEMS BY (1) AMENDING SECTION 22-126 TO DEFINE THE TERMS DESIGNATED BENEFICIARY AND SURVIVOR ANNUITANT, AND (2) AMENDING SECTION 22-132 TO PROVIDE THE METHOD AND TIMING FOR THE RETURN OF CONTRIBUTIONS, CLARIFY HOW BENEFITS ARE PAID UPON THE DEATH OF A MEMBER, CLARIFY THE PROCESS FOR REEXAMINATION OF MEMBERS RETIRED ON ACCOUNT OF DISABILITY AND RESTORATION OF MEMBERS TO SERVICE, CLARIFY THE FORMS OF RETIREMENT PAYMENT, PROVIDE FOR CHANGES TO SURVIVOR ANNUITANTS AND DESIGNATED BENEFICIARIES AND PROVIDE THAT THE SUM OF ACCUMULATED CONTRIBUTIONS WILL BE REFUNDED; CORRECTING TYPOGRAPHICAL AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. That Section 22-126 of the St. Petersburg City Code is amended to read as follows:

Sec. 22-126. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accumulated contributions means the sum of all the amounts deducted from the compensation of a member or paid by a member and credited to the retirement fund together with regular interest thereon.

Actuarial equivalent means a benefit of equal value when computed at regular interest on the basis of such mortality tables as shall be adopted by the bBoard.

Annuity starting date means the annuity starting date as defined in Section 417 of the Internal Revenue Code.

Average final compensation means the average monthly earnable compensation of a member during the highest five years of total creditable service, or, if such member has less than five years of creditable service, then the average monthly earnable compensation during such member's total years of service.

Beneficiary means any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by the retirement system.

Board or Pension Board means the Pension Board of the retirement system provided in this division to administer the retirement system.

Creditable service means prior service plus past service, plus membership service. Such credit is allowable under the provisions of this division.

Death benefit percentum means one percent for each year of creditable service prior to the date of death.

Deferred retirement option plan or DROP means a retirement option in which a member may elect to participate and is not a contract for employment. A member may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with the City. Nothing within the DROP should be construed to alter an employee's classification status.

Designated Beneficiary means the person (or persons) designated by the member as his or her beneficiary (or beneficiaries) to receive benefits payable upon the death of the member (other than a survivor annuitant) in the manner prescribed by the board for such purposes.

Earnable compensation means the full rate of compensation, exclusive of bonuses, that would be payable to a member if such member worked the full normal working time for the position. In cases where compensation is not all paid in money, the bBoard shall fix the value of that part of the compensation not paid in money.

Employee means any paid official or employee of the City in the classified or unclassified service of the City, except employees of the police or fire departments who are eligible to participate in the pension system covering those departments, and except all employees hereafter employed by the City to operate the Edgewater Motel and Apartment Complex. In all cases of doubt, the ~~Pension B~~bBoard shall decide who is an employee within the meaning of this division.

Members means any person included in the membership of the retirement system as provided in this division. For the purposes of the deferred retirement option plan (DROP), a member who enters the DROP shall be considered a member receiving a service retirement income for all purposes of the plan.

Membership service means service rendered since last becoming a member and on account of which contributions have been made as provided in this division.

Past service means service rendered as a member by an employee which membership was concluded by separation from the active service and the withdrawal of accumulated contributions, providing such separation of employment and withdrawal of accumulated contributions occurred prior to July 20, 1972, and provided further that the employee subsequently returned to active service of the employer and was eligible for membership in the system upon reemployment and was enrolled as a member of the system and is an employee/member of the system.

Prior service means service rendered prior to November 1, 1944, for which credit is allowable under the provisions of this division.

Regular interest means interest at the rate of three percent per annum compounded annually.

Retirement means withdrawal from active service with a retirement allowance granted under the provisions of the retirement system.

Retirement income means monthly payments for life or fixed periods and life thereafter or actuarial equivalent paid in lieu thereof.

Retirement income percentum means the percentage of average earned compensation which shall be payable to a retired member as retirement income. Retirement income percent shall be computed to allow two percent of each year of creditable service rendered prior to October 1, 1972, and 2½ percent subsequent to October 1, 1972.

Retirement system means the employees' retirement system of the City, as established in this division.

Service means service as an employee and paid for by the City.

Specified employer contributions means contributions made by the City in lieu of that portion of member contributions which, prior to payroll periods ending on or after October 9, 1983, would have been made by the member by means of a deduction from the earnable compensation of the member. Specified employer contributions shall be calculated as follows:

Specified Employer Contribution (expressed as percent of earnable compensation)		Effective Date For Contribution
<i>Division 2*</i> <i>members</i>	<i>Division 3*</i> <i>members</i>	
1	1	All payroll periods ending on or after October 9, 1983, but prior to October 7, 1984

2	2	All payroll periods ending on or after October 7, 1984, but prior to October 6, 1985
5.84	3.5	All payroll periods ending on or after October 6, 1985
Division 2 and division 3 refer to divisions of article IV of this chapter.		

Survivor Annuitant means the person designated by the member to receive an optional monthly retirement income upon the member's death payable in accordance with option 2, option 3 or option 5 as described in this division.

Section 2. That Section 22-132 is amended to read as follows:

Sec. 22-132. Benefits.

(d) Return of contributions:

- (1) a. Should a member who was enrolled in the retirement system on or before September 30, 1989, cease to be an employee except for death or retirement, such person, upon completion of the documentation prescribed by the board, -shall be paid on demand as soon as administratively practical, the amount of such person's member's accumulated contributions, if any, plus, provided such person member has completed five years or more of continuous creditable service, the amount of specified employer contributions attributable to the member.
- b. A member who was enrolled in the retirement system on or after October 1, 1989, who ceases to be an employee except for death or retirement, such person, upon completion of the documentation prescribed by the board, -shall be paid on demand as soon as administratively practical, the amount of such person's member's accumulated contributions, if any.
- (2) a. Should a member who was enrolled in the retirement system on or before September 30, 1989, die after ceasing employment but prior to the date such member would have become eligible for service retirement, there shall be paid the amount of such member's accumulated contributions, if any, plus, provided such member has completed five or more years of continuous creditable service prior to the date of separation, the amount of specified employer contributions attributable to such member. Should a member who was enrolled in the retirement system on or before September 30, 1989, cease to be an employee by death, prior to the date such member would have become eligible for service retirement, such member's death benefit percentum times such member's accumulated contributions, if any, plus such member's accumulated contribution, shall be paid, to which sum shall be added the amount of specified employer contributions attributable to such member. Such payments shall be paid to the designated beneficiary, such person or persons,

~~which may include secondary or contingent beneficiaries, as the member shall have nominated by written designation duly executed and filed with the board if such person or persons survive the member, otherwise to the legal representative of the deceased member or to the member's estate.~~

- b. Should a member who was enrolled in the retirement system on or after October 1, 1989, die after ceasing employment but prior to the date such member would have become eligible for service retirement, there shall be paid the amount of such member's accumulated contributions, if any. Should a member who was enrolled in the retirement system on or after October 1, 1989, cease to be an employee by death, prior to the date such person would have become eligible for service retirement, such person's death benefit percentum times such person's accumulated contributions, if any, plus such member's accumulated contributions, if any, shall be paid. Payments under this subsection shall be paid to the designated beneficiary ~~such person or persons, which may include secondary or contingent beneficiaries, as the member shall have nominated by written designation duly executed and filed with the board,~~ if such person or persons survive the member, otherwise, to the legal representative of the deceased member or to the member's estate.
- (3) Should a member cease to be an employee by death after such date as the member becomes eligible for service retirement and prior to the member's retirement, the date of death shall be considered such person's retirement date and the retirement income payments shall be made in accordance with subsection (a)(2) of this section; provided, however, the designated beneficiary ~~beneficiary~~ shall be entitled to elect such optional retirement income as the member would have been entitled to have selected had such person retired on the date of the death.
- (4) Should a member cease to be an employee by death after having completed 20 years of creditable service but before becoming eligible for service retirement, ~~the member's beneficiary~~ the designated beneficiary shall be allowed to leave the member's accumulated contributions, if any, in the retirement fund and receive, at what would have been the member's retirement age, a retirement income as provided for by subsection (a)(2) of this section; provided, however, the designated beneficiary may elect such optional retirement income as the member ~~should would~~ have been entitled to have selected had such ~~person~~ member lived to his retirement age and had retired on such date.
- (5) a. Should a member cease to be an employee except for death or retirement, and after completing five or more years of creditable service, such member shall acquire a vested interest in retirement benefits pursuant to the following vesting schedule:

VESTING SCHEDULE

Completed Years of Creditable Service	Annual Vested Increment in Accrued Benefit	Cumulative Vested Interest in Accrued Benefit (%)

Less than 5	0	0
5	4	4
6	8	12
7	8	20
8	8	28
9	8	36
10	8	44
11	8	52
12	8	60
13	8	68
14	8	76
15	8	84
16	8	92
17	8	100

- b. Provided further, any member who has a vested interest at time of termination shall receive such benefit on a monthly, life annuity basis commencing at age 60.
- c. A member must live to age 60 in order to receive this vested benefit and no benefit shall be payable to a member's beneficiaries following such person's member's death; however, in the event of the death of a member with a vested interest, and without there having been received by the member an amount equal to such person's accumulated contributions, if any, such member's designated beneficiary or the member's legal representative or the member's estate shall be entitled to receive the balance due with respect to the accumulated contributions, if any, of the deceased member.

- d. Provided further, a member may elect, in lieu of the life annuity the actuarial equivalent in the other optional allowances under subsection (g) of this section.
 - e. Provided further, a member who has a vested interest in retirement benefits shall retain the rights outlined in subsection (d)(1) of this section but shall forfeit all vested rights upon withdrawing such contributions.
 - f. A member who has separated employment and acquired a vested benefit who has not begun receiving benefits and returns to work, may be reinstated in the retirement system and accrue additional membership service, if no withdrawal was made from the pension fund. No creditable service is allowable for the period between separation and return to employment.
- (e) *Reexamination of ~~members~~beneficiaries retired on account of disability:*
- (1) Once each year during the first five years following retirement of a member on a disability retirement income and once in every three-year period thereafter, the board may, and upon such person's application shall, require any ~~disability beneficiary member receiving a disability retirement income~~ to undergo a medical examination, the examination to be made at the place of residence of such beneficiary or other at such place mutually agreed upon by the board and the ~~beneficiary member~~. Should any ~~disability beneficiary member~~ refuse to submit to such medical examination, such ~~person's member's~~ disability retirement income may be discontinued until such ~~person's member's~~ withdrawal of the refusal, and should such ~~person's member's~~ refusal continue for one year, all such ~~person's member's~~ rights in and to retirement income may be revoked by the board.
 - (2) Should it appear from a medical examination that a ~~disability beneficiary member receiving a disability retirement income~~ is engaged in or is able to engage in a gainful occupation paying more than the difference between such ~~beneficiary's member's~~ disability retirement income and such ~~beneficiary's member's~~ average final compensation, the amount of the disability retirement income shall be reduced to an amount which, together with the amount earnable by such ~~person member~~, shall equal the amount of such ~~person's member's~~ average final compensation. Should his or her earning capacity be later changed, the amount of the ~~disability retirement income~~ may be further increased or decreased in like manner.
- (f) *Restoration of ~~members~~beneficiaries to ~~servicemembership~~:* Should a ~~disability beneficiary member receiving a disability retirement income~~ be restored to or be in active service at a compensation equal to or greater than the average final compensation at retirement, or should any other ~~beneficiary member~~ be restored to service, except as provided in subsection (a)(3) of this section, such ~~person's member's~~ disability retirement income shall cease, such ~~person member~~ shall again become a member of the retirement system, and shall contribute thereafter at the same rate such ~~person member~~ paid prior to retirement. Anything in this division to the contrary notwithstanding, such ~~person's member's~~ creditable service at the time of restoration to service as a member shall be the same as at the time of the previous ~~disability retirement income~~ disability beneficiary should be restored to membership, such member shall receive credit only for membership service in computing retirement income.

(g) *Optional allowances:*

- (1) Provided that no election of an optional retirement income shall be effective in case a member beneficiary dies within 30 days after retirement and that such a beneficiary member shall be considered as an active member at the time of death, until the first payment on account of a service retirement income becomes normally due, any member may, with the approval of the board, elect to receive in lieu of the retirement income otherwise payable, the actuarial equivalent at that time of retirement income in an optional retirement income payable throughout life with the provision that:
- a. *Option 1.* If such person member dies before receiving optional monthly retirement income payments for 240 months, the optional monthly payments shall be continued for the balance of the 240 months to such member's designated beneficiary, if any, such person, if any, as the member shall have nominated by written designation duly executed and filed with the board, if such person survives the member; otherwise, to the legal representative of such retired member or to the member's estate; or
 - b. *Option 2.* Upon death, such member's optional retirement income shall be continued throughout the life of and paid to such member's survivor annuitant, such person as such person shall have nominated by written designation duly executed and filed with the board at the time of retirement; If the survivor annuitant predeceases the member, the retirement income payment shall cease upon the member's death; or
 - c. *Option 3.* Upon death, one-half of such person's optional retirement income shall be continued throughout the life of and paid to such member's survivor annuitant, person as such member shall have nominated by written designation duly executed with the board at the time of retirement. If the survivor annuitant predeceases the member, the retirement income payment shall cease upon the member's death; or
 - d. *Option 4.* Benefits are payable for the life of the member only (life annuity). Upon the member's death, no further benefits are payable to any designated beneficiary except as provided in subsection (2) of this section; or
 - e. *Option 5.* Upon death, 75 percent of such person's optional retirement income shall be continued throughout the life of and paid to such member's survivor annuitant, person as such member shall have nominated by written designation duly executed with the board at the time of retirement. If the survivor annuitant predeceases the member, the retirement income payment shall cease upon the member's death.
- (2) ~~Provided that in any event and regardless of the settlement option or basis used in behalf of a member, including Option 4, in the event of the death of a member or such member's beneficiary before the payment from the system of an amount equal to such deceased member's accumulated contributions, there shall be paid to such member's beneficiary or estate the difference between such accumulated contributions and the amounts previously disbursed or paid.~~
- (2) Regardless of the form of payment, in the event of the death of a member or death of the member's survivor annuitant or designated beneficiary before the payment from the

retirement system of an amount equal to such member's accumulated contributions, the difference between such accumulated contributions and all amounts previously paid shall be paid to the member's designated beneficiary, or if none, to the legal representative of such member or to the member's estate.

- (3) Any member who is receiving a retirement income payment under option 2, option 3 or option 5 may change his or her survivor annuitant a maximum of two times after the commencement of payments without the approval of the board or any survivor annuitant and with no requirement to provide information regarding the health status of the survivor annuitant being replaced. A member may not change his or her form of retirement benefit after the commencement of payments. Upon completion and receipt of all required forms and the submission of all fees as prescribed by the board, the actuary retained by the board will determine the actuarially equivalent new benefit amount with the change in survivor annuitant taking into account the ages of the former survivor annuitant, the new survivor annuitant, and the member. Such change in survivor annuitant and in the member's benefit amount will be effective upon the receipt by the board of the final consent of the member and will be implemented as soon as administratively practical.

Any member who is receiving a retirement income payment under option 1 or under Section 22-165(a)(2) may change his or her designated beneficiary at any time without the approval of the board or any designated beneficiary and with no requirement to provide information regarding the health status of the designated beneficiary being replaced.

Section 3. Language which is ~~struck through~~ indicates deletions, and language which is underlined indicates additions.

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

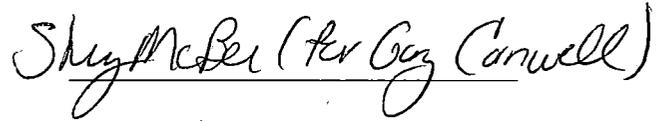
Approved as to form and content:



Assistant City Attorney

Jacqueline Kovilaritch

Date



Administration

10/10/14

Date



Joseph L. Griffin
*Principal, Atlanta Retirement
Practice Leader*

Buck Consultants, LLC
200 Galleria Parkway SE
Suite 1900
Atlanta, GA 30339

joseph.griffin@xerox.com
tel 770.857.4049
fax 770.933.8336

August 22, 2014

Ms. Vicki Grant
Manager, Benefits; Human Resources
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731-2842

**RE: Actuarial Impact Statement for the City of St. Petersburg Employees'
Retirement System**

Dear Vicki:

This letter provides the actuarial impact of 2 proposed ordinances amending Chapter 22 of the St. Petersburg City Code on The City of St. Petersburg Employees' Retirement System (the "System"). The proposed ordinances would amend sections 22-126 and 22-132, 22-162 and 22-165 of the Code. More specifically, the following sections have been amended:

- Section 22-126 is amended to define the terms "designated beneficiary" and "survivor annuitant."
- Section 22-132 is amended to:
 - allow a member to change their survivor annuitant under options 2, 3, and 5 up to two times once their retirement income commences
 - clarify the timing and requirements for a refund of member contributions
 - clarify how the benefits are paid upon the death of a member
- Section 22-162 is amended to define the terms "accrued benefit" and "designated beneficiary."
- Section 22-165 is amended to clarify the amount of benefits that are payable upon ordinary and accidental disability.

These changes will not have an impact on the recommended contributions to the System.

If you have any questions regarding this impact statement, please do not hesitate to contact me.

Sincerely,

Joseph L. Griffin, ASA, EA, MAAA, FCA

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

CITY OF ST. PETERSBURG

AND

THE FLORIDA PUBLIC SERVICES UNION (FPSU) SEIU, CtW, CLC

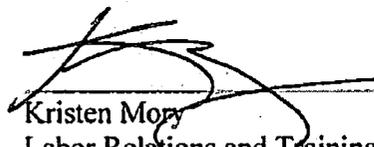
SUBJECT: Reopener of Article 25 Employees' Retirement System

Both parties to this Memorandum of Understanding agree to the following changes that will affect the Employees' Retirement System and will become effective upon ratification by the St. Petersburg City Council:

Adding definitions to Sections 22-126 and 22-162 of the Plan, amending Section 22-132 to clarify when a refund of contributions will be paid to a terminated member, and adding that retirees in those plans may change their beneficiary up to two times after retirement. The proposed Ordinance also amends Section 22-165 to provide a minimum benefit amount to all members eligible for ordinary and accidental disability benefits, regardless of the member's eligibility for retirement. (See Attached)

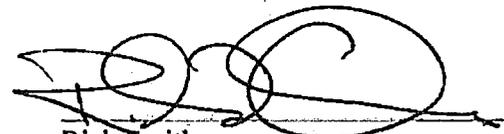
Signed by the duly authorized representatives of the above referenced parties this 22 day of August 2014.

FOR THE CITY



Kristen Mory
Labor Relations and Training Manager

FOR THE FPSU/SEIU



Rick Smith
Chief of Staff, FPSU/SEIU

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 22 OF THE ST. PETERSBURG CITY CODE RELATING TO RETIREMENT SYSTEMS BY (1) AMENDING SECTION 22-162 TO DEFINE THE TERMS ACCRUED PENSION BENEFIT AND DESIGNATED BENEFICIARY, AND (2) AMENDING SECTION 22-165 TO CLARIFY THE BENEFITS PAYABLE UPON RETIREMENT FOR ORDINARY DISABILITY OR ACCIDENTAL DISABILITY AND IN THE EVENT OF DEATH OF A MEMBER RECEIVING SERVICE RETIREMENT INCOME OR DISABILITY RETIREMENT INCOME FOR ORDINARY DISABILITY OR ACCIDENTAL DISABILITY, AND CORRECTING TYPOGRAPHICAL AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. That Section 22-162 of the St. Petersburg City Code is amended to read as follows:

Sec. 22-162. Definitions.

The definitions set out in section 22-126 and in acts of the legislature of the State which have the effect of modifying the employees' retirement system established in section 22-127 shall be applicable to the supplemental retirement system, except as amended in this division. In addition, the following terms shall have the meanings ascribed to them:

Accrued pension benefit means the pension earned from entry as a member in the retirement system to the date of termination as an active member.

Annuity starting date means the annuity starting date as defined in Section 417 of the Internal Revenue Code.

Base pay means the employee's base hourly rate times his normal basic work schedule. Base pay shall exclude all other pay differentials, bonuses, incentive pay, etc., including overtime.

Death benefit percent for division A and division B members means one percent for each year of creditable service prior to the date of death.

Designated beneficiary means the person (or persons) designated by the member as his or her beneficiary (or beneficiaries) to receive benefits payable upon the death of the member in the manner prescribed by the board for such purposes.

Division A members means members of the retirement system who were members prior to January 1, 1964, and who elected to be covered by social security. All benefits of division A members shall be computed on the basis of the prior retirement system with respect to all years of credited service rendered prior to January 1, 1964, and on the basis of the supplemental retirement system with respect to all years of credited service rendered subsequent to January 1, 1964.

Division B members means members who first became members on or after January 1, 1964, unless prior to that date such members expressed their desire in writing to the board to be members of division C. After the execution date of the contract extending social security coverage, division B members shall be ineligible for division C. All benefits of division B members shall be computed solely on the basis of the supplemental retirement system.

Division C members means members of the retirement system who were members any time prior to January 1, 1964, and who elect not to be covered by social security. The term "division C member" shall also mean any new member after January 1, 1964, who rendered membership service prior to that date unless the member expresses in writing to the board his desire to be a division A member. However, any member of division C shall, upon written request, be transferred from division C to division A under conditions comparable to the applicable dates and procedures whereby other individuals transferred their membership to division A. All benefits of division C members shall be computed solely on the basis of the prior retirement system.

Earnings base means the monthly earnable compensation used for the computation of pension benefits shall be the average monthly base pay for the highest five years of membership.

Employee means any paid official or employee of the City in the classified or unclassified service of the City, except employees of the police or fire departments who are eligible to participate in the pension system covering those departments, and except all employees hereafter employed by the City on or after October 1, 2003, in the classification of police cadet. In all cases of doubt, the board shall decide who is an employee within the meaning of this division.

Membership service means service rendered since last becoming a member and on account of which contributions have been made as provided in this division, including credit for time spent as a police cadet as permitted under section 22-170(a).

Prior retirement system means sections 22-126 through 22-136, inclusive, and certain acts of the legislature of the State which have had the effect of modifying certain provisions of those sections.

Retirement income percent means the percentage of average final compensation which shall be payable to a retired member as retirement income. Retirement income percent shall be

computed for division A and division B members to allow one percent for each year of creditable service subsequent to January 1, 1964, and prior to October 1, 1972, 1½ percent subsequent to October 1, 1972, and prior to March 1, 2000, and two percent subsequent to March 1, 2000. For division A and division B members who retire or vest on or after March 1, 2000, the retirement income percent shall be computed at two percent for service from March 1, 1980 to March 1, 1990. The benefit percentum for division A members with respect to each year of creditable service rendered prior to January 1, 1964, shall mean two percent for each year of creditable service.

Retirement system means the prior retirement system and the supplemental retirement system of the City.

Supplemental retirement system means the employees' retirement system of the City as provided for in this division, as from time to time amended. The supplemental retirement system provides certain rights and benefits for the employees who are members of division A and division B.

Section 2. That Section 22-165 is amended to read as follows:

Sec. 22-165. Benefits.

- (a) Upon retirement from service, a member of the supplemental retirement system shall receive a service retirement income which as follows:
 - (1) Provided the member has attained eligibility for service retirement income as set forth in section 22-132, a monthly income for life equal to such member's retirement income percentum times such member's average final compensation.
 - (2) Should a beneficiary member receiving service retirement income die prior to receiving 120 service retirement income payments, such payments shall be continued to ~~such person as the member shall have nominated by written designation duly executed and filed with the board, if the person survives such member; otherwise, to the legal representative of the deceased member, the designated beneficiary if such person or persons survive the member, otherwise to the legal representative of the deceased member or to the member's estate,~~ until 120 monthly retirement income payments have been made. Any designated beneficiary who is receiving benefits after the death of the member may designate a secondary beneficiary to receive any payments remaining upon the designated beneficiary's death. ~~of the payments remaining at the death of the principal beneficiary.~~
- b) Upon retirement for ordinary disability, ~~a member shall receive a service retirement income, if eligible therefor; otherwise, a disability retirement income shall consist of a monthly income during the continuance of such disability which shall be equal to the retirement income percentum at date of disability retirement times the member's average final compensation, or 30 percent of the member's average final compensation, whichever is the greater~~ a member of the supplemental retirement system shall receive a disability retirement income equal to 30 percent of the member's average final compensation or the member's accrued pension benefit, whichever is greater. ~~—In the event of the death of a member before the payment from the system of an amount equal to such deceased member's~~

accumulated contributions, there shall be paid ~~to such member's beneficiary or estate to the designated beneficiary, if any, otherwise to the legal representative of such member or to the member's estate,~~ the difference between such accumulated contributions and the amount previously disbursed ~~or paid.~~

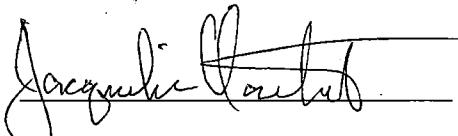
(c) Upon retirement for accidental disability, a member of the supplemental retirement system shall receive a ~~service retirement income if such person is eligible therefor; otherwise such person shall receive an~~ accidental disability income which shall consist of a monthly income during the continuance of the disability equal to the retirement income percent such ~~person member~~ would have attained had such ~~person member~~ remained in service to age 65 times multiplied by the member's average final compensation. However, the accidental disability income shall not exceed such an amount that, together with the amount such member is then entitled to receive as a disability benefit under the social security law, equals such member's salary as of the date of the disability, but such person shall be entitled to any subsequent increases in social security benefits without affecting the accidental disability income. The accidental disability income shall be not less than 65 percent of such person's average final compensation reduced by such amount as shall be received as a disability benefit under the social security law. In the event of the death of a member before the payment from the supplemental retirement system of an amount equal to the deceased member's accumulated contributions, there shall be paid ~~to the member's beneficiary or estate, the difference between such accumulated contributions and the amount previously disbursed or paid to the designated beneficiary, if any, otherwise to the legal representative of such member or to the member's estate, the difference between such accumulated contributions and the amount previously paid.~~

(d) Should a member cease to be an employee by death after having completed 20 years of creditable service but before becoming eligible for service retirement, the member's beneficiary shall be allowed to leave the member's accumulated contributions, if any, in the retirement fund and receive, at what would have been the member's retirement age, a retirement income as provided for by subsection (a)(2) of this section; provided, however, the beneficiary may elect such optional retirement income as the member should have been entitled to have selected had such person lived to his retirement age and had retired on such date. Additional creditable service of up to 90 days may be allowed as provided in section 22-170(b). In the case of a member who dies on or after January 1, 2007 while performing "qualified military service" under Title 38, United States Code, Chapter 43, Uniformed Services Employment and Reemployment Rights Act ("USERRA") within the meaning of Section 414(u) of the Internal Revenue Code, any "additional benefits" (as defined by Section 401(a)(37) of the Internal Revenue Code) provided under the retirement system that are contingent upon a member's termination of employment due to death shall be determined as though the member had resumed employment immediately prior to his death. With respect to any such "additional benefits," for vesting purposes only, credit shall be given for the period of the member's absence from covered employment during "qualified military service."

Section 3. Language which is ~~struck through~~ indicates deletions, and language which is underlined indicates additions.

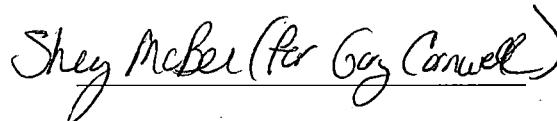
Section 4. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that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

Approved as to form and content:


Assistant City Attorney

Jacqueline Kovilaritch

Date


Administration

10/10/14
Date

**St. Petersburg City Council Agenda Item
Meeting of November 6, 2014**

To: The Honorable Bill Dudley, Chair and Members of City Council

Subject: An ordinance amending Article 4, Chapter 22 of the St. Petersburg City Code relating to the Supplemental Firefighter's Retirement System ('Plan') to provide a definition of the terms 'spouse', as such term pertains to the Normal Form of benefit payment, and 'survivor annuitant'; to provide that the Fire Chief may choose to participate in the City's Defined Contribution Plan and to provide that retirees may change their beneficiary, if a beneficiary was designated at the time of retirement, up to two times after their retirement date.

Action Being Requested: The Plan was created by Ordinance and it is necessary to modify the City Code when changes to the pension plan are implemented. The modifications for which approval is being sought at this time require changes to Division Four, the Supplemental Firefighter's Retirement System.

Summary: The Plan provides that the Normal Form of payment to a married retiree is an unreduced 50% joint & survivor annuity. In their administrative capacity, the Board of Trustees of the Plan recently clarified that a spouse for purposes of the Normal Form of payment is a person who was married to the member at the time of retirement, regardless of whether such person is married to the member at the time of the member's death.

The City and the St. Petersburg Association of Firefighters, Local 747, signed a Memorandum of Understanding on September 9, 2014 extending the Normal Form of payment to legally married same sex couples and to define the term 'survivor annuitant'. Section 22-196 is amended to reflect these changes.

F.S.175.032(8) provides that all certified firefighters will participate in a plan qualifying under F.S. 175, however, the statute also permits the Fire Chief to choose not to participate in the plan. Section 22-198 is amended in accordance with the statute.

F.S. 175.171(1)(c) and F.S. 175.333(2) provide that a retired firefighter may change his or her beneficiary up to two times after retirement. The Plan has been operating with in accordance with the statute. Section 22-201 is amended to include this language and to clarify that accumulated contributions will be refunded.

Cost: The most recent actuarial study approved by the Fire Pension Board was conducted as of October 1, 2013. The actuary has provided an impact statement indicating there is no expected financial impact on the contributions to the Plan.

Recommendations:

Recommended City Council Action:

Conduct Second Reading and Public Hearing on November 24, 2014

Attachments:

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

Approvals:

Shay McBed (for City Council)

Administration

10/10/14

Date

[Signature]

Budget

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 22 OF THE ST. PETERSBURG CITY CODE RELATING TO THE SUPPLEMENTAL FIREFIGHTER'S RETIREMENT SYSTEM BY (1) AMENDING SECTION 22-196 TO DEFINE THE TERMS SPOUSE AND SURVIVOR ANNUITANT AND CLARIFY OTHER DEFINITIONS, (2) AMENDING SECTION 22-198 TO PROVIDE THE FIRE CHIEF THE OPTION TO PARTICIPATE IN THE CITY'S DEFINED CONTRIBUTION PLAN, (3) AMENDING SECTION 22-201 TO CLARIFY THE FORMS OF RETIREMENT PAYMENT, PROVIDE FOR CHANGES TO SURVIVOR ANNUITANTS AND DESIGNATED BENEFICIARIES AND PROVIDE THAT THE SUM OF ACCUMULATED CONTRIBUTIONS WILL BE REFUNDED; CORRECTING TYPOGRAPHICAL AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. That Section 22-196 of the St. Petersburg City Code is amended to read as follows

Sec. 22-196. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accrued pension benefit means the pension earned from entry as a member in the retirement system to the date of termination as an active member.

Annuity starting date means the annuity starting date as defined in Section 417 of the Internal Revenue Code.

Board or Pension Board means the Pension Board provided for in this division to administer the retirement system.

Contributions means the sum deducted from the compensation of a member or paid by a member and credited to the retirement fund.

Creditable service means prior service, plus past service, plus membership service for which credit is allowable under the provisions of this division.

Deferred retirement option plan or *DROP* means a retirement option in which a member may elect to participate and is not a contract for employment. A member may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with the City. Nothing within the DROP should be construed to alter an employee's classification status.

Designated beneficiary (beneficiaries) means the person (or persons) designated by the member as his or her beneficiary (or beneficiaries) to receive benefits payable upon the death of the member (other than a survivor annuitant) on the form provided by the Board for such purpose, signed by the member and filed with the Board.

Earnings base means for retirement income with an initial effective date prior to October 1, 1998, the average monthly earnable compensation of a member during such member's last five years of creditable service, or, if the member has less than five years of creditable service, then such member's average monthly earnable compensation during such member's total years of service. For retirement income with an initial effective date on or after October 1, 1998, the earnings base is the average monthly earnable compensation of a member during such member's highest three years of creditable service, or, if the member has less than three years of creditable service, then such member's average monthly earnable compensation during such member's total years of service.

Employee means all officers and firefighters regularly employed in the fire department of the City whose employment shall be continuous and not of a temporary nature; however, civilian employees of the fire department shall not be covered by the provisions of this division. In all cases of doubt, the Board shall decide who is an employee within the meaning of this definition.

Member means any person included in the membership of the retirement system as provided in this division. For the purposes of the DROP, a member who enters the DROP shall be considered a member receiving a service retirement income for all purposes of the plan.

Membership service means service rendered since last becoming a member and on account of which contributions have been made as provided in this division.

Past service means service rendered by a member who was actively employed on March 12, 1999 or who was initially hired after this date prior to the member's separation from active service in the Fire Department of the City and for which credit is allowed under the provisions of this division.

Prior service means service rendered prior to October 1, 1970, for which credit is allowed under the provisions of this division, or service rendered as a member of the firemen's pension fund (prior retirement plan) for which the employee has not and will not receive any financial

benefit from said prior retirement plan, or may mean service rendered as a member of the employee's retirement system as provided by division 2 of this article, provided such membership was in lieu of membership in the supplemental firefighter's retirement system (supplemental plan) due to the employee's age exceeding enrollment criteria existing at the time of the employee's appointment as a firefighter.

Retirement means withdrawal from the active service with a retirement allowance granted under the provisions of the retirement system. For purposes of the DROP, retirement means the date the member enters the DROP.

Retirement income means monthly payments for the life of the retired member and such survivors' ~~benefits~~annuities as are provided for in this division.

Retirement income percent means the percentage of earnings base which shall be payable to a retired member as retirement income as listed in the table below:

For retirement income with an initial effective date:	Retirement income percent:
Prior to October 1, 1998	2.5 percent for each year of creditable service rendered up to 20 years; and 2.0 percent for each additional year, up to a maximum of 60 percent
On or after October 1, 1998 and prior to January 1, 2004	2.5 percent for each year of creditable service rendered up to 20 years; and 3.0 percent for each additional year
On or after January 1, 2004	3.0 percent for each year of creditable service

Retirement system means the supplemental firefighter's retirement system of the City as established in this division.

Service means service as an employee and paid for by the City.

Spouse means the person who was married to the member on the date of retirement, regardless of whether such person is married to the member at the time of the member's death. "Married" means a marriage that was validly entered into in a state, the District of Columbia, a United States territory, or foreign country whose laws authorized the marriage of the member and his or her spouse, regardless of the domicile of the member.

Survivor Annuitant means the person designated by the member to receive a monthly retirement income upon the member's death payable in accordance with a) the normal form of retirement benefit for a member with a spouse on the date of retirement, or b) option 2, option 3, option 4 or option 5 as described in this division.

Section 2. That Section 22-198 of the St. Petersburg City Code is amended to read as follows

Sec. 22-198. Membership.

The membership of the retirement system shall consist of the following:

- (1) Any person who is appointed as an employee on or after October 1, 1970, shall become a member of the retirement system as a condition of his employment. Such members shall be identified as division A members of the retirement system. No person shall be allowed to be a member or make contributions to this pension system if the member is receiving benefit payments from any other retirement system sponsored wholly or in part by the City.
- (2) Any employee in the service of the fire department as of October 1, 1970, may become a member of the retirement system, if such person shall file with the bBoard a notice of such person's election to be covered in the membership of the retirement system and if such person shall elect to be covered by federal social security. The election shall be filed on or before a date to be established by the bBoard, which date shall be established to conform to the requirements of securing social security coverage. Such members shall be identified as division B members of the retirement system.
- (3) All members of the supplemental retirement system shall also be covered by federal old-age and survivors' insurance.
- (4) Any employee in the service of the City as of the effective date of the ordinance from which this section is derived who was a member of the employees' retirement system due to ineligibility for membership in the Firefighter's Pension Fund based upon attained age at time of appointment as a firefighter may become a member of the supplemental firefighter's retirement system, if such person shall file with the bBoard a notice of such person's election to be covered in the membership of the retirement system. The election shall be filed on or before a date to be established by the bBoard.
- (5) The Fire Chief has the option to participate in the retirement system or in the City's defined contribution plan. Such decision by the Fire Chief must be made within 60 days of the initial date of employment as Fire Chief.

Section 3. That Section 22-201 of the St. Petersburg City Code is amended to read as follows

Sec. 22-201. Benefits.

(a) *Eligibility for retirement.*

- (1) *Normal retirement eligibility.* Effective September 20, 2004, any member in service may retire upon written application to the bBoard setting forth at which time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, that such person desires to be retired, if at the time so specified for retirement from active service such person shall have attained his or her normal retirement age, which is

hereby defined as age 50 with ten years of creditable service. Any other provision of the retirement system notwithstanding, a member's benefit shall become fully vested (100 percent non-forfeitable) upon the attainment of his or her normal retirement age.

Any member separating from the active service after completing 20 years creditable service but prior to the attainment of age 50, shall be entitled to receive a benefit computed pursuant to subsection (b) of this section upon attainment of age 50. Any member attaining age 53 shall be entitled to a benefit computed pursuant to subsection (b) of this section. Any member with 30 years of creditable service shall be entitled to a benefit computed pursuant to subsection (b) of this section.

(2) *Early retirement eligibility.*

- a. Any member in service may retire upon written application to the bBoard setting forth at which time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, that such person desires to be retired, if at the time so specified for retirement from active service such person shall have completed 25 years creditable service and does not meet the criteria established for normal retirement eligibility pursuant to subsection (a) of this section.
- b. A member who meets the early retirement eligibility of this subsection shall be entitled to receive a reduced benefit computed pursuant to subsection (b)(2) of this section.

(b) *Computation of retirement benefits.*

(1) *Normal retirement benefits.*

- a. Effective September 20, 2004, upon attaining age 50 with ten years of creditable service or retirement from active service if later, the member shall receive a service retirement income which shall consist of the retirement income percent times such person's earnings base;
- b. Effective September 20, 2004, upon attainment of age 50 of a member who separated from active service after completing 20 years creditable service but prior to the attainment of age 50, the member shall receive a service retirement income which shall consist of the retirement income percent times such person's earnings base;
- c. Upon attaining age 53 or retirement from active service if later, the member may elect to receive a service retirement income which shall consist of the retirement income percent times such person's earnings base; or
- d. Upon attaining 30 years of creditable service or retirement from active service if later, the member may elect to receive a service retirement income which shall consist of the retirement income percent times such person's earnings base.

- (2) *Early retirement benefits.* Upon attaining 25 years of creditable service or retirement from active service if later, and provided the member is not eligible for normal retirement eligibility as provided in subsection (a) of this section, the member may elect to receive a service retirement income which shall consist of the retirement income percent times such person's earnings base. The retirement income percentage shall be

reduced by two percent for each year or portion of a year the member had not attained 30 years of service or age 50, whichever is earlier.

- (3) *Normal and optional forms of retirement benefits.* Upon retirement, a member shall receive a retirement income based on the normal form of retirement benefit or one of the actuarially equivalent options elected in lieu of the normal form. If the member's designated beneficiary is his or her spouse at the time of the member's retirement and such spouse survives the member, such spouse is eligible for the normal form of retirement benefit or an actuarially equivalent optional form of retirement benefit, as elected by the member at time of his or her retirement. If the member's designated beneficiary is other than his or her spouse, and such designated beneficiary survives the member, such designated beneficiary is eligible for an actuarially equivalent optional form of retirement benefit, as elected by the member at time of his or her retirement. Option 1, subsection (b)(3)b.1 of this section, allows for single or multiple designated beneficiaries. Only one designated beneficiary can be named for options 2 through 5.

a. *Normal form of retirement benefit.*

1. Upon death, the member's spouse, if such person survives the member and was the member's spouse at the time of the member's retirement, shall receive 50 percent of the member's retirement income, which benefit shall be continued throughout the life of and be paid to such spouse. If the spouse predeceases the member, the retirement income payment shall cease upon the member's death unless the member had designated a new survivor annuitant under option 5 in this section; or

2. If the member had no spouse at the time of retirement and did not elect an optional form of retirement benefit in accordance with this section, retirement income payments shall cease upon the death of the member.

- b. *Optional forms of retirement benefit.* For purposes of calculating the optional forms of retirement benefit, the normal form of retirement benefit will be treated as a life annuity. In lieu of the normal form of retirement benefit, a member (or designated beneficiary of a deceased member as provided in this division) may elect one of the following options:

1. *Option 1.* If such member dies before such member has received optional monthly retirement income payments for 120 months, the optional monthly payments shall be continued for the balance of the 120 months to such member's designated beneficiary, if such designated beneficiary survives the member. If a member has multiple surviving designated beneficiaries, the optional monthly payments shall be divided equally among the designated beneficiaries that survive such member. If no designated beneficiary survives the member, the optional monthly payment shall be made to the legal representative of such retired member or the member's estate.
2. *Option 2.* Upon death, 100 percent of such member's optional retirement income shall be continued throughout the life of and paid to such member's survivor annuitant designated beneficiary, if such designated beneficiary survives the

member. If the survivor annuitant predeceases the member, the retirement income payment shall cease upon the member's death; or

3. *Option 3.* Upon death, 75 percent of such member's optional retirement income shall be continued throughout the life of and paid to such member's survivor annuitant designated beneficiary, if such designated beneficiary survives the member. If the survivor annuitant predeceases the member, the retirement income payment shall cease upon the member's death; or

4. *Option 4.* Upon death, 66.7 percent of such member's optional retirement income shall be continued throughout the life of and paid to such member's survivor annuitant designated beneficiary, if such designated beneficiary survives the member. If the survivor annuitant predeceases the member, the retirement income payment shall cease upon the member's death; or

5. *Option 5.* Upon death, 50 percent of such member's optional retirement income shall be continued throughout the life of and paid to such member's survivor annuitant designated beneficiary, if such designated beneficiary survives the member. If the survivor annuitant predeceases the member, the retirement income payment shall cease upon the member's death; or

c. *Surviving child benefit.* Upon the death of a member who retired under normal or early retirement eligibility, 7.5 percent of the earnings base for each surviving unmarried child under the age of 18 who was the child of the member at the time of the member's retirement from active service will be payable to the legal guardian. The total of all benefits payable under this subsection and under the normal form or optional form of retirement benefits shall not exceed the pension the member would have been entitled to receive on the date of death. Should the total of all benefits payable to a designated beneficiary (or designated beneficiaries) and the surviving child exceed the pension the member would have been entitled to receive as of the date of death, in no case shall the surviving child benefit be reduced.

d. Any member who is receiving a retirement income payment under option 2, option 3, option 4 or option 5 may change his or her survivor annuitant a maximum of two times after the commencement of payments without the approval of the board or any survivor annuitant and with no requirement to provide information

regarding the health status of the survivor annuitant being replaced. A member may not change his or her form of retirement benefit after the commencement of payments. Upon completion and receipt of all required forms and the submission of all fees as prescribed by the board, the actuary retained by the board will determine the actuarially equivalent new benefit amount with the change in survivor annuitant. Such change in survivor annuitant and in the member's benefit amount will be effective upon the receipt by the board of the final consent of the member and will be implemented as soon as administratively practical.

Any member who is receiving a retirement income payment under the normal form of retirement and who had a spouse on his or her date of retirement may also change his or her survivor annuitant a maximum of two times after the commencement of payments without the approval of the board or any survivor annuitant and with no requirement to provide information regarding the health status of the survivor annuitant being replaced. A member may not change his or her form of retirement benefit after the commencement of payments. Upon completion and receipt of all required forms and the submission of all fees as prescribed by the board, the actuary retained by the board will determine the actuarially equivalent new benefit amount in accordance with option 5 due to the change in survivor annuitant taking into account the ages of the former survivor annuitant, the new survivor annuitant, and the member. Such change in survivor annuitant and in the member's benefit amount will be effective upon the receipt by the board of the final consent of the member and will be implemented as soon as administratively practical.

Any member who is receiving a retirement income payment under option 1 may change his or her designated beneficiary at any time without the approval of the board or any designated beneficiary and with no requirement to provide information regarding the health status of the designated beneficiary being replaced.

e. ———Regardless of the form of payment, in the event of the death of a member or death of the member's survivor annuitant or designated beneficiary before the payment from the retirement system of an amount equal to such deceased member's accumulated contributions, the difference between such accumulated contributions and all amounts previously paid shall be paid to the member's designated beneficiary, or if none, to the legal representative of such member or the member's estate.

(4) *Death benefits when death of member occurs after separation but prior to normal retirement age.*

- a. Should a member who has attained 20 years of creditable service and who has separated from active service pursuant to subsection (a)(1)a of this section die prior

to attaining age 50, the following applies: If the member's designated beneficiary is his or her spouse, such spouse, provided such person survives the member and was the member's spouse at the time of the member's death, shall be eligible to receive 50 percent of the member's accrued pension benefit as the normal form of retirement benefit, or an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by such spouse at the time of the member's death. If the member's designated beneficiary is other than his or her spouse, and such designated beneficiary survives the member, such designated beneficiary shall be eligible for an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by such designated beneficiary at the time of the member's death. The surviving child benefit is payable as provided for by subsection (b)(3)c of this section. The total of all benefits payable shall not exceed the pension the member would have been entitled to receive, and such payment shall begin as of the date of the death of the member. Such benefits shall be reduced by 50 percent of any family social security benefits, but such reduction shall not reduce the benefits to less than 25 percent of what they would have been without the reduction.

- b. Should a member who has attained 20 years of creditable service and who has separated from the active service pursuant to subsection (a)(1)a of this section die after attaining age 50, the following applies: If the member's designated beneficiary is his or her spouse, such spouse, provided such person survives the member and was the member's spouse at the time of the member's death, shall be eligible to receive 50 percent of the member's accrued pension benefit as the normal form of retirement benefit, or an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by such spouse at the time of the member's death. If the member's designated beneficiary is other than his or her spouse, and such designated beneficiary survives the member, such designated beneficiary shall be eligible for an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by such designated beneficiary at the time of the member's death. The surviving child benefit is payable as provided for by subsection (b)(3)c of this section. The total of all benefits payable shall not exceed the pension the member would have been entitled to receive, and such payment shall begin as of the date of the death of the member.
- (c) *Eligibility for nonservice-connected disability benefits.* Effective September 20, 2004, upon the written application of a member in service, a member's legal guardian or of the head of the member's department, any member who shall have become permanently disabled when the disability was unconnected with the performance of such member's duty as a firefighter and not caused by the member's own willful intent, may be retired by the hBoard on a nonservice-connected disability retirement income. The board-appointed physician or other physicians designated by the hBoard shall certify to the hBoard that the member is mentally or physically totally incapacitated from rendering useful and efficient service as a firefighter, that such incapacity is likely to be permanent and that the member should be retired. A firefighter will not be entitled to receive any disability retirement income if the disability is a result of:

- (1) Excessive and habitual use by the firefighter of drugs, intoxicants or narcotics;
 - (2) Injury or disease sustained by the firefighter while willfully and illegally participating in fights, riots, or civil insurrections or while committing a crime;
 - (3) Injury or disease sustained by the firefighter while serving in any armed forces;
 - (4) Injury or disease sustained by the firefighter after employment has terminated.
- (d) *Computation of nonservice-connected disability benefits.* Effective September 20, 2004, upon retirement for a nonservice-connected disability, a member shall receive a disability retirement income which shall consist of a monthly income during the continuance of the disability which shall be equal to 25 percent of the member's earnings base or the member's accrued pension benefit, whichever is greater, as the normal form of retirement benefit, or an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by the member at the time of his or her retirement, plus 7.5 percent of the earnings base for each unmarried child under the age of 18.
- (e) *Eligibility for service-connected benefits.* Effective September 20, 2004, upon the written application of a member in service, a member's legal guardian or of the head of such member's department, any member who has been totally and permanently incapacitated for duty as a natural and proximate result of an accident sustained in service as a member and occurring while in the actual performance of duty at some definite time and place, without willful negligence on such member's part, may be retired by the bBoard on a service-connected disability retirement income, if the bBoard-appointed physician or other physicians designated by the bBoard shall certify to the bBoard that the member is mentally or physically totally incapacitated from rendering useful and efficient service as a firefighter, that the incapacity is likely to be permanent and that the member should be retired. A firefighter will not be entitled to receive any disability retirement income if the disability is a result of:
- (1) Excessive and habitual use by the firefighter of drugs, intoxicants or narcotics;
 - (2) Injury or disease sustained by the firefighter while willfully and illegally participating in fights, riots, or civil insurrections or while committing a crime;
 - (3) Injury or disease sustained by the firefighter while serving in any armed forces;
 - (4) Injury or disease sustained by the firefighter after employment has terminated.
- (f) *Computation of service-connected disability benefits.* Upon retirement for service-connected disability, a member shall receive a disability retirement income which shall consist of: A monthly income during the continuance of such disability of 60 percent of the earnings base or the accrued pension benefit, whichever is greater, as the normal form of retirement benefit, or an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by the member at the time of his or her retirement.
- (g) *Time of taking effect of other benefits.* Any retirement or other benefits provided for under this division, when approved by the ~~Pension~~ Bboard, shall be effective on the first day immediately following the final termination of the member's employment and the first payment shall be prorated for the portion of the month remaining.

(h) *Nonservice-connected death benefits.* Should a member cease to be an employee by death from causes unconnected with the performance of such person's duties, the following applies: If the member's designated beneficiary is his or her spouse, such spouse, provided such person survives the member and was the member's spouse at the time of the member's death, shall be eligible to receive 50 percent of the member's accrued pension benefit as the normal form of retirement benefit, or an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b. of this section, as elected by such spouse at the time of the member's death. If the member's designated beneficiary is other than his or her spouse, and such designated beneficiary survives the member, such designated beneficiary shall be eligible for an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b. of this section, as elected by such designated beneficiary at the time of the member's death. Surviving child benefit is payable as provided for by subsection (b)(3)c. of this section.

Death while performing USERRA-qualified active military service. In the case of a member who dies on or after January 1, 2007 while performing "qualified military service" under Title 38, United States Code, Chapter 43, Uniformed Services Employment and Reemployment Rights Act ("USERRA") within the meaning of Section 414(u) of the Internal Revenue Code, any "additional benefits" (as defined by Section 401(a)(37) of the Internal Revenue Code) provided under the retirement system that are contingent upon a member's termination of employment due to death shall be determined as though the member had resumed employment immediately prior to his death. With respect to any such "additional benefits," for vesting purposes only, credit shall be given for the period of the member's absence from covered employment during "qualified military service."

(i) *Service-connected death benefits.* Should a member cease to be an employee by death in the performance of such person's duties, or as a direct result thereof, the following applies: If the member's designated beneficiary is his or her spouse, such spouse, provided such person survives the member and was the member's spouse at the time of the member's death, shall be eligible to receive 30 percent of the earnings base or 50 percent of the accrued pension benefit, whichever is greater, as the normal form of retirement benefit, or an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by such spouse at the time of the member's death. If the member's designated beneficiary is other than his or her spouse, and such designated beneficiary survives the member, such designated beneficiary shall be eligible for an actuarially equivalent optional form of retirement benefit as set forth in subsection (b)(3)b of this section, as elected by such designated beneficiary at the time of the member's death. Surviving child benefit is payable as provided for by subsection (b)(3)c of this section.

(j) *Death of member receiving disability benefits.* Should a member receiving a disability retirement income die, benefits will be payable in accordance with subsection (b)(3) of this section under the normal form of retirement or an actuarially equivalent optional form of retirement benefits, as elected by the member at the time of his or her retirement.

(k) *Death of member receiving retirement benefits.* Effective September 20, 2004, should a member receiving a retirement income die, benefits will be payable in accordance with subsection (b)(3) of this section under the normal form of retirement or an actuarially

equivalent optional form of retirement benefits, as elected by the member at the time of his or her retirement.

- (l) *Designated beneficiary election of option.* When a member who is currently eligible to receive immediate retirement benefits retires and elects a retirement benefit available under subsection (b)(3) of this section but dies prior to the first payment becoming normally due, the designated beneficiary may, with the approval of the ~~b~~Board, elect to receive a different retirement benefit available to such designated beneficiary under subsection (b)(3) of this section, to the extent provided in this division.
- (m) *Termination of surviving child benefits.* Any pension being paid to a surviving child under this division shall cease upon such person's death, marriage or attainment of age 18. In the event that all children are not in the custody of the same person, the children's benefits shall be prorated.
- (n) *Adjustments.*
 - (1) Any pension being paid under this division may be adjusted upon the recommendation of the Mayor and approval of the City Council by adopted index tables.
 - (2) Any pension paid under this division for benefits payable on account of normal retirement, early retirement, service-connected disability or death, nonservice-connected disability or death or termination of employment on or after October 1, 2008 will be eligible for a Cost of Living Adjustment (COLA) as described in subsection (n)(2)a through e of this section, payable annually effective October 1.
 - a. The COLA will be solely funded with available State premium tax funding pursuant to chapter 175, State statutes (F.S. ch. 175). Available funds shall be those premium tax funds received in excess of the 1998 base or "frozen" amount and those funds previously committed to incrementally fund existing benefits to meet minimum benefits and extra benefits as defined under chapter 175, State statutes (F.S. ch. 175).

As of September 30, 2007, the total of the 1998 base amount and the amount previously committed to incrementally fund existing benefits to meet minimum benefits and extra benefits as defined under chapter 175, State statutes (F.S. ch. 175) was \$1,210,916.00 and the accumulated balance (i.e., available funds to fund the COLA as provided herein) was \$1,422,103.00.
 - b. The COLA will be established at a maximum level of two percent annually provided sufficient State premium tax funding is available pursuant to chapter 175, State statutes (F.S. ch. 175), as determined by an actuarial valuation performed by the ~~Pension B~~board's actuaries.
 - c. If in any year the State premium tax funding available pursuant to Chapter chapter 175, State statutes (F.S. ch. 175), is not sufficient, based on an actuarial valuation performed by the ~~Pension B~~board's actuaries, to fund a two percent COLA, the COLA for that year will be adjusted to a percentage that can be fully funded with the available State premium tax funding, as determined by an actuarial valuation performed by the ~~Pension B~~board's actuaries.

- d. As of October 1 of each year, the COLA, if any, shall be added to the monthly pension amount provided the member in whose name the benefit was originally payable has or would have attained age 60 prior to October 1 of that year.
- e. The accumulated available chapter 175 (F.S. ch. 175) premium tax revenue will be held in a separate account of the firefighter's pension trust fund until the funds are paid out to cover the annual cost of the COLA. The investment of the separate account will be directed by the ~~Pension Board~~. Any investment earnings of the separate account will be used solely to fund the annual cost of the COLA.

(o) *Vested benefits.* Effective September 20, 2004, should a member cease to be an employee, except for death or retirement and after completing seven or more years of creditable service, such member shall acquire, pursuant to the following vesting schedule, benefits payable on a monthly life annuity basis, provided such member has a vested interest at time of separation from employment. Upon attaining age 50, the member may elect to receive the vested benefit accrued as calculated in subsection (b)(1) of this section, using the following vesting schedule in the benefit computation.

Completed Years of Creditable Service	Annual Vested Increment in Accrued Benefit	Cumulative Vested Interest in Accrued Benefit (%)
Less than 7	0	0
7	20	20
8	8	28
9	8	36
10	64	100

A member may elect in lieu of the life annuity, the normal form of retirement benefit or an actuarially equivalent optional form of retirement benefit as provided under subsection (b)(3) of this section. Vesting shall pertain only to future retirement benefits payable as provided under this section and do not relate to employee contributions and other allowances.

(p) *Termination of employment.* If any member who was actively employed on March 12, 1999 or who was hired after March 12, 1999 ceases to be an employee, except for death, disability or retirement, before accumulating aggregate time of ten years toward retirement and before being eligible to retire under the provisions of this division, such member shall be entitled to

a refund of all of his or her contributions made to the retirement fund without interest less any benefits paid to him or her.

- (q) *Reexamination of recipients of disability benefits.* Once each year during the first five years following the retirement of a member on a disability retirement income and once in every three-year period thereafter, the bBoard may, and upon such person's application shall, require any disability beneficiary to undergo a medical examination; however, this requirement shall terminate when the combined total of creditable service and years on disability retirement shall equal 25 years. The examination shall be conducted by the bBoard-appointed physician or designated physicians, who shall submit a written report of their findings to the bBoard. The disability beneficiary shall be advised of the examination upon 30 days' written notice, and should the beneficiary fail to submit to the examination within the indicated period, such person's retirement income shall be suspended until such time as the pensioner shall establish to the bBoard eligibility to receive disability retirement income. Should the disability beneficiary fail within one year to respond to the notice for examination, it shall be conclusively deemed that the beneficiary is not entitled to disability retirement income and it shall be revoked and set aside.
- (r) *Return of disability benefits recipient to active duty.* Should it appear from a medical examination that a disability beneficiary is capable of returning to duty in the fire department in a limited duty or full duty capacity, the beneficiary shall be ordered to return to active duty in the fire department with the consent of the Fire Chief and the Mayor and shall be restored to the active membership. Any member so returning to service from retirement due to a nonservice-connected disability shall receive credit only for service actually rendered in the fire department in computing such person's creditable service. Any member so returning to service from a retirement due to a service-connected disability shall receive credit for the time spent on pension in addition to service actually rendered in the fire department in computing creditable service. Any beneficiary so restored to the active membership shall return to the classification, title or rank held at the time of retirement and to the pay grade held at the time of retirement regardless of the capacity to which the member is restored and shall be eligible for all benefits provided by this division. The retirement income of any such beneficiary shall cease upon restoration to the active membership and such person shall contribute at the current contribution rate for active members.
- (s) *Calculation of service-connected disability retirement benefit.* Should a member who has applied for service-connected disability retirement as provided in subsection (e) of this section be certified by the board-appointed physician or other physicians designated by the bBoard as not mentally or physically totally incapacitated from rendering useful and efficient service as a firefighter, and, provided other employment is not available in the fire department at the discretion of the department head, and provided further that the member is transferred to other employment within the City, such member's retirement income percentum then accrued under this division shall be retained in the retirement system and the member shall receive a benefit pursuant to subsection (b) of this section.

Such benefit shall be computed irrespective of the vesting schedule set forth in subsection (o) of this section, and shall be payable upon the date retirement benefits may commence as provided by such other City retirement system as may be applicable, or upon the member's separation from City employment, whichever occurs earliest, but in no event shall the benefit be paid prior

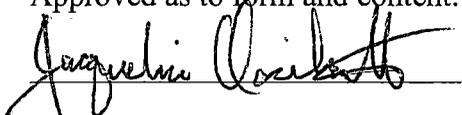
to the member's attainment of age 50. The benefit shall be calculated on the number of years that the person was a contributing member.

- (t) *Reduction in benefits due to amounts payable under other laws.* Any amounts which may be paid or payable under the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any service-connected disability shall, in such manner as the bBoard shall approve, be offset and payable in lieu of any benefits payable under the provisions of the retirement system on account of the same service-connected disability. Any reduction of benefits pursuant to this subsection shall not reduce the payment of benefits, including the offset of any other payments as provided by this section, to less than 25 percent of what they would have been without the reduction.
- (u) *Limitations.* Benefits payable pursuant to this division shall be limited as specified by F.S. 112.65.

Section 4. Language which is ~~struck through~~ indicates deletions, and language which is underlined indicates additions.

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

Approved as to form and content:


Assistant City Attorney

Jacqueline Kovilaritch



Administration

Date

10/10/14

Date



Joseph L. Griffin
*Principal, Atlanta Retirement
Practice Leader*

Buck Consultants, LLC
200 Galleria Parkway SE
Suite 1900
Atlanta, GA 30339

joseph.griffin@xerox.com
tel 770.857.4049
fax 770.933.8336

August 22, 2014

Ms. Vicki Grant
Manager, Benefits; Human Resources
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731-2842

RE: Actuarial Impact Statement for the City of St. Petersburg Supplemental Firefighters' Retirement System

Dear Vicki:

This letter provides the actuarial impact of the proposed ordinance amending Chapter 22 of the St. Petersburg City Code on the City of St. Petersburg Supplemental Firefighters' Retirement System (the "Retirement System"). The proposed ordinance would amend sections 22-196, 22-198 and Section 22-201 of the Code. More specifically, the following sections have been amended:

- Section 22-196 is amended to formally define the terms "spouse" and "survivor annuitant" and clarify that a marriage includes all that were legally entered into in a state, the District of Columbia, US territory or foreign country.
- Section 22-198 is amended to provide the Fire Chief the option to either participate in the Retirement System or the City's Defined Contribution Plan. The Fire Chief must make an election within 60 days of the initial date of employment as the Fire Chief.
- Section 22-201 is amended to clarify the forms of retirement payment and allow a member to change their survivor annuitant under options 2, 3, 4, and 5 up to two times once their retirement income commences. In addition, it is amended to provide for a refund of accumulated contributions in the event of the death of a member or member's beneficiary before payments in excess of the accumulated contributions have been received.

These changes will not have an impact on the recommended contributions to the System.

If you have any questions regarding this impact statement, please do not hesitate to contact me.

Sincerely,

Joseph L. Griffin, ASA, EA, MAAA, FCA

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF ST. PETERSBURG
AND
THE ST. PETERSBURG ASSOCIATION OF FIREFIGHTERS
CAPTAINS AND DISTRICT CHIEFS UNIT**

SUBJECT: Enhanced Benefits under Article 27, Supplemental Firefighter's Retirement System

Both parties to this Memorandum of Understanding agree to the attached amendments to Chapter 22 of the St. Petersburg City Code Section 22-196 that will affect the Supplemental Firefighter's Retirement System and will become effective upon ratification by the St. Petersburg City Council, including but not limited to defining the terms "Spouse" and "Survivor Annuitant" as follows:

"Spouse means the person who was married to the member at the time of retirement, regardless of whether such person is married to the member at the time of the member's death. "Married" means a marriage that was validly entered into in a state, the District of Columbia, a United States territory, or foreign country whose laws authorized the marriage of the member and his or her spouse, regardless of the domicile of the member of the spouse.

Survivor Annuitant means the person designated by the member to receive a monthly retirement income upon the member's death payable in accordance with a) the normal form of retirement benefit for a member with a spouse on the date of retirement, or b) options 2, 3, 4 or 5."

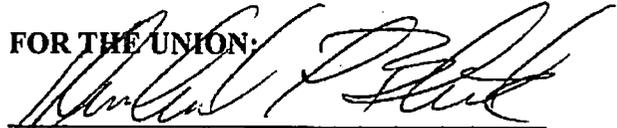
Signed by the duly authorized representatives of the above referenced parties this 9th day of September 2014.

FOR THE CITY:



Kristen Mory
Labor Relations & Training Manager

FOR THE UNION:



Michael Blank
President - SPAFF

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF ST. PETERSBURG
AND
THE ST. PETERSBURG ASSOCIATION OF FIREFIGHTERS
FIREFIGHTERS, PARAMEDICS AND LIEUTENANTS
RANK AND FILE UNIT**

SUBJECT: Enhanced Benefits under Article 27, Supplemental Firefighter's Retirement System

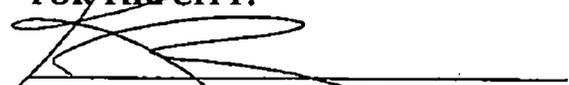
Both parties to this Memorandum of Understanding agree to the attached amendments to Chapter 22 of the St. Petersburg City Code Section 22-196 that will affect the Supplemental Firefighter's Retirement System and will become effective upon ratification by the St. Petersburg City Council, including but not limited to defining the terms "Spouse" and "Survivor Annuitant" as follows:

"Spouse means the person who was married to the member at the time of retirement, regardless of whether such person is married to the member at the time of the member's death. "Married" means a marriage that was validly entered into in a state, the District of Columbia, a United States territory, or foreign country whose laws authorized the marriage of the member and his or her spouse, regardless of the domicile of the member of the spouse.

Survivor Annuitant means the person designated by the member to receive a monthly retirement income upon the member's death payable in accordance with a) the normal form of retirement benefit for a member with a spouse on the date of retirement, or b) options 2, 3, 4 or 5."

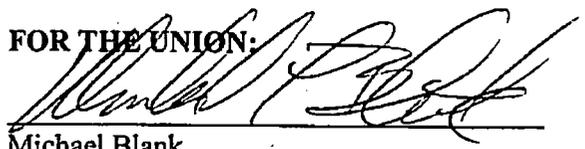
Signed by the duly authorized representatives of the above referenced parties this 9th day of September 2014.

FOR THE CITY:



Kristen Mory
Labor Relations & Training Manager

FOR THE UNION:



Michael Blank
President - SPAFF

ST. PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable Bill Dudley, Chair, and Members of City Council

SUBJECT: **City File: FLUM 21-A:** City-initiated application proposing amendments to the Future Land Use Map and Official Zoning Map designations for the Harris School property, located at 4600 Haines Road, between 19th Street North and 21st Street North.

A detailed analysis of the request is provided in Staff Report FLUM 21-A, attached.

- REQUEST:** (A) ORDINANCE ____-L amending the Future Land Use Map designation from Institutional to Residential Medium.
- (B) ORDINANCE ____-Z amending the Official Zoning Map designation from NT-1 (Neighborhood Traditional) to NSM-1 (Neighborhood Suburban Multifamily), or other less intensive use.

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Public Input: Only two phone calls have been received, to date, one supporting the application and one requesting additional information.

Community Planning & Preservation Commission (CPPC): On October 14, 2014 the CPPC held a public hearing regarding these amendments, and voted unanimously (7 to 0) to recommend APPROVAL. In a separate vote, the Commission also voted unanimously to recommend to City Council that they evaluate the property for a potential landmark designation during their review and approval process of the land use and zoning amendments.

Recommended City Council Action: 1) CONDUCT the first reading of the attached proposed ordinances; AND 2) SET the second reading and adoption public hearing for November 24, 2014.

Attachments: Ordinances (2), Staff Report

ORDINANCE NO. ___-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; CHANGING THE LAND USE DESIGNATION OF PROPERTY GENERALLY LOCATED AT 4600 HAINES ROAD, BETWEEN 19TH STREET NORTH AND 21ST STREET NORTH, FROM INSTITUTIONAL TO RESIDENTIAL MEDIUM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the City of St. Petersburg Comprehensive Plan and Future Land Use Map are required by law to be consistent with the Countywide Comprehensive Plan and Future Land Use Map and the Pinellas Planning Council is authorized to develop rules to implement the Countywide Future Land Use Map; and

WHEREAS, the St. Petersburg City Council has considered and approved the proposed St. Petersburg land use amendment provided herein as being consistent with the proposed amendment to the Countywide Future Land Use Map which has been initiated by the City; now, therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Act, as amended, and pursuant to all applicable provisions of law, the Future Land Use Map of the City of St. Petersburg Comprehensive Plan is amended by placing the hereinafter described property in the land use category as follows:

Property

HARRIS SCHOOL ADDITION BLOCK A, LOTS 1 TO 9 & VACANT 16-FOOT ALLEY & UNPLATTED TRACT ADJACENT ON EAST, DESCRIBED BEGINNING SOUTHEAST CORNER OF SAID LOT 1 BLOCK A, THENCE NORTH 185.4 FEET, THENCE SOUTHEASTERLY 322 FEET SCALED ALONG SOUTHERNLY RIGHT OF WAY OF HAINES ROAD, THENCE 6 FEET SCALED, THENCE WEST 272 FEET SCALED TO POINT OF BEGINNING.

Land Use Category

From: Institutional

To: Residential Medium

SECTION 2. All ordinances or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon approval of the required Land Use Plan change by the Pinellas County Board of County Commissioners (acting in their capacity as the Countywide Planning Authority) and upon issuance of a final order determining this amendment to be in compliance by the Department of Economic Opportunity (DOE) or until the Administration Commission issues a final order determining this amendment to be in compliance, pursuant to Section 163.3187, F.S. 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 as set forth above.

APPROVED AS TO FORM AND SUBSTANCE:

FLUM 21-A
(Land Use)

 = 10-13-14
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT DATE


ASSISTANT CITY ATTORNEY 10/15/14 DATE

ORDINANCE NO. ___-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA; BY CHANGING THE ZONING OF PROPERTY GENERALLY LOCATED AT 4600 HAINES ROAD, BETWEEN 19TH STREET NORTH AND 21ST STREET NORTH, FROM NT-1 (NEIGHBORHOOD TRADITIONAL) TO NSM-1 (NEIGHBORHOOD SUBURBAN MULTIFAMILY); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The Official Zoning Map of the City of St. Petersburg is amended by placing the hereinafter described property in a Zoning District as follows:

Property

HARRIS SCHOOL ADDITION BLOCK A, LOTS 1 TO 9 & VACANT 16-FOOT ALLEY & UNPLATTED TRACT ADJACENT ON EAST, DESCRIBED BEGINNING SOUTHEAST CORNER OF SAID LOT 1 BLOCK A, THENCE NORTH 185.4 FEET, THENCE SOUTHEASTERLY 322 FEET SCALED ALONG SOUTHERNLY RIGHT OF WAY OF HAINES ROAD, THENCE 6 FEET SCALED, THENCE WEST 272 FEET SCALED TO POINT OF BEGINNING.

District

From: NT-1 (Neighborhood Traditional)

To: NSM-1 (Neighborhood Suburban Multifamily)

SECTION 2. All ordinances or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3. This ordinance shall become effective upon the date the ordinance adopting the required amendment to the City of St. Petersburg Comprehensive Plan's Future Land Use Map becomes effective (Ordinance ___-L).

APPROVED AS TO FORM AND SUBSTANCE:

FLUM 21-A
(Zoning)


PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

10-13-14

DATE


ASSISTANT CITY ATTORNEY

10/15/14
DATE



Staff Report to the St. Petersburg Community Planning & Preservation Commission

Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on October 14, 2014
at 3:00 p.m., in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: FLUM-21-A
Agenda Item #1

According to Planning and Economic Development Department records, no Community Planning & Preservation Commission member owns property located within 2,000 feet of the subject property. All other possible conflicts should be declared upon announcement of the item.

APPLICANT: City of St. Petersburg
City Hall - 175 5th Street North
St. Petersburg, FL 33701

PROPERTY OWNER: The School Board of Pinellas County, Florida
301 4th Street SW
Largo, FL 33770

SUBJECT PROPERTY:

The triangular-shaped subject property, estimated to be 2.1 acres in size, is generally located at 4600 Haines Road, between 19th Street North and 21st Street North.

PIN/LEGAL:

The parcel identification number is 01/31/16/37080/001/0010 and the legal description is attached.

REQUEST:

The request is to amend the Future Land Use Map designation from Institutional to Residential Medium and the Official Zoning Map designation from NT-1 (Neighborhood Traditional) to NSM-1 (Neighborhood Suburban Multifamily), or other less intensive use.

PURPOSE:

The requested Residential Medium and NSM-1 designations will permit the adaptive reuse of the Harris School as a residential facility for high school students who have become homeless. The facility will be operated by Starting Right, Now (SRN), a non-profit organization whose mission is to provide programs to meet the needs of the growing population of homeless families and children. (Additional information pertaining to SRN and a brief history of the Harris School property are provided in the Staff Analysis section of this report.)

EXISTING USES:

The existing school buildings have been vacant since September 2011.

SURROUNDING USES:

The surrounding uses are as follows:

- North: commercial businesses, but primarily single family residences
- South: single and multifamily residences
- East: commercial businesses, but primarily single family residences
- West: two legal, nonconforming businesses, but primarily single family residences

NEIGHBORHOOD ASSOCIATION:

The subject property is located within the Harris Park Neighborhood Assoc., and immediately south and west of the Greater Grovemont Neighborhood Assoc. Both associations, plus all owners of property located within 200-feet of the subject area, received a 30-day notice in advance of this CPPC meeting.

ZONING HISTORY:

From 1977 to 2007, the subject property was designated with RM-12/15 (Residential Multifamily) zoning. The current NT-1 (Neighborhood Traditional) single family zoning has been in place only since September 2007, following implementation of the City's Vision 2020 Plan, the city-wide rezoning and update of the City Code, Chapter 16, Land Development Regulations (LDRs).

APPLICABLE REGULATIONS:

The triangular-shaped subject property is estimated to be 2.1 acres, or 91,475 square feet (mol), in size.

The minimum lot size for a single family home in the NT-1 zoning district is 5,800 sq. ft., thus, based solely on the size of the property, development potential under the present zoning designation is 16 single family homes. The NT-1 district also permits accessory dwelling units, thus, while unlikely, a total of 32 residential units could be developed. It should be noted that the shape of the property would likely limit the total number of single family homes constructed, unless significant variances were to be approved for lot width and building setbacks, etc.

Development potential under the requested NSM-1 zoning designation is 32 multifamily units, calculated at a density of 15 units per acre. A workforce housing density bonus of six (6) units per acre could increase the total to 45 units.

STAFF ANALYSIS:

As has been described, the triangular-shaped subject property, estimated to be 2.1 acres in size, is generally located at 4600 Haines Road, between 19th Street North and 21st Street North. The property is owned by Pinellas County Schools, and has historically been used as the Harris Public School. There has been no activity on the site for the past three years.

Representatives from the non-profit organization Starting Right, Now (SRN) approached both Pinellas County Schools and the City within the past year, expressing interest in using the existing buildings and property. SRN is described as a program meeting the needs of the growing population of homeless families and children in Hillsborough (and now Pinellas) County. Specifically, it is SRN's desire to renovate and adaptively reuse the Harris School buildings and property for the purpose of establishing a residential-type facility for high school students who have become homeless. On August 21, 2014 the St. Petersburg City Council voted unanimously to initiate the Future Land Use Map and Official Zoning Map amendments needed to accommodate the anticipated adaptive reuse of the existing buildings (Resolution 2014-357).

An SRN representative has indicated that the existing buildings will be renovated to serve approximately 40 program "participants." While there is no binding commitment or obligation on the part of SRN to use the property if the land use and zoning changes are ultimately approved, it has been stated that an initial eight (8) year land lease is being negotiated with Pinellas County Schools, with options to extend the lease.

It is important to note that the City staff analysis and recommendation provided here are based on a review of the consistency of the proposed land use and zoning changes with the Comprehensive Plan, *and not a special exception use or site plan*. If the land use and zoning changes are ultimately approved, an application for a special exception use, including a site plan, will be submitted to the City for review and action by the Development Review Commission (DRC).

Harris School Property – Brief History

The site was willed to the newly created Pinellas School Board in 1912, by Mr. A. Harris to be used for educational purposes only. The property was originally called The Harris School or Harris Elementary, and it started as a one-room weather-boarded house with volunteer labor and donations from the community. The Pinellas School Board provided seats and desks, and the first teacher had 15 pupils. In 1924, the current building was constructed replacing the 1912 Harris School. During the 1924-1925 academic year, enrollment in the “new” Harris School rose to over 100 students.

In the late 1970’s the school was closed for students, and re-opened to serve as administrative offices for curriculum and instruction supervisors. However, the offices were moved and the school was once again closed.

The Harris School went on to serve the community by opening its doors once again in the early 2000’s. The school became Harris/TIPS (Teenage Information for Pregnant and Parenting Students), essentially a drop-out prevention school, providing educational opportunities and services for students by creating a safe, positive and goal-oriented learning environment. The new program was designed as a center to serve 75 teen parents, Grades 6 through 9, while students in Grades 10 through 12 could be enrolled with the approval of dropout prevention services staff. Childcare was provided on-site for the children of 38 teen parents. Harris/TIPS served as both a drop-out prevention school as well as a teaching school, providing much needed parenting and life skills. The program ended in September 2011 and the school was closed, and has remained closed, for the past three years.

Consistency and Compatibility

The primary issues associated with this City-initiated application are consistency and compatibility; specifically, the consistency of the proposed land use and zoning designations with the surrounding land use and zoning pattern, and the compatibility of uses permitted under the new designations with surrounding uses.

To begin with, the triangular-shaped subject property can be seen as an “island” of land separated from the predominantly single family residential surrounding area by Haines Road, 19th and 21st Streets, and 46th Avenue. While predominantly single family, the surrounding area does include a mix of multifamily properties as well as commercial and industrial businesses. While not identical, the proposed Residential Medium and NSM-1 designations are not inconsistent with the surrounding Planned-Redevelopment Residential and NT-1 designations with regard to density (15 units/acre). The proposed designations are also less intensive than the mixed-use commercial designations (Planned Redevelopment – Mixed Use and CCT-1) found on the north side of Haines Road, across from the subject property. It should also be noted that prior to 2007, the zoning designation for the subject property was RM-12/15 (Residential Multifamily), nearly identical to the proposed NSM-1 zoning.

The uses permitted under the proposed designations, e.g., single family homes, apartments, townhomes or condominiums, are also compatible with the uses permitted under the surrounding land use and zoning designations, e.g., single family homes with accessory dwelling units. The existing and proposed designations all permit single family and "multifamily-type" development as well as institutional uses, including public and private schools, and churches. City staff firmly believes that with the roadway network acting as a physical separator, the proposed designations provide for a compatible land use transition consistent with Policy 3.4 which states that *the Land Use Plan shall provide for a compatible land use transition through an orderly land use arrangement, proper buffering and the use of physical and natural separators.*

As has been stated, the established character of the general area is single family residential and will remain so. However, in the immediate area there are existing commercial properties (located north, northwest and east of the subject site) including at least two businesses that are closed, and several legal nonconforming uses. Given the history of uses on the subject property, the anticipated use should not negatively impact the surrounding residential area. Thus, the proposed designations are deemed to be consistent with Policy LU3.6 which states that *land planning shall weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated.*

Policy LU3.8 of the City's Comprehensive Plan *seeks to protect existing residential uses from incompatible uses and other intrusions that may detract from an area's long-term desirability.* Given the history of institutional-type uses operating on the subject property, if approved, the requested designations will arguably not result in a more intrusive or intensive use on the site. As previously noted, the property has been utilized as a 100-student public school, administrative offices for Pinellas School curriculum and instruction supervisors, and most recently as a drop-out prevention school designed for 75 teen parents. The proposed Residential Medium and NSM-1 designations will accommodate the anticipated use - that being a residential facility for as many as 40 homeless teenagers. City staff believes that these proposed land use and zoning designations, and the anticipated use, will not detract from the area's long-term desirability, consistent with Policy LU3.8.

The overall proposal presented here is also consistent with Objective LU26 of the Comprehensive Plan which states *that the City's LDRs shall continue to support the adaptive reuse of existing and historic buildings.*

St. Petersburg Vision 2020 Plan

The St. Petersburg Vision 2020 Plan, adopted by the City Council in October 2002, included 15 citizen-based themes with mission statements voted on by the participants. The approved mission statements for the Appearance and Neighborhoods themes both included *adaptive re-use of quality old buildings* (emphasis added) as something the participants "liked." Thus, in addition to Objective LU26, City staff deems this

application to be consistent with Objective VI of the Comprehensive Plan, which states that *when considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered, where applicable.*

Level of Service (LOS) Impact

The Level of Service (LOS) impact section of this report concludes that the proposed Plan change and rezoning will not alter the City's population or the population density pattern or have a negative effect upon the adopted LOS standards for public services and facilities including schools, potable water, sanitary sewer, solid waste, traffic, mass transit, recreation, and stormwater management.

Final Comment

It bears repeating that the City staff analysis and recommendation provided here are based on a review of the consistency of the proposed land use and zoning changes with the Comprehensive Plan, *and not a special exception use or site plan.* If the land use and zoning changes are ultimately approved, an application for a special exception use, including a site plan, will be submitted to the City for review and action by the Development Review Commission.

SPECIAL NOTE ON CONCURRENCY:

Levels of Service impacts are addressed further in this report. Approval of this land use change and rezoning request does not guarantee that the subject property will meet the requirements of Concurrency at the time development permits are requested. **Completion of this land use plan change and rezoning does not guarantee the right to develop on the subject property.** Upon application for site plan review, or development permits, a full concurrency review will be completed to determine whether or not the proposed development may proceed. The property owner will have to comply with all laws and ordinances in effect at the time development permits are requested.

RECOMMENDATION:

City staff recommends **APPROVAL** of the proposal to amend the Future Land Use Map designation from Institutional to Residential Medium, and Official Zoning Map designation from NT-1 (Neighborhood Traditional) to NSM-1 (Neighborhood Suburban Multifamily), or less intensive use, on the basis that the proposal is consistent with the goals, objectives and policies of the City's Comprehensive Plan.

**RESPONSES TO RELEVANT
CONSIDERATIONS ON AMENDMENTS
TO THE LAND USE PLAN:**

a. Compliance of probable use with goals, objectives, policies and guidelines of the City's Comprehensive Plan.

The following policies and objectives from the Comprehensive Plan are applicable:

- VI When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.

- VI.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.

- LU3.4 The Land Use Plan shall provide for compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators.

- LU3.6 Land planning should weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated.

- LU3.7 Land use planning decisions shall include a review to determine whether existing Land Use Plan boundaries are logically drawn in relation to existing conditions and expected future conditions.

- LU3.8 The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations.

- LU26 The City's LDRs shall continue to support the adaptive reuse of existing and historic buildings in order to maximize the use of existing infrastructure, preserve natural areas from being harvested for the production of construction materials, minimize the vehicle miles traveled for transporting new construction materials over long distances, preserve existing natural carbon sinks within the City, and encourage the use of alternative transportation options.

- b. Whether the proposed amendment would impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.**

The proposed amendment will not impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.

- c. Whether the proposed change would alter population or the population density pattern and thereby impact residential dwelling units and or public schools.**

The proposed change will not alter population or the population density pattern and thereby impact residential dwelling units and or public schools.

- d. Impact of the proposed amendment upon the following adopted levels of service (LOS) for public services and facilities including but not limited to: water, sewer, sanitation, traffic, mass transit, recreation, stormwater management.**

The following analysis indicates that the proposed change *will not* have a significant impact on the City's adopted levels of service for potable water, sanitary sewer, solid waste, traffic, mass transit, stormwater management and recreation. Should the proposed land use change and rezoning for the subject property be approved, the City has sufficient capacity to meet all demands.

WATER

Under the existing interlocal agreement with Tampa Bay Water (TBW), the region's local governments are required to project and submit, on or before February 1 of each year, the anticipated water demand for the following water year (October 1 through September 30). TBW is contractually obligated to meet the City's and other member governments' water supply needs. The City's current potable water demand is 28.3 million gallons per day.

The City's adopted level of service (LOS) standard for potable water is 125 gallons per capita per day, while the actual usage is estimated to be 79 gallons per capita per day. The demand for potable water may increase slightly under the proposed NSM-1 zoning however, there will be no impact on the City's adopted LOS standard.

WASTEWATER

The subject property is served by the Northeast Water Reclamation Facility, which presently has excess capacity estimated to be 7.71 million gallons per day. There is excess sanitary sewer capacity to serve the amendment area.

MASS TRANSIT

PSTA does not provide local transit service along Haines Road. The closest bus route is located on 16th Street, approximately three blocks east of the subject property.

RECREATION

The City's adopted LOS for recreational acreage, which is 9 acres per 1,000 population, will not be impacted by this proposed rezoning. Under both the existing and proposed zoning, the LOS citywide will generally remain at 21.9 acres per 1,000 population.

STORMWATER MANAGEMENT

Prior to development of the subject property, site plan approval will be required. At that time, the stormwater management system for the site will be required to meet all city and SWFWMD stormwater management criteria. Also, there is an existing stormwater pond on the subject property that will be relocated and reconfigured to accommodate the proposed use.

- e. Appropriate and adequate land area sufficient for the use and reasonably anticipated operations and expansion.**

The land area is both appropriate and adequate for the anticipated use of the subject property.

- f. The amount and availability of vacant land or land suitable for redevelopment shown for similar uses in the City or in contiguous areas.**

There are approximately 100 acres of vacant land in the City designated with NSM-1 zoning.

- g. Whether the proposed change is consistent with the established land use pattern.**

While predominantly single family, the surrounding area does include a mix of multifamily properties as well as commercial and industrial businesses. While not identical, the proposed Residential Medium and NSM-1 designations are not inconsistent with the surrounding Planned-Redevelopment Residential and NT-1 designations with regard to density (15 units/acre). The proposed designations are also less intensive than the mixed-use commercial designations (Planned Redevelopment – Mixed Use and CCT-1) found on the north side of Haines Road, across from the subject property.

- h. Whether the existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change.**

The existing NT-1 zoning district boundaries are logically drawn in relation to existing conditions.

- i. If the proposed amendment involves a change from a residential to a nonresidential use, whether more nonresidential land is needed in the proposed location to provide services or employment to the residents of the City.**

Not applicable, as both the present Institutional and proposed Residential Medium designations permit residential uses.

- j. Whether the subject property is located within the 100-year flood plain or Coastal High Hazard Area as identified in the Coastal Management Element of the Comprehensive Plan.**

According to the FEMA Flood Insurance Rate Map (FIRM), the subject property is located in the "X-Zone," i.e., not in the flood zone, and the property is not located within the CHHA (Coastal High Hazard Area).

- k. Other pertinent information.** None

LEGAL DESCRIPTION

HARRIS SCHOOL ADD BLK A, LOTS 1 TO 9 & VAC 16FT ALLEY & UNPLATTED TRACT ADJ ON E DESC BEG SE COR OF SD LOT 1 BLK A TH N 185.4FT TH SE'LY 322FT(S) ALG S'LY R/W OF HAINES RD TH S 6FT(S) TH W 272FT(S) TO POB



AERIAL

CITY FILE

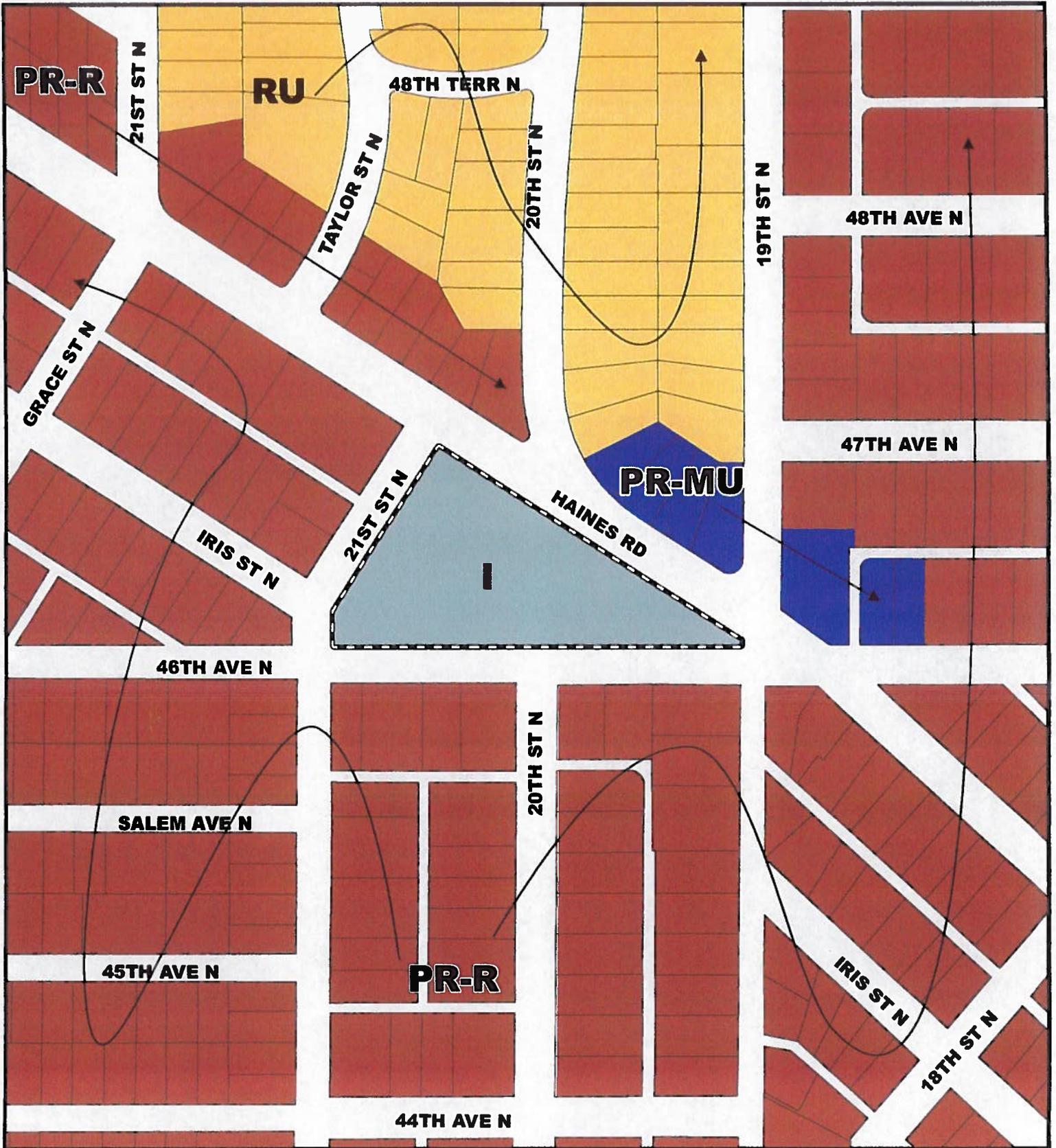
FLUM-21-A

SCALE: 1" = 185'



SUBJECT AREA





FUTURE LAND USE PLAN DESIGNATION

CITY FILE

FLUM-21-A

SCALE: 1" = 185'

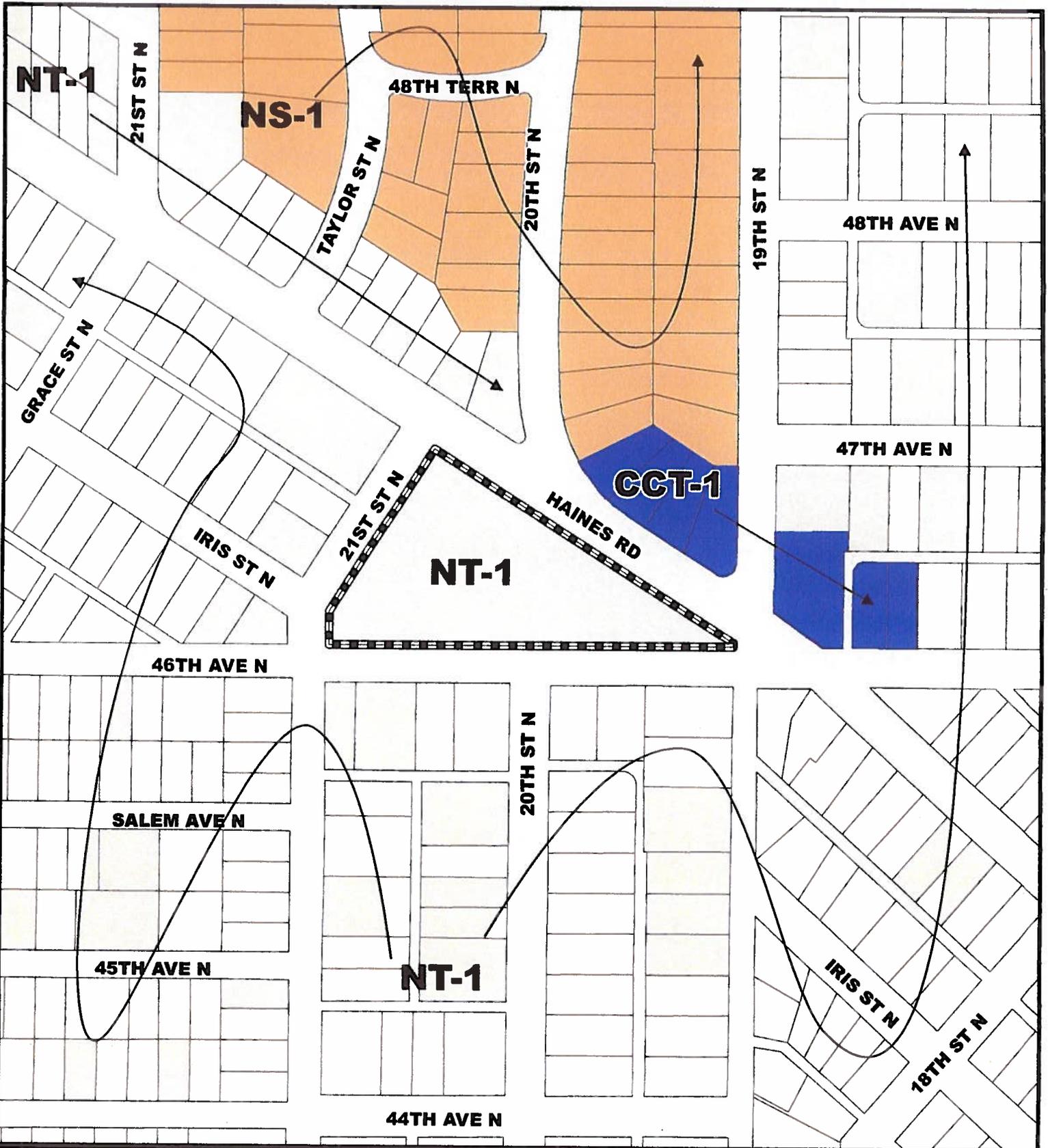
From: I (Institutional)

To: RM (Residential Medium)



SUBJECT AREA





EXISTING ZONING

CITY FILE

FLUM-21-A

SCALE: 1" = 185'

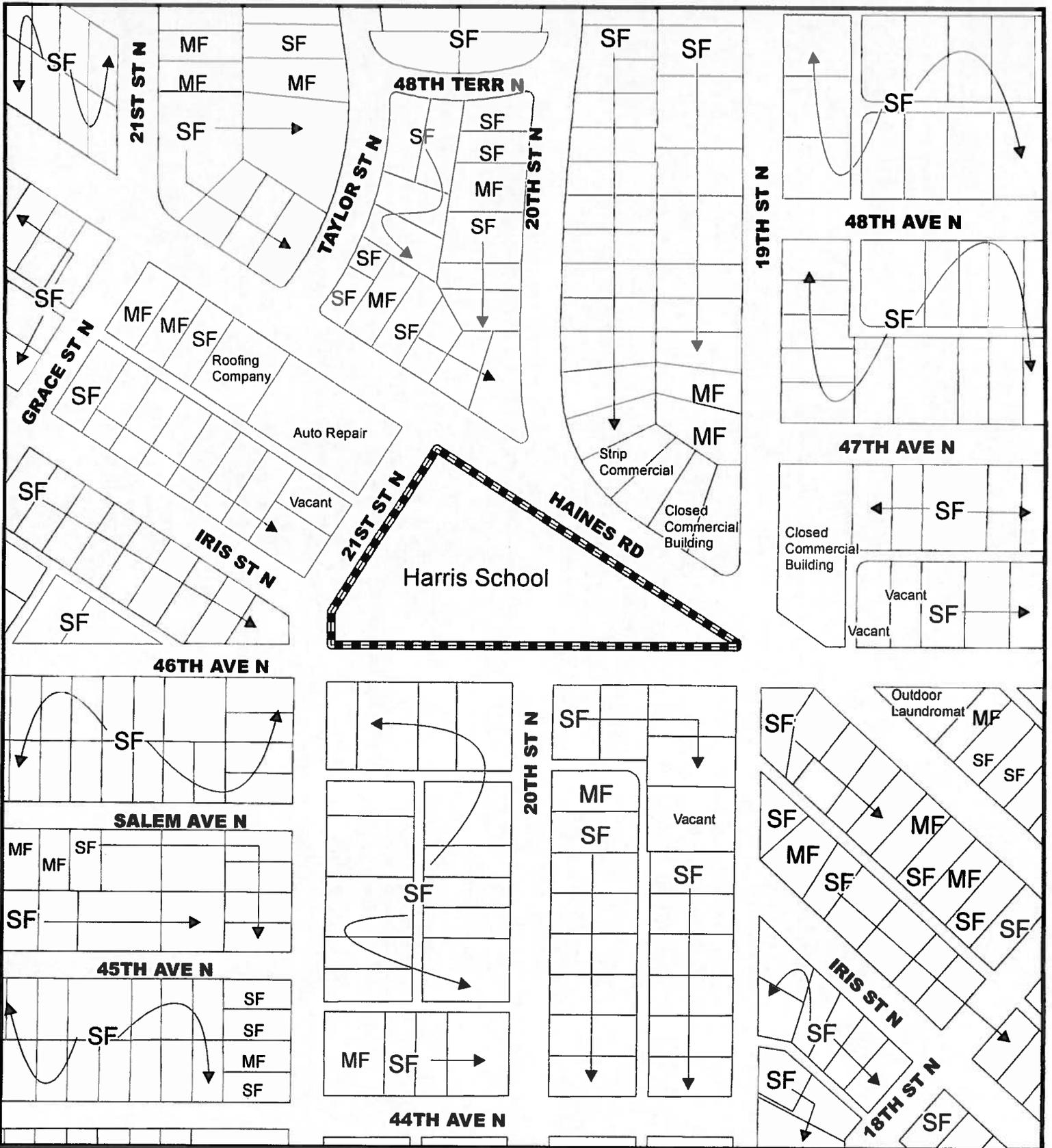
From: NT-1
(Neighborhood Traditional
Single-Family-1)

To: NSM-1
(Neighborhood Suburban
Multifamily-1)



SUBJECT AREA



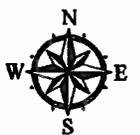


EXISTING SURROUNDING USES

CITY FILE
FLUM-21-A
 SCALE: 1" = 185'



SUBJECT AREA



ST. PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable Bill Dudley, Chair, and Members of City Council

SUBJECT: **City File: FLUM 22-A:** City-initiated application proposing amendments to the Future Land Use Map and Official Zoning Map designations for property generally located on the southwest corner of 11th Avenue South and 4th Street South, approximately 120-feet west of the intersection.

A detailed analysis of the request is provided in Staff Report FLUM 22-A, attached.

- REQUEST:** (A) ORDINANCE ____-L amending the Future Land Use Map designation from Residential Medium to Planned Redevelopment-Mixed Use.
- (B) ORDINANCE ____-Z amending the Official Zoning Map designation from NSM-1 (Neighborhood Suburban Multifamily) to CCT-1 (Corridor Commercial Traditional), or other less intensive use.

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Public Input: Three phone calls have been received, to date: the president of the Historic Roser Park Neighborhood called, as did the president of the Old Southeast Neighborhood (both requesting additional information); and the third caller was opposed to the application.

Community Planning & Preservation Commission (CPPC): On October 14, 2014 the CPPC held a public hearing regarding these amendments, and voted unanimously 7 to 0 to recommend APPROVAL.

Recommended City Council Action: 1) CONDUCT the first reading of the attached proposed ordinances; AND 2) SET the second reading and adoption public hearing for November 24, 2014.

Attachments: Ordinances (2), Staff Report

ORDINANCE NO. ___-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; CHANGING THE LAND USE DESIGNATION OF PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 11TH AVENUE SOUTH AND 4TH STREET SOUTH, APPROXIMATELY 120-FEET WEST OF THE INTERSECTION FROM RESIDENTIAL MEDIUM TO PLANNED REDEVELOPMENT-MIXED USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the City of St. Petersburg Comprehensive Plan and Future Land Use Map are required by law to be consistent with the Countywide Comprehensive Plan and Future Land Use Map and the Pinellas Planning Council is authorized to develop rules to implement the Countywide Future Land Use Map; and

WHEREAS, the St. Petersburg City Council has considered and approved the proposed St. Petersburg land use amendment provided herein as being consistent with the proposed amendment to the Countywide Future Land Use Map which has been initiated by the City; now, therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Act, as amended, and pursuant to all applicable provisions of law, the Future Land Use Map of the City of St. Petersburg Comprehensive Plan is amended by placing the hereinafter described property in the land use category as follows:

Property

The eastern 110-feet of Lot 1, Royal Poinciana Subdivision – Kamman Partial Replat.

Land Use Category

From: Residential Medium

To: Planned Redevelopment-Mixed Use

SECTION 2. All ordinances or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon approval of the required Land Use Plan change by the Pinellas County Board of County Commissioners (acting in their capacity as the Countywide Planning Authority) and upon issuance of a final order determining this amendment to be in compliance by the Department of Economic Opportunity (DOE) or until the Administration Commission issues a final order determining this amendment to be in compliance, pursuant to Section 163.3187, F.S. 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 as set forth above.

APPROVED AS TO FORM AND SUBSTANCE:

FLUM 22-A
(Land Use)


PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT 10-13-14
DATE


ASSISTANT CITY ATTORNEY 10/15/14
DATE

ORDINANCE NO. ___-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA; BY CHANGING THE ZONING OF PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 11TH AVENUE SOUTH AND 4TH STREET SOUTH, APPROXIMATELY 120- FEET WEST OF THE INTERSECTION, FROM NSM-1 (NEIGHBORHOOD SUBURBAN MULTIFAMILY) TO CCT-1 (CORRIDOR COMMERCIAL TRADITIONAL); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The Official Zoning Map of the City of St. Petersburg is amended by placing the hereinafter described property in a Zoning District as follows:

Property

The eastern 110-feet of Lot 1, Royal Poinciana Subdivision – Kamman Partial Replat.

District

From: NSM-1 (Neighborhood Suburban Multifamily)

To: CCT-1 (Corridor Commercial Traditional)

SECTION 2. All ordinances or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

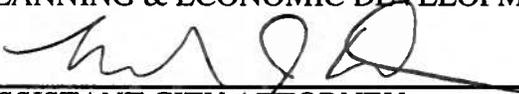
SECTION 3. This ordinance shall become effective upon the date the ordinance adopting the required amendment to the City of St. Petersburg Comprehensive Plan's Future Land Use Map becomes effective (Ordinance ___-L).

APPROVED AS TO FORM AND SUBSTANCE:

FLUM 22-A
(Zoning)


PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

10-10-14
DATE


ASSISTANT CITY ATTORNEY

10/15/14
DATE



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

For Public Hearing and Executive Action on October 14, 2014
at 3:00 p.m., in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: FLUM-22-A
Agenda Item #2

According to Planning and Economic Development Department records, no Community Planning & Preservation Commission member owns property located within 2,000 feet of the subject property. All other possible conflicts should be declared upon announcement of the item.

APPLICANT: City of St. Petersburg
City Hall - 175 5th Street North
St. Petersburg, FL 33701

PROPERTY OWNER: City of St. Petersburg
Attention: Real Estate & Property Management
P.O. Box 2842
St. Petersburg, FL 33731

SUBJECT PROPERTY:

The subject property, estimated to be 0.80 acres or 35,000 sq. ft. in size, is generally located on the southwest corner of 11th Avenue South and 4th Street South, approximately 120-feet west of the intersection. The subject property is a portion of a larger 2.5 (more or less) acre City-owned property.

PIN/LEGAL:

The subject property is a portion of parcel number 30/31/17/77418/000/0010. The subject area is legally described as the eastern 110-feet of Lot 1, Royal Poinciana Subdivision – Kamman Partial Replat.

REQUEST:

The request is to amend the Future Land Use Map designation from Residential Medium to Planned Redevelopment-Mixed Use (PR-MU) and the Official Zoning Map designation from NSM-1 (Neighborhood Suburban Multifamily) to CCT-1 (Corridor Commercial Traditional), or other less intensive use.

PURPOSE:

When combined with similarly designated property immediately abutting to the east, the requested PR-MU and CCT-1 designations will permit the Tampa Bay Innovation Center (TBIC) to construct a not-less-than 40,000 sq. ft. office building that will provide jobs and help support the City and County by providing space for research, innovation and entrepreneurs including but not limited to technology, health sciences and marine research uses. (Additional background information is provided in the Staff Analysis section of this report.)

EXISTING USES:

The subject 0.80 acre or 35,000 sq. ft. area is a portion of a larger 2.5 (more or less) acre City-owned property, and all of it is vacant.

SURROUNDING USES:

The surrounding uses are as follows:

- North: Single family homes, and a closed commercial business
- South: Booker Creek, and a mix of single and multifamily residences and vacant residential lots
- East: Vacant land on the east side of 4th Street South
- Southeast: Strip commercial
- West: Booker Creek, and a mix of single and multifamily residences and vacant residential lots

NEIGHBORHOOD ASSOCIATION:

The subject property is located within the Bartlett Park Neigh. Assoc., and is immediately south of the Historic Roser Park Neigh. Assoc., as 11th Avenue South serves as Bartlett Park's northern boundary and Historic Roser Park's southern boundary. Both neighborhoods have approved *neighborhood plans*, which are discussed briefly in the Staff Analysis section of this report. The subject property is also located northwest of the Old Southeast Neigh. Assoc. Finally, the property is located within the boundaries of the Downtown Business Association and the 4th Street Business Association. All of these associations, as well as property owners located within 200-feet of the subject area, received a 30-day notice in advance of this CPPC meeting.

ZONING HISTORY:

From 1977 to 2007, the subject property was designated with RM-12/15 (Residential Multifamily) zoning. The current NSM-1 (Neighborhood Suburban Multifamily) zoning has been in place since September 2007, following implementation of the City's Vision 2020 Plan, the City-wide rezoning and update of the City Code, Chapter 16, Land Development Regulations (LDRs).

APPLICABLE REGULATIONS:

It should be noted that the subject area will not be redeveloped separate from the (estimated) 0.80 acre parcel immediately abutting to the east.

The subject property is estimated to be 0.80 acres, or 35,000 sq. ft., in size. Development potential under the present NSM-1 zoning designation is 12 multifamily residential units, based on a density of 15 units/acre. A workforce housing density bonus of six units/acre could increase the development potential an additional five units if all of the requirements of the Workforce Housing Ordinance are met.

Development potential under the proposed CCT-1 zoning designation is as follows:

1. *Single-use residential* up to 19 multifamily units, calculated at a density of 24 units per acre. A workforce housing density bonus of six (6) units per acre could result in an additional five units for a maximum total of 24 units; and
2. *Single-use non-residential* up to 35,000 square feet of office or retail space, by right, calculated at a maximum floor-area-ratio (FAR) of 1.0.
3. *Mixed-use residential and non-residential* up to 35,000 square feet and not to exceed 24 multifamily units, calculated at a maximum floor-area-ratio (FAR) of 1.0.

STAFF ANALYSIS:

As previously stated, when combined with similarly designated property immediately abutting to the east, if approved, the requested PR-MU and CCT-1 designations for the subject property will permit the Tampa Bay Innovation Center (TBIC) to construct a not-less-than 40,000 sq. ft. office building that will provide jobs and help support the City and County by providing space for research, innovation and entrepreneurs including but not limited to technology, health sciences and marine research uses.

Background

In April 2014, the City received a proposal from the Tampa Bay Innovation Center (TBIC) to lease and develop approximately 2.5 acres of City-owned property generally located on the southwest corner of 11th Avenue South and 4th Street South. Because the eastern portion of the property is located within the Bayboro Harbor Community

Redevelopment Area (CRA) the City published a public notice (pursuant to Florida Statutes) seeking alternative proposals from the private sector or any persons/entities interested in undertaking the lease and development of the property consistent with the Bayboro Harbor Community Redevelopment Plan. No alternative proposals were received, and on June 19, 2014 the City Council approved a lease and development agreement with the TBIC. As part of the agreement, TBIC is to construct an office building at least 40,000 sq. ft. in size and endeavor to create 100 or more new jobs through the growth and development of client start-ups, an anchor tenant, and TBIC staffing needs following completion of the building.

Tampa Bay Innovation Center (TBIC)

Currently housed at the Young-Rainey Science, Technology and Research Center in Largo, the Tampa Bay Innovation Center (TBIC) is a 501(c)3 not-for-profit organization that assists emerging and entrepreneurial companies in the technology and manufacturing sectors in accelerating their success. Serving the role often played by a business incubator or business accelerator, TBIC offers a unique “mind to market” model for working with entrepreneurs from concept through exit strategy, providing mentoring, coaching, shared equipment, conference and office space, educational workshops and access to financial markets. TBIC has been in operation for more than 11 years.

In accordance with the lease and development agreement executed with the City in June 2014, TBIC will pay a nominal rent to the City for an initial term of 25 years, and will design and construct an office building not-less-than 40,000 sq. ft. in size to house entrepreneurs, scientists, researchers and innovators. Since its inception, TBIC has a proven track record in creating jobs and providing economic benefits through its incubator program where it excels in assisting emerging companies with promising technologies to become sustainable reality as it works with entrepreneurs. TBIC’s mentoring services, market research, shared equipment and shared office space help provide economic opportunity and impact for its clients.

TBIC and the City’s Greenhouse work collaboratively on programming and services, relative to the Greenhouse mission to assist entrepreneurs in the area of innovation and small business. The Greenhouse has hosted TBIC educational and outreach programs that expand the scope of resources available to the start-up community and this relationship is providing a pathway for the City’s and County’s entrepreneurial development.

Proposed Bicycle “Trailhead Park”

The western-most portion of the overall 2.5 acre City-owned property has been identified as the location of a “trailhead” park for the proposed Historic Booker Creek Trail. It is the intention of the City and the TBIC to include parking spaces for a trailhead in anticipation of the Historic Booker Creek Trail’s construction. It will include associated signage indicating that parking for trail users is permitted. The number and location of parking spaces, including the location of bicycle racks, will be determined in cooperation with the TBIC and the Transportation and Parking Management Department.

Land Use and Zoning Consistency and Compatibility

The overall character of the area immediately surrounding the subject property is (arguably) dominated by Booker Creek and the nonresidential uses along both sides of 4th Street South. The proposed PR-MU Future Land Use Map designation and CCT-1 Official Zoning Map designation are consistent with existing designations immediately to the east, along the west side of 4th Street South. Specifically, the west side of 4th Street South between the northwest corner of 11th Avenue South and 18th Avenue South is designated with PR-MU future land use and CCT-1 zoning, and it should be noted that the proposed depth of the PR-MU and CCT-1 designations is consistent with the existing depth between Paris Avenue and 18th Avenue South. However, if approved, the requested designations will encroach deeper into a residentially-designated area of the Historic Roser Park and Bartlett Park neighborhoods, potentially affecting the single family homes on the north side of 11th Avenue South. While the avenue separates the existing homes on the north side from the subject property, the residences to the west and south will continue to be buffered by Booker Creek. Additional buffering measures can be implemented during the site plan approval process as may be appropriate and necessary to ensure the proper transition. Thus, City staff believes that on balance, the request is still generally consistent with Policy LU3.4 of the Comprehensive Plan, which states that *the Land Use Plan shall provide for compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators*, and with Policy LU3.6 which states that *land planning should weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated*.

Additionally, the proposed PR-MU and CCT-1 designations are consistent with Objective LU4(2), which states *that the City shall provide opportunities for additional commercial development where appropriate*.

Bayboro Harbor Redevelopment Plan and Community Redevelopment Area

The Bayboro Harbor Redevelopment Plan was adopted by the City in 1982. The amendment area is not located within the boundaries of the Bayboro Harbor Community Redevelopment Area (CRA), however, the parcel immediately abutting to the east (fronting on the west side of 4th Street) is located within the CRA. The proposed 40,000 sq. ft. office building is consistent with the Redevelopment Plan's objective to encourage expansion and support for job creating and employment oriented uses within the CRA.

Neighborhood Plans

As previously noted, the subject property is located within the Bartlett Park neighborhood (in the far northeast corner) and is immediately south of the Historic Roser Park neighborhood, as 11th Avenue South serves as Bartlett Park's northern boundary and Historic Roser Park's southern boundary. Both neighborhoods have approved neighborhood plans.

The Bartlett Park Neighborhood Plan was approved in 1992, approximately 22 years ago. The neighborhood is divided into three zones and the subject property is located within Zone 1. There are no specific references to the subject area, and the intersection of 11th Ave. and 4th Street South is not particularly highlighted within the plan. It can be concluded however, that the Tampa Bay Innovation Center's construction of a 40,000 sq. ft. office building is supported by the neighborhood plan, because the plan strongly encourages new construction, redevelopment and rehabilitation within the overall neighborhood.

The Historic Roser Park Neighborhood Plan was originally approved in 1993, approximately 21 years ago, however, an update to the plan, entitled (RE)IMAGINE HISTORIC ROSER PARK, has been submitted to the City for review and approval (including a public hearing to be conducted by the Community Planning & Preservation Commission on October 14, 2014). The plan update identifies the intersection of 4th Street and 11th Avenue South as an important "secondary gateway" into the neighborhood, while one of the identified issues/opportunities is expanding commercial development along 4th Street. Construction of a 40,000 sq. ft. office building at the intersection of 4th Street and 11th Avenue South is a significant commercial development investment along the corridor, and will reinforce the "gateway" aspect of this intersection.

In addition, the (RE)IMAGINE Plan advocates Green Complete Streets, with bicycle and pedestrian emphasis along Roser Park Drive, 10th Avenue South and 11th Avenue South. Such emphasis will facilitate 'neighborhood' street enhancements providing connectivity intended to accommodate predominantly pedestrian and bicycle traffic.

Traffic Impact

Roadway level of service (LOS) and traffic impacts are addressed in the Impact Section of this report. To summarize, an amendment from Residential Medium to Planned Redevelopment-Mixed Use for the 0.80 acre subject area will likely result in a net increase of 112 p.m. peak hour trips, however, such an increase would not have an impact on the roadway level of service, consistent with Policy LU3.18, which states that *all retail and office activities shall be located, designed and regulated so as to benefit from the access afforded by major streets without impairing the efficiency of operation of these streets or lowering the LOS below adopted standards, and with proper facilities for pedestrian convenience and safety*, as well as Policy T1.3, which states that *the City shall review the impact of all rezoning proposals and requests to amend the FLUM on the City's transportation system. FLUM amendment requests that increase traffic generation potential shall demonstrate that roadway and/or mass transit capacity are available to accommodate the additional demand.*

Other Public Facility Level of Service (LOS) Considerations

The Level of Service (LOS) impact section of this report concludes that the proposed Plan change and rezoning will not impact the City's adopted LOS standards for public

services and facilities including schools, potable water, sanitary sewer, solid waste, traffic, mass transit, recreation, and stormwater management. The City has more than sufficient capacity to serve the amendment area.

SPECIAL NOTE ON CONCURRENCY:

Levels of Service impacts are addressed further in this report. Approval of this land use change and rezoning request does not guarantee that the subject property will meet the requirements of Concurrency at the time development permits are requested. **Completion of this land use plan change and rezoning does not guarantee the right to develop on the subject property.** Upon application for site plan review, or development permits, a full concurrency review will be completed to determine whether or not the proposed development may proceed. The property owner will have to comply with all laws and ordinances in effect at the time development permits are requested.

RECOMMENDATION:

City staff recommends **APPROVAL** of the proposal to amend the Future Land Use Map designation from Residential Medium to Planned Redevelopment-Mixed Use, and Official Zoning Map designation from NSM-1 (Neighborhood Suburban Multifamily) to CCT-1 (Corridor Commercial Traditional), or less intensive use, on the basis that the proposal is consistent with the goals, objectives and policies of the City's Comprehensive Plan.

**RESPONSES TO RELEVANT
CONSIDERATIONS ON AMENDMENTS
TO THE LAND USE PLAN:**

a. Compliance of probable use with goals, objectives, policies and guidelines of the City's Comprehensive Plan.

The following policies and objectives from the Comprehensive Plan are applicable:

- LU3.1.(F)(2) Planned Redevelopment – Mixed Use (MU) - allowing mixed use retail, office, service and medium density residential uses not to exceed a floor area ratio of 1.25 and a net residential density of 24 dwelling units per acre.
- LU3.4 The Land Use Plan shall provide for compatible land use transition through an orderly land use arrangement, proper buffering, and the use of physical and natural separators.
- LU3.6 Land planning should weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated.
- LU3.7 Land use planning decisions shall include a review to determine whether existing Land Use Plan boundaries are logically drawn in relation to existing conditions and expected future conditions.
- LU3.18 All retail and office activities shall be located, designed and regulated so as to benefit from the access afforded by major streets without impairing the efficiency of operation of these streets or lowering the LOS below adopted standards, and with proper facilities for pedestrian convenience and safety.
- LU4(2) Commercial – the City shall provide opportunities for additional commercial development where appropriate.
- T1.3 The City shall review the impact of all rezoning proposals and requests to amend the FLUM on the City's transportation system. FLUM amendment requests that increase traffic generation potential shall demonstrate that roadway and/or mass transit capacity are available to accommodate the additional demand.

- b. **Whether the proposed amendment would impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.**

The proposed amendment will not impact environmentally sensitive lands or areas which are documented habitat for listed species as defined by the Conservation Element of the Comprehensive Plan.

- c. **Whether the proposed change would alter population or the population density pattern and thereby impact residential dwelling units and or public schools.**

The proposed change will not alter population or the population density pattern, and will not increase the number of residential dwelling units nor impact public schools. In June 2014, the City Council approved a lease and development agreement with the Tampa Bay Innovation Center (TBIC) to lease and develop approximately 2.5 acres of City-owned property. The 0.80 acre area that is the subject of the land use amendment and rezoning is a portion of the overall 2.5 acre area. As part of the agreement, TBIC is to construct an office building at least 40,000 sq. ft. in size and endeavor to create 100 or more new jobs through the growth and development of client start-ups, an anchor tenant, and TBIC staffing needs following completion of the building.

- d. **Impact of the proposed amendment upon the following adopted levels of service (LOS) for public services and facilities including but not limited to: water, sewer, sanitation, traffic, mass transit, recreation, stormwater management.**

The proposed change *will not* have an impact on the City's adopted levels of service for potable water, sanitary sewer, solid waste, traffic, mass transit, stormwater management and recreation. The City has sufficient capacity to serve the subject 0.80 acre area should the proposed land use change and rezoning be approved.

WATER

Under the existing interlocal agreement with Tampa Bay Water (TBW), the region's local governments are required to project and submit, on or before February 1 of each year, the anticipated water demand for the following water year (October 1 through September 30). TBW is contractually obligated to meet the City's and other member governments' water supply needs. The City's current potable water demand is 28.3 million gallons per day.

The City's adopted level of service (LOS) standard for potable water is 125 gallons per capita per day, while the actual usage is estimated to be 79 gallons per capita per day. The demand for potable water may increase slightly under the proposed CCT-1 zoning however, there will be no impact on the City's adopted LOS standard.

WASTEWATER

The subject property is served by the Albert Whitted Water Reclamation Facility, which presently has excess capacity estimated to be 5.98 million gallons per day. Thus, there is excess sanitary sewer capacity to serve the amendment area.

SOLID WASTE

All solid waste *disposal* is the responsibility of Pinellas County. 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 Plant and the Bridgeway Acres Sanitary Landfill are the responsibility of Pinellas County Utilities, Department of Solid Waste Operations; however, they are operated and maintained under contract by two private companies. The Waste-to-Energy Plant continues to operate below its design capacity of incinerating 985,500 tons of solid waste per year. The continuation of successful recycling efforts and the efficient operation of the Waste-to-Energy Plant have helped to extend the life span of Bridgeway Acres. The landfill has approximately 30 years remaining, based on current grading and disposal plans.

There is excess solid waste capacity to serve the amendment area.

TRAFFIC

As previously stated, the subject property, estimated to be 0.80 acres in size, is generally located on the southwest corner of 11th Avenue South and 4th Street South, approximately 120-feet west of the intersection.

Based on the Pinellas County MPO's 2014 Level of Service Report, the level of service for 4th Street South, between 9th Avenue South and 18th Avenue South is "B." Fourth Street South is a collector road and is maintained by the City.

The 0.80 acre subject area's vehicle trip generation rate under the existing Residential Medium designation is approximately 8 p.m. peak hour trips, and 25 p.m. peak hour trips under the proposed Planned Redevelopment-Mixed. Thus, an amendment from Residential Medium to Planned Redevelopment-Mixed Use will likely result in a net increase of only 17 p.m. peak hour trips. Such an increase would not have an impact on the roadway level of service.

MASS TRANSIT

The Citywide LOS standard for mass transit is headways less than one hour. PSTA provides local transit service along 4th Street South (Route 4) with a 15-minute headway.

RECREATION

The City's adopted LOS standard for recreation and open space (R/OS) is nine (9) acres per 1,000 population. However, for many years the City has enjoyed an actual R/OS level of service that is estimated to be 21.9 acres per 1,000 population. The proposed amendment will not affect the City's adopted LOS standard for recreation and open space.

STORMWATER MANAGEMENT

Prior to development of the subject property, site plan approval will be required. At that time, the stormwater management system for the site will be required to meet all city and SWFWMD stormwater management criteria.

- e. **Appropriate and adequate land area sufficient for the use and reasonably anticipated operations and expansion.**

The land area is both appropriate and adequate for the anticipated use of the subject property. As has been described, when combined with similarly designated property immediately abutting to the east, the requested PR-MU and CCT-1 designations on the 0.80 acre subject area will permit the Tampa Bay Innovation Center (TBIC) to construct a not-less-than 40,000 sq. ft. office building (in accordance with a long-term land lease and development agreement with the City).

- f. **The amount and availability of vacant land or land suitable for redevelopment shown for similar uses in the City or in contiguous areas.**

There are approximately 36 acres of vacant land in the City designated with CCT-1 zoning.

- g. **Whether the proposed change is consistent with the established land use pattern.**

The proposed Planned Redevelopment Mixed-Use land use designation is consistent with the established land use pattern to the northeast, east and southeast.

- h. **Whether the existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change.**

The existing NSM-1 zoning district boundaries are not illogically drawn in relation to existing conditions.

- i. If the proposed amendment involves a change from a residential to a nonresidential use, whether more nonresidential land is needed in the proposed location to provide services or employment to the residents of the City.**

The proposed CCT-1 will still allow for a mix of uses, including multifamily residential. The purpose of the amendment is to allow the construction of an office building that is at least 40,000 sq. ft. in size and create 100 or more new jobs through the growth and development of client start-ups, an anchor tenant, and TBIC staffing needs following completion of the building.

- j. Whether the subject property is located within the 100-year flood plain or Coastal High Hazard Area as identified in the Coastal Management Element of the Comprehensive Plan.**

According to the FEMA Flood Insurance Rate Map (FIRM), the subject property is located in Flood Zone "AE" with a base flood elevation of eight (8) feet. The property is not located within the CHHA (Coastal High Hazard Area).

- k. Other pertinent information.** None.



AERIAL

CITY FILE

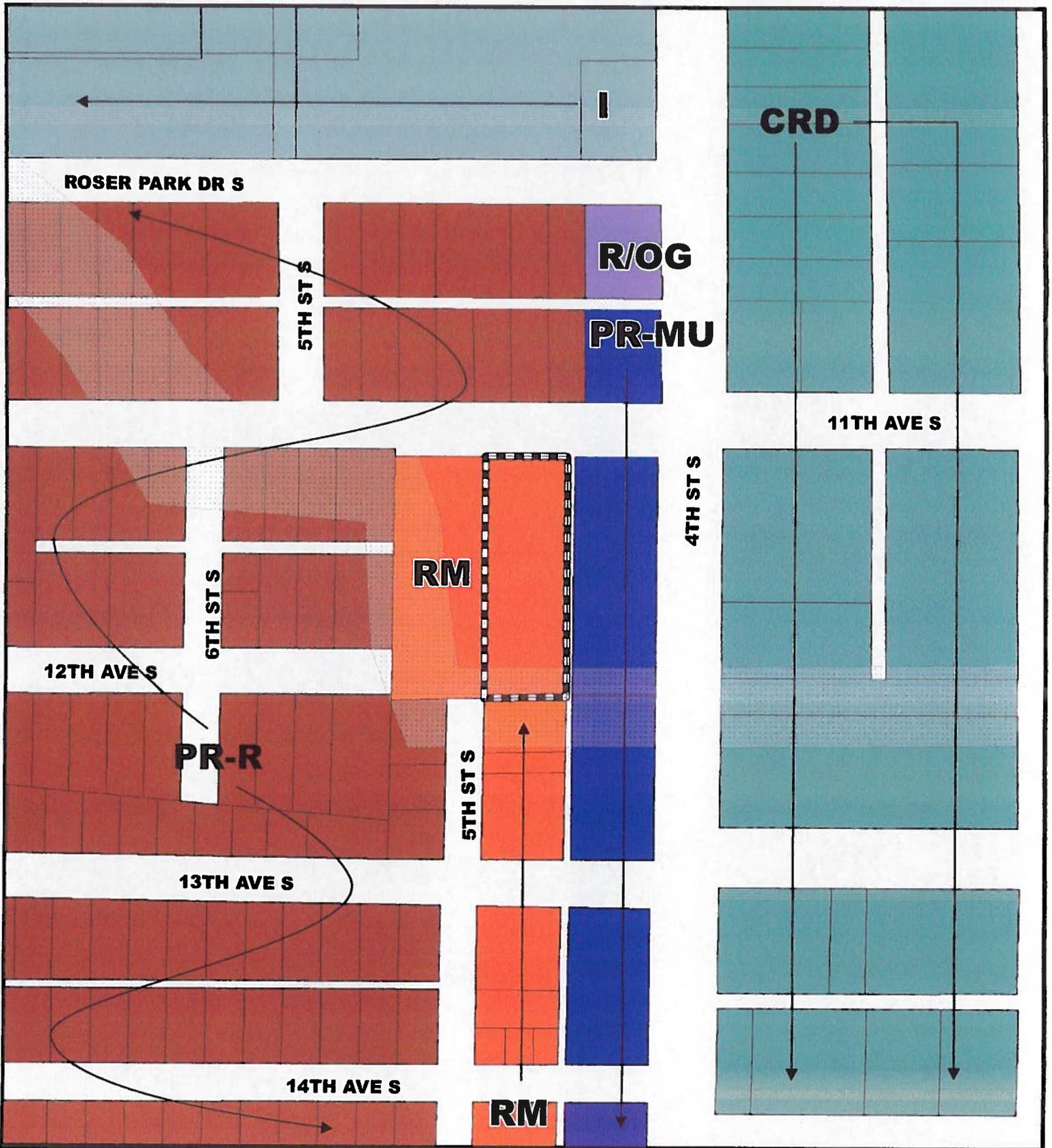
FLUM-22-A

SCALE: 1" = 167'



SUBJECT AREA





FUTURE LAND USE PLAN DESIGNATION

CITY FILE

FLUM-22-A

SCALE: 1" = 167'

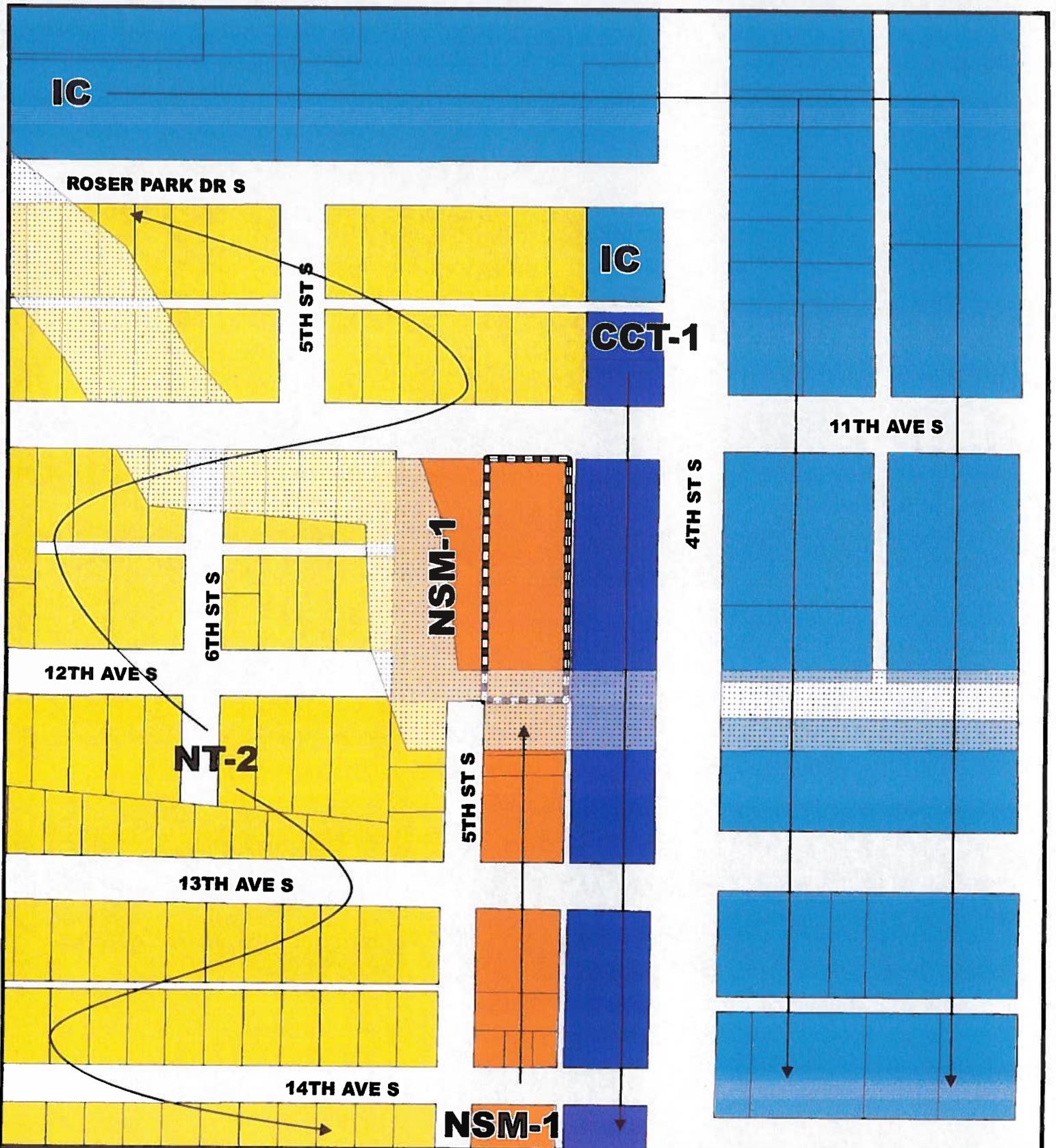
From: RM (Residential Medium)

**To: PR-MU
(to Planned Redevelopment
-Mixed Use)**



SUBJECT AREA





EXISTING ZONING

CITY FILE

FLUM-22-A

SCALE: 1" = 167'

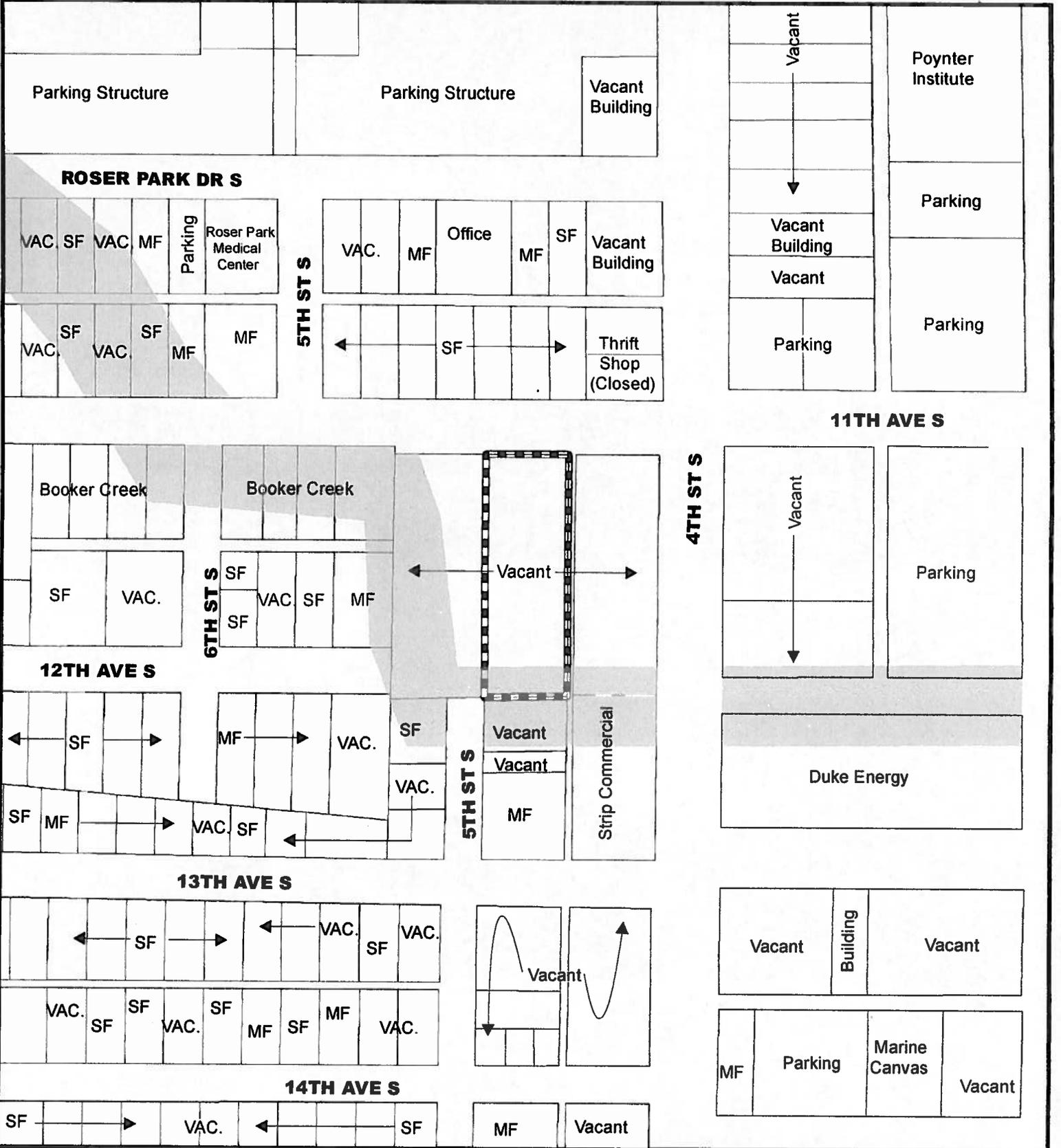
From: NSM-1
(Neighborhood Suburban
Multifamily-1)

To: CCT-1
(Corridor Commercial
Traditional-1)



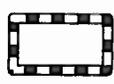
SUBJECT AREA



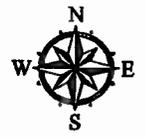


EXISTING SURROUNDING USES

CITY FILE
FLUM-22-A
 SCALE: 1" = 167'



SUBJECT AREA



ST. PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

- TO:** The Honorable William H. Dudley, Chair, and Members of City Council
- SUBJECT:** **City File LDR-2014-01:** Amendment to St. Petersburg City Code, Section 1-2, Section 8-5 and Chapter 16, Land Development Regulations (“LDRs”).
- REQUEST:** City-initiated text amendment pertaining to community gardens and fertilizer regulations. (*City Code of Ordinances, Section 1-2 titled “Definitions and Rules of Construction,” Section 8-5 titled “Recommended Fertilizer Regulations,” Chapter 16, Land Development Regulations (“LDRs”), Section 16.50.085 titled “Community Gardens” and Section 16.90.020.3 titled “Definitions”*)
- ANALYSIS:** An introduction and detailed analysis is provided in the attached staff report prepared for the Development Review Commission (DRC).
- UPDATE:** Since the DRC staff report was distributed with a draft ordinance attached, three minor edits were made, as described below.
1. Addition of more specific language relating to the proposed fertilizer regulation changes (Ordinance Title).
 2. Removal of the Downtown Center Park (DC-P) zoning district from the list of zoning districts where limited on-site retail sales of products grown on-site are permitted (Section 16.50.085.4.3.B).
 3. Edit of the language related to compliance with fertilizer regulations from specifically naming the Pinellas County ordinance to more generic language, similar to the other items included in the Environmental Compliance subsection (Section 16.50.085.4.8.D).

RECOMMENDATION: Administration: The Administration recommends APPROVAL.

Development Review Commission (DRC):

The Commission conducted a public hearing on October 1, 2014 to consider the applicant's request. The Commission voted 6-0 finding that the request is consistent with the City's Comprehensive Plan.

Recommended City Council Action:

- 1) CONDUCT the first reading;
- 2) SET the second reading and public hearing for November 24, 2014.

Public Comments:

On September 30, 2014 the President and Director of the Sustainable Urban Agriculture Coalition (SUAC) submitted a letter regarding fertilizers and urban agriculture which expressed support for the proposed ordinance.

ATTACHMENTS:

Ordinance
DRC Staff Report
SUAC Letter (September 30, 2014)

ORDINANCE NO. ____-G

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE; AMENDING SECTION 16.50.085 COMMUNITY GARDENS TO ALLOW RETAIL SALES; PROVIDING FOR ADDITIONAL FINDINGS; CREATING ADDITIONAL RESTRICTIONS AND PERMITS; AMENDING SECTION 16.90.020.3 BY CREATING A DEFINITION FOR VALUE-ADDED PRODUCTS; PROVIDING THAT ANY REFERENCE TO A CODE OR SECTION OF ANY GOVERNMENT REGULATION SHALL MEAN THAT CODE OR SECTION AS AMENDED AFTER ADOPTION OF THE REFERENCE; ADOPTING THE COUNTY ORDINANCE REGULATING FERTILIZER AS EFFECTIVE IN THE CITY AND REPEALING SECTION 8-5 RELATED TO FERTILIZER REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 16.50.085 of the St. Petersburg City Code is hereby amended to read as follows:

16.50.085.1. Applicability.

- A. This section shall apply to community garden uses as a principal use.
- B. This section shall not apply to a ~~residential~~ garden which is accessory to a principal ~~residential~~ use. Garden uses are often accessory uses to many principal uses, including residential uses, educational uses, restaurant uses, café uses, and house of worship uses.
- C. It shall be unlawful for any person to operate a community garden without a permit as required by this Chapter.

16.50.085.2. Purpose and intent.

Community gardens may create impacts which can be detrimental to the quality of life on adjacent properties. The purpose and intent of this section is to establish appropriate standards that ~~which~~ allow for a community garden use, while mitigating any associated undesirable impacts. A community garden is a principle use that ~~which~~ allows the growing, harvesting and incidental retail sale of edible fruits or vegetables or other plant products intended for ingestion by neighboring residents, friends, owners, and the permittees of the owner to grow produce and horticultural plants for their consumption and enjoyment and for the consumption and enjoyment of friends and relatives others on a not-for-profit basis, except as expressly allowed herein.

~~Community gardens may create impacts which can be detrimental to the quality of life of adjacent property owners.~~

16.50.085.3. Establishment.

~~Community garden is a use of property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment and/or for the consumption and enjoyment of friends and relatives, generally on a not for profit basis. Community garden uses are shall be allowed in any zoning district and shall comply with the development standards of the zoning district, the general development standards, and this section.~~

16.50.085.4. Use specific development standards.

16.50.085.4.1. Property maintenance.

- A. The property shall be maintained in an orderly and neat condition consistent with the City property maintenance standards.
- B. No trash or debris shall be stored or allowed to remain on the property outside of approved garbage containers.
- C. Tools and supplies shall be stored indoors or removed from the property daily.
- D. Vegetative material (e.g., compost), additional dirt for distribution and other bulk supplies shall be stored to the rear or center of the property, shall be kept in a neat and orderly fashion and shall not create a visual blight or offensive odors.
- E. Large power tools (e.g., mowers, tillers) shall be stored at the rear of the property.
- F. The community garden shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off of the property. Pesticides and fertilizers may only be stored on the property in a locked building or shed and must comply with any other applicable requirements for hazardous materials.

16.50.085.4.2. Hours of operation and noise limitations.

~~No retail sale gardening activities shall take place before 7:00 a.m. or after 9:00 p.m. sunrise or after sunset. All activities shall comply with the Noise Ordinances (currently Sec. 11-47, et. seq.) The use of hand tools and domestic gardening tools and equipment is encouraged; the use of small power equipment, such as gas powered tillers and edgers is allowed. Gas powered equipment which is greater than ten horsepower is prohibited.~~

16.50.085.4.3. Sale of produce ~~and horticultural plants.~~

- A. A community garden is not allowed ~~intended~~ to be a commercial enterprise; however, there may be occasions when surplus is available. On-site retail sales of products grown on-site, including value added-products such as pickles and jams, are permitted only in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Downtown Center Core and 1, 2, and 3 (DC Core, 1, 2, 3), Retail Center (RC), Employment Center (EC), Institutional Center (IC), and Industrial (IT, IS) zoning districts and shall comply with all the requirements of this Section. The produce and horticultural plants grown in a community garden are not intended to be sold wholesale nor offered for sale on the premises.
- B. On-site retail sales of products grown on-site are permitted in the Neighborhood Traditional (NT), Neighborhood Suburban (NS, NSM, NMH and NPUD), Corridor Residential Traditional (CRT), and Corridor Residential Suburban (CRS) zoning districts and shall

comply with all the requirements of this Section including the following additional conditions applicable only to these zoning districts:

1. Sales are limited to a maximum of one (1) special sales event per calendar month;
2. Sales are prohibited Monday through Thursday, except for national holidays;
3. Each sales event shall not exceed a total of three (3) consecutive days or, when a national holiday falls on a Thursday or Monday, four (4) consecutive days.
4. No retail sales activities shall encroach into the right of way.
5. Only one temporary sign is allowed, which shall be attached to the table, structure or furniture from which the produce is sold and only on days when retail sales are allowed.

C. Surplus produce ~~and plants~~ may be sold off the premises to assist in defraying the costs of the community garden.

16.50.085.4.4. Accessory structures.

Structures, including sheds, buildings or signs, shall comply with the requirements of the zoning district.

16.50.085.4.5. Garbage Containers. ~~Trash storage.~~

Garbage container types, use and maintenance shall comply with the Solid Waste Collection, Disposal Section of the Code (currently Ch. 27, Art. V). The property owner shall coordinate the location ~~and type~~ of the trash container used on the site with the POD. Trash containers shall be located abutting the alley. If there is no alley, then they shall be located to the rear of the property unless the POD determines that another location creates less impact on the adjacent properties and is accessible by the City's Solid Waste Collection vehicles.

16.50.085.4.6. Fencing.

All fencing shall comply with the requirements ~~for residential uses~~ in the fence, wall and hedge regulations section (currently section 16.40.040).

16.50.085.4.7. Required yards.

Plantings shall not be planted closer than five feet to the side or rear property line and not closer than ten feet to the front or street side property line. Climbing plants, such as beans and snow peas, may encroach out of these boundaries when grown on structures allowed by this Chapter. All plantings shall comply with the visibility at intersections requirements.

16.50.085.4.8. Environmental Compliance.

A. Soil. The community garden shall comply with all federal, state and local regulations pertaining to agricultural production and soil suitability.

B. Water. Water conservation and stormwater runoff prevention practices shall be employed in accordance with applicable regulations adopted by the South West Florida Water Management District (SWFWMD) and the City. In addition, it is recommended that community gardens use water conservation techniques, including sheet mulching, basins and swales, and drip irrigation systems.

C. Pesticides and Herbicides. Community gardens shall comply with all federal, state and local regulations pertaining to pesticides and herbicides.

D. Fertilizer. Community gardens shall comply with all federal, state and local regulations pertaining to fertilizer.

Section 2. The St. Petersburg City Code is hereby amended by creating a definition for 'Value-added product' in Subsection 16.90.020.3, to be listed alphabetically, which shall read as follows:

Value-added product means a crop that is altered from the harvesting stage of production to the retail sale stage with the addition of ingredients that preserve or enhance the flavor of the crop. The primary ingredients of a value-added product are crops grown and harvested on-site, and the secondary ingredients are often not grown on-site. Secondary ingredients include, but are not limited to, brine, vinegar, oil, pectin, sugar, honey, salt, spices, herbs and garlic. For example, pickles are a value-added product wherein the primary ingredient (cucumbers) are grown and harvested on-site and secondary ingredients (vinegar, salt and dill) may or may not be produced on-site.

Section 3. The following sentence in Section 16.90.020.3 of the St. Petersburg City Code (but only this sentence) is hereby amended to read as follows:

Any reference to a specific code, section, subsection, article, chapter, etc. of the City, County, or State, United States, or any other governmental entity, or to an official publication which establishes standards to be followed or best practices, shall mean and include, "as amended."

Section 4. Section 8-5 of the St. Petersburg City Code is hereby deleted in its entirety and replaced and amended to read as follows:

8-5. Fertilizer Regulations. Chapter 58, Article XIII, Sections 58-471 through 58-485 of the Pinellas County Code regulating the sale, application or other use of fertilizer shall be in full force and effect within the city limits of St. Petersburg.

Section 5. Section 1-2(a) of the St. Petersburg City Code is hereby amended by adding the following sentence at the end of the section to read as follows:

Any reference to a specific code, section, subsection, article, chapter, etc. of the City, County, State, United States, or any other governmental entity, or to an official publication which establishes standards to be followed or best practices, shall mean and include, "as amended."

Section 6. Coding: As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined 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. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

Section 7. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 8. 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 this Ordinance, in which case this 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:

A handwritten signature in blue ink, appearing to be "Nathan J. Hill", written over a horizontal line.

City Attorney (Designee)



DEVELOPMENT REVIEW COMMISSION

Prepared by the Planning & Economic Development Department,
Urban Planning and Historic Preservation Division

For Public Hearing on July 2, 2014
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

APPLICATION: LDR 2014-01

APPLICANT: The City of St. Petersburg
275 5th Street North
St. Petersburg, FL 33701

REQUEST: Text amendment related to Community Gardens and fertilizer application within the city. (*City Code of Ordinances, Chapter 16, Land Development Regulations ("LDRs"), Section 16.50.085 titled "Community Gardens" and Section 16.90.020.3 titled "Definitions." City Code of Ordinances, Chapter 1, General Provisions, Section 1-2 titled "Definitions and Rules of Construction" and Chapter 8, Buildings and Building Regulations, Section 8-5 titled "Recommended Fertilizer Regulations."*) The applicant is requesting that provisions related to community gardens be changed to allow farmers within the city more flexibility and that the current section on fertilizer application, which functions as a recommendation, be replaced with a provision which requires compliance with Pinellas County's Fertilizer Ordinance.

The applicant requests that the Development Review Commission ("DRC") review and recommend approval, confirming consistency with the City of St. Petersburg's Comprehensive Plan ("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 amendments to the LDRs.

EVALUATION:

Recommendation

The Planning & Economic Development Department finds that the proposed request is consistent with the Comprehensive Plan and recommends **APPROVAL**.

Background and Analysis

Community Gardens

In 2009 the City Council approved amendments to the LDRs creating two new sections, one which provided for community gardens as an allowable use through a special permit and the other which provided procedures for review and approval of an annual community garden permit (City File LDR2009-05, Ordinance 933-G, LDR Section 16.50.085 titled "Community Gardens" and Section 16.70.030.1.13 titled "Community Garden Permit.") Since that time the demand for urban agriculture within the City has grown, prompting inquiry into allowing urban agriculture beyond the scope of what is currently set forth in LDR Section 16.50.085.

Planning and Economic Development Department staff began researching urban agriculture, beyond the scope of community gardens, in 2013 and presented findings to the Public Service and Infrastructure Committee two times in the calendar year, on June 13 and December 12. During this time staff also received two memorandums on the topic—the first from the Sustainable Urban Agriculture Coalition (SUAC) and Bon Secures St. Petersburg Health System (dated June 10, 2013) and the second from The Edible Peace Patch Project (dated July 10, 2013). In 2013 staff also met with representatives from SUAC and the Edible Peace Patch Project on multiple occasions. During 2013 staff conducted extensive research based on input from both the Public Service and Infrastructure Committee Members and the community organizations.

By early spring 2014 staff had two urban agriculture working drafts; one was referred to as the "short-term" ordinance and the other as the "long-term" ordinance. The reason for the two draft ordinances relates to the structure of land use planning in Pinellas County. The Pinellas Planning Council (PPC) is responsible for the Countywide Future Land Use Map and the accompanying *Countywide Plan Rules*, which sets maximum densities, intensities and uses by Future Land Use Map categories. Each City zoning district must be compatible with a Future Land Use Map category; each zoning district can be more prohibitive than the maximum densities, intensities and uses set forth in the *Rules*, but cannot be more permissive unless the City undergoes what is called the "Special Area Plan" process (e.g., our Vision 2020 Special Area Plan). Due to this framework, "Agricultural" uses are only currently allowed in four (4) of the 17 Future Land Use Map categories designated within the city, Residential Low (RL), Residential Urban (RU), Industrial Limited (IL), and Industrial General (IG). The current Community Gardens use in the LDRs is structured as a special permit that has to be obtained, so is not a by-right use listed in LDR Section 16.10.020.1 titled "Matrix: Use Permissions, Parking Requirements Matrix and Zoning Matrix."

The purpose of the draft short-term ordinance was to fine-tune the current Community Gardens permitting system to allow flexibility for farmers within the framework of the current *Rules*. The purpose of the draft long-term ordinance was to delete the current Community

Gardens permitting system and add "Urban Agriculture" as a by-right permitted use in several zoning districts, when allowed by the updated *Rules*.

On March 20, 2014, staff met with the SUAC Board and a representative from the Edible Peace Patch Project to present these two (2) draft ordinances for comment and discussion. Concerns were raised regarding the time-frame for the long-term ordinance; other discussion centered on operational characteristics of urban farming generally and was not specific to the ordinances presented. Following the meeting several SUAC Board Members provided comments on the ordinances which were addressed and incorporated into the draft ordinances.

The draft ordinances were presented to the Sustainability Council at its March 26, 2014 meeting. In June 2013, the City Council passed a resolution establishing a Sustainability Council to address the four E's: economy, environment, (social) equity and efficiency. Since that time, the Council organized into four (4) groups: Built Environment, Mobility, Community and Health. Comments received from the Sustainability Council's Health Group have also been addressed and incorporated into the ordinances.

The draft ordinances were presented to the All Children's Hospital Community Health Coalition at its May 30, 2014 meeting.

On July 17, 2014 the draft ordinances were presented to the Public Service and Infrastructure Committee. Committee Member comments included a request that staff add a provision requiring garbage containers be animal-proof and a provision which explicitly requires community gardens to follow the City's ordinance relating to fertilizer application. As a follow-up to the container request, Planning and Economic Development staff consulted with the Sanitation Department. Sanitation Department staff referred to the Code of Ordinances, Part II, Chapter 27, Article V, Division 2 titled "Containers." These provisions require property owners to keep containers tightly covered at all times and also dictate the type, specification and location on the property of garbage containers. Since other uses (e.g., restaurants, grocery stores) exist within the City that regularly deposit food scraps and waste, staff recommends continued enforcement of the existing provisions rather than creation of new regulations specifically for community gardens.

Fertilizer Regulations

Following-up on the fertilizer request, the City Attorney's Office staff noticed that the City ordinance pertaining to fertilizer application (Ordinance No. 920-G) only contains a *recommendation* that citizens refrain from using fertilizers containing nitrogen and phosphorous during the restricted season, but it is not *required*. Pinellas County's Fertilizer Ordinance, which does contain such a fertilizer application requirement, exempts community vegetable gardens and bona fide agricultural operations from compliance. However, the ordinance does require community vegetable gardens to comply with fertilizer application rates in the UF/IFAS Florida Vegetable Gardening Guide. To obtain a better understanding on this item, City staff met with SUAC Board Members on September 22, 2014. The SUAC Board meeting was attended by those with extensive experience in urban gardening. Key points on fertilizer shared by those in attendance included:

- Most edible plants are not grown during the restricted season, although some are (e.g., watermelon);

- The amount of acreage used for community gardens is very small, therefore run-off impacts are de minimus when compared to the impacts of using fertilizer on residential lawns;
- The current Community Gardens section already requires that the garden be designed to prevent any fertilizer waste from draining off of the property; and
- The fertilizer run-off from an eight (8) acre farm is equivalent to that of a one (1) acre single family home property.

According to UF/IFAS literature, unless very large quantities of organic fertilizer materials are used, commercial synthetic fertilizer is usually needed for Florida gardens. Based on the input of SUAC Board Members and UF/IFAS literature, staff does not recommend any additional fertilizer regulations for community gardens, beyond what is required by the Pinellas County ordinance.

Future Considerations

Review of the draft ordinances by the City Attorney's Office in late July and August 2014 raised implications related to the Florida Right to Farm Act (FRTFA). The FRTFA restricts nuisance suits against farm operations and does not allow local governments to adopt any rules or ordinances which restrict or limit land used for bona fide agricultural purposes. Bona fide agricultural purposes means good faith commercial agricultural use of the land. Based on this information, it was determined that the draft long-term ordinance, which describes urban agriculture as a commercial use, needs further research and vetting before consideration for adoption. However, similar concerns with the draft short-term ordinance were resolved through relatively minor edits to the language.

Proposed Ordinance Summary

The draft ordinance is based on memorandums received from community groups, staff research and feedback on the draft ordinance. The draft ordinance proposes amendments to three (3) sections of the LDRs and will accomplish the following:

- Allow flexibility for community gardens considered accessory to an allowable principal use—the provisions of LDR Section 16.50.085 titled *Community Gardens* will not apply;
- Clarify that community gardens must operate in accordance with the Noise Ordinance in Chapter 11, removing references to a specific horsepower threshold for gas powered equipment;
- Allow on-site retail sales of products grown on-site in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Downtown Center Core and 1, 2, and 3 (DC Core, 1, 2, 3), Retail Center (RC), Employment Center (EC), Institutional Center (IC), and Industrial (IT, IS) zoning districts;
- Allow on-site retail sales of products grown on-site in the Neighborhood Traditional (NT), Neighborhood Suburban (NS, NSM, NMH and NPUD), Corridor Residential Traditional (CRT), Corridor Residential Suburban (CRS), and Downtown Center Park (DC-P) zoning districts subject to certain conditions and on a limited basis;
- Clarify that garbage containers must comply with the Solid Waste Collection, Disposal Section of the Code, removing references to specific provisions for community gardens;

- Establish an Environmental Compliance subsection, aimed at educating and raising awareness among community garden operators of applicable federal, state, regional and county soil, water, fertilizer and pesticide and herbicide regulations;
- Establish a definition for *Value-added product*; and
- Add the County, United States and other governmental entities to the list of cited governments in the Definitions section of the LDRs which sets forth that referenced regulations shall mean and include “as amended.”

The draft ordinance also proposes amendments to two (2) sections of the Code of Ordinances and will accomplish the following:

- Delete section making recommendations on fertilizer application in its entirety and replace with language specifying that the Fertilizer Regulations in the Pinellas County Code shall be in full force within city limits.
- Establish in the Definitions section of the Code of Ordinances that references to government regulations shall mean and include “as amended” to avoid confusion since regulations are frequently amended.

The proposed ordinance revises the current Community Garden section, clarifying certain provisions and expanding opportunities where appropriate. It also requires compliance with fertilizer application regulations which limit the use of fertilizers containing nitrogen and phosphorous from June 1st to September 30th. Based on the extensive public input provided, City Staff believes these proposed amendments balance the general interests of community garden operators and the potential concerns of neighboring property owners.

Compliance with the Comprehensive Plan

The following objectives and policies from the Comprehensive Plan are applicable to the proposed amendment:

Objective LU21: 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 LU21.1: 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.

Objective LU25: The City shall support site planning and building design techniques that minimize heat island effects, which can warm surface temperatures and increase the use of air conditioning, resulting in greater energy use and GHG emissions.

Objective C2: The City of St. Petersburg shall work toward reducing the existing quantity and improving the quality of Stormwater runoff to surface water bodies, and improving water quality in Tampa Bay through implementation of the SWIM Tampa Bay Management Plan.

Policy C4.1: The City shall preserve and increase vegetation (trees, shrubs, herbaceous plants) through enforcement of the existing Land Development Regulations and promote further restoration of native vegetation to produce oxygen and filter air pollutants.

Objective CM6: The City shall work toward reducing the existing quantity and improving the quality of stormwater runoff to surface water bodies, and improving water quality in Tampa Bay through implementation of the SWIM Tampa Bay Management Plan.

Policy CM6.13: The City shall maintain 50% green permeable open space citywide.

Objective R4: The City shall coordinate public, semi-public and private resources to provide adequate, appropriate open space requirements in the Land Development Regulations to maintain a Citywide total of 50 percent green, permeable open space within the City.

Housing Affordability Impact Statement

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

Adoption Schedule

The proposed amendment requires one (1) public hearing, conducted by the City of St. Petersburg City Council. The City Council shall consider the recommendation of the DRC and vote to approve, approve with modification or deny the proposed amendment:

- 11-06-2014: First Reading
- 11-24-2014: Second Reading and Public Hearing

Exhibits and Attachments

1. Proposed Ordinance
2. SUAC Letter of Support
3. Housing Affordability Impact Statement

September 24th, 2014

St. Petersburg Development Review Commission
Municipal Services Center – 1st Floor
One 4th Street N
St. Petersburg, FL 33731

Dear Members of the Development Review Commission,

The Sustainable Urban Agriculture Coalition (SUAC) wholeheartedly supports and asks you to support, the two upcoming Urban Agriculture City Ordinances: Section 16.50.085 the “short term” ordinance and Section 16.50.415 the “long term” sections as amended. SUAC worked initially and consistently with the City Planning Department, who welcomed our support, to help formulate these profound, community enriching, urban agriculture ordinances. Their outcomes allow not only a broader brushstroke to stimulate gardening and its positive accoutrements, but also small commercial agriculture enterprises.

We feel other, local entities and individuals, engaged in urban agriculture practices or wishing to do so, will also support these two ordinances.

As a non-profit entity, it is the mission of SUAC to facilitate the creation of gardens to increase accessibility to locally grown, healthy and organically grown produce and educate the populace concerning the benefits of growing your own food.

SUAC greatly appreciates, respects, and thanks The City Planning Departments' Derek Kilborn and Catherine Lee, for their research, effort, and patience from stakeholders involved in the local urban agriculture movement. The economic, social and health benefits of urban agriculture, and the proposed, progressive Urban Agriculture Ordinances will allow St. Petersburg citizens to pursue a more comprehensive, healthy, using sustainable living elements.

Thank you for your consideration,

Ray Wunderlich III SUAC President, SUAC Board of Directors

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

Each year, the City of St. Petersburg receives approximately \$2 million 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 & 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 2014-01).

III. **Impact Analysis:**

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

No (No further explanation required.)

Yes Explanation:

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

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

No (No further explanation required)

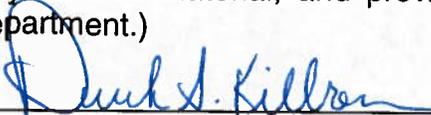
Yes Explanation:

IV: Certification

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

CHECK ONE:

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



Department Director (signature)

10.13.2014

Date

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

SUSTAINABLE URBAN AGRICULTURE COALITION

Re: St. Petersburg Urban Agriculture Ordinances

September 30, 2014

We, the Sustainable Urban Agriculture Coalition or SUAC, acknowledge the foresight of Pinellas County and the City of St. Petersburg in having legislated our current laws restricting the application of nitrogen and phosphorous fertilizers during the Florida rainy season. It is well known that in the past there have been serious environmental impacts from widespread chemical fertilizer and pesticide applications to maintain turf grass as a part of landscape settings. However, to project these same concerns and considerations on to small-scale local food growing as manifested in community gardens and other local urban food production spaces we contend is misleading and not appropriate. Here's why.

First: The degree of scale is far from equivalent. Food growing in our city is on a miniscule scale compared to the management of turf grass lawns in our residential, institutional, and public spaces. The degree of impact could not be comparable. Also because we are a city that is heavily built out there is very little opportunity for much large-scale commercial growing to expand and create negative environmental impacts. Land prices in the city are also prohibitive to commercial agriculture of any extensive size.

Second: Much of the small-scale food growing is done organically with slow release nutrients of low N-P-K analysis unlike turf grass management. These organic fertilizers generally are mostly composed of slow release natural ingredients which degrade over a much longer period of time compared to chemically formulated products and thus are not a potential environmental threat.

The chemical runoff from the average residential turf landscape produces more chemical runoff than an eight acre organic urban farm. (Paraphrase of a statement by Rick Martinez, founder and director of Sweetwater Farm, Tampa)

Third: An on-line search of urban agriculture environmental impacts generally shows an unbounded enthusiasm for the positive environmental benefits of growing food in urban areas particularly with regard to soil, water, and air pollution. It is universally acknowledged that when urban lawn areas are converted to local urban food growing there is a conversion to far fewer and less harmful fertilizer applications resulting in positive environmental improvements.

According to Mary Campbell, University of Florida/IFAS Extension Director in Pinellas County, "many progressive communities are working together to support the urban agriculture initiatives. Urban agriculture plays an important role to connect citizens to local food systems and maintain green space in urban communities. As with any new initiative, best management practices are important and can reduce concerns about

fertilizers, water use, pesticides and composting. The University of Florida/IFAS Extension supports the education to create sustainable communities and food systems. The Florida Friendly Landscape Program has a long history of educating residents on reducing the use of chemicals in our urban communities.”

Because of the above listed factors the Board of Directors of SUAC unanimously feels strongly that urban agriculture in our city should be fully supported by codes and regulations that help increase the conversion of urban land usage to local food production for the enhancement of local self-reliance, environmental quality, and sustainability here in St. Petersburg.



Ray Wunderlich
SUAC President



Bill Bilodeau
SUAC Director

ST PETERSBURG CITY COUNCIL

Meeting of November 6, 2014

TO: The Honorable William H. Dudley, Chair, and Members of City Council

SUBJECT: Amending St. Petersburg City Code, Chapter 27 (Utilities)

REQUEST: First reading of the attached ordinance amending St. Petersburg City Code, Chapter 27 Article V adding definitions, making clarifications, adding a new section with conditions and an associated monthly fee and improving consistency with state and local law

The Sanitation Department, working with the City Attorney's office, has prepared the attached proposal to amend the St. Petersburg City Code, Chapter 27. This proposal includes the addition of one (1) section and amendments to nineteen (19) sections of Chapter 27 generally providing for the creation, administration and management of a universal residential curbside recycling service.

The Sanitation Department plans to implement a universal residential curbside recycling program to collect single stream (no sort) recyclable material from single family residences. The service will be provided by the Sanitation Department with recyclables' sorting and resale services to be provided by a vendor. The proposed fee of \$2.95 per month will be separate and in addition to the fee currently charged to residents for garbage service.

Presently the City does not currently offer curbside recycling service to its residents. Residents can take their recyclables to centrally located drop off sites or subscribe to a privately operated curbside program that provides them with 2 18 gallon containers that are emptied once a week. The monthly fee for this subscription service is \$3.75 and residents must separate their recyclable material between the two containers with glass, plastics and metals going into one container and paper and cardboard into the second container. The city's proposed rate of \$2.95 is comparable to that paid by residents of other cities.

The Sanitation Department proposes to operate this program to be made available to all single family residences. Each single family residence will receive a 95 gallon container into which they can place their co mingled recyclables. The container will be emptied once every 2 weeks by automated collection vehicles. The material will be taken to a sorting facility operated by the private sector. The proposed monthly fee for each residence of \$2.95 will cover the costs of the program net of any revenues received from the processor for the sale of the recyclables. The equipment to operate the program has a six month lead time so it is expected that the service will begin in the late spring/summer of 2015. The City will embark on an extensive outreach and education program to let residents know when and how the program will work. Incentives will be offered to encourage participation in the form of coupons and or rewards.

This method of collecting single stream recyclables at the curb in 95 gallon containers is both cost effective for the City and convenient for residents. The convenience aspect will result in more recyclable material being diverted from the waste stream.

All residents will pay the monthly fee whether they choose to participate in the program or not.

Once the new service with respective rate is approved, trucks and containers will be procured and readied for service, staff will be hired/assigned to provide the service, the sorting service vendor contract will be approved, and a public outreach and education service will be approved. The trucks take at least 6 months to manufacture. The containers also must be manufactured, assembled and delivered. Service should commence in the spring/summer of 2015.

Recommendation:

Administration:

The Administration recommends APPROVAL.

Recommended City Council Action:

1. CONDUCT the first reading of the proposed ordinance; and
2. SET the second reading and adoption public hearing for November 24th, 2014.

Attachments: Ordinance

AN ORDINANCE AMENDING CHAPTER 27 OF THE ST. PETERSBURG CITY CODE; CREATING DEFINITIONS FOR SINGLE-FAMILY RESIDENCE AND TERMS RELATED TO RECYCLING; ADDING REFERENCES TO CURBSIDE RECYCLING AND RECYCLABLE MATERIALS; ESTABLISHING REGULATIONS FOR THE USE OF CITY-ISSUED BULK RECYCLING CONTAINERS AND FREQUENCY OF COLLECTION BY CITY; PROVIDING RATES FOR UNIVERSAL CURBSIDE RECYCLING FOR SINGLE-FAMILY RESIDENCES; PROVIDING ADDITIONAL CLARIFYING LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

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

Section One. Section 27-464 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-464. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulk garbage container means metallic and nonmetallic containers provided by the City ~~including but not limited to the 90- and 300-gallon containers, and the one yard, two yard, three-yard, four yard, five yard, six yard, eight yard, and ten yard containers for the collection of~~ garbage.

Bulk recycling container means metallic and nonmetallic containers provided by the City for the collection of recyclable materials.

Business and institutional means any commercial, industrial and institutional enterprise. Included in this category are domiciliary homes, resident schools, hotels, motels and all other like uses.

Certified recovered materials dealer means a dealer certified under this article.

Commercial establishment means any public or private place, building or enterprise zoned or used for commercial industrial uses, or used by an entity exempt from taxation under section 501(c)(3) of the Internal Revenue Code, whether non-profit-making in nature, except where the place, building, or enterprise constitutes a single-family residence or a multifamily residential dwelling.

Commercial rubbish means every waste accumulation of dust, paper, paper cartons, cardboard, cardboard cartons, excelsior, rags or other accumulations other than garbage or household rubbish, which are usually attendant to the operation of stores, offices and similar businesses.

Construction and demolition debris means nonhazardous and noninfectious material generally considered not to be water soluble, including but not limited to steel, concrete, glass, brick, asphalt, roofing material, or lumber from a construction or demolition project. Contamination of construction and demolition debris with any amount of other types of solid wastes will cause it to be classified as other than construction and demolition debris.

Garbage means every waste accumulation and animal and vegetable matter which attends the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables or other matter which is subject to decomposition, decay, putrefaction and the generation of offensive and noxious gases or odors, or which during or after decay may serve as breeding or feeding material for flies, insects or animals.

Garden trash means every waste accumulation of lawn, grass, shrubbery or dry leaf rakings, free of dirt, rocks, large branches and bulky, noncombustible material.

Hazardous wastes means materials or combinations of materials which require special management techniques because of their acute or chronic effects on air and water quality, on fish, wildlife, or other biota, and on the health and welfare of the public. These materials may include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive, mercury containing materials, and toxic materials.

Industrial waste means every waste accumulation of metal, metal products, minerals, chemicals, rocks, cement, asphalt, tar, oil, grease, glass, crockery, rubber, tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses, or other materials usually created by commercial enterprise, but not garbage, household rubbish or commercial rubbish.

Infectious wastes means those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves.

Living unit means a room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family or household for housekeeping purposes.

Multiple-family residence means all places of abode other than single-family residences. Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two or more families living independently of each other and not having common housekeeping units. This includes guesthouses, garage apartments, duplexes, apartment houses and all other similar or like places.

Noncombustibles means any refuse materials that are unburnable at ordinary incinerator temperatures (i.e., 800 degrees to 1,800 degrees Fahrenheit), and certain other refuse which for reasons of engineering or health considerations are not acceptable for incineration. Examples are tires, rocks, sand, bricks, roofing or other building materials, metals, minerals, large quantities of

glass, crockery or metal, furniture, auto bodies or parts, household appliances and other similar materials not usual to housekeeping or to the operation of stores and offices.

Recovered materials means mixed metal, which includes copper, iron, aluminum, metal alloys, or any other metallic material of value, paper, glass, plastic, textile or rubber materials that have known recycling potential, can be feasibly recycled reused or repurposed, and have been diverted and source separated or have been removed from the solid wastestream for sale, use or reuse as raw material, whether or not the materials requires subsequent processing and separation from each other; but does not include material destined for any other use that constitutes disposal. Recovered materials as described in this definition are not solid waste.

Recyclable materials means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycled means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed or reused or returned to use in the form of raw materials or products.

Roll-off container means a metallic container used for the storage, collection, and transport of commercial, institutional, or industrial solid waste. The container is pulled onto the tilt-frame of the collection vehicle with a cable by winch, reeving cylinders, or by hooks and taken to the solid waste management facility for emptying.

Rubbish means every waste accumulation of paper scraps, dust, rags, bottles, cans or other matter, other than garbage, which is usually associated with housekeeping.

Single-family residence means all places of abode other than multiple-family residences. Any building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of one family.

Single stream recycling means all recyclable materials may be placed in one bulk recycling container.

Solid waste means sludge unregulated under the Federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or rubbish, refuse, special waste or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials are not solid waste.

Solid waste management means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way according to an orderly, purposeful, and planned program which includes closure and long-term maintenance.

Source separated means the recovered materials are separated from solid waste where the recovered materials and solid waste are generated. The term "source separated" does not require that various types of recovered material be separated from each other and recognizes de minimis solid waste, in accordance with industry standard and practices, may be included in the recovered materials.

Temporary bulk container means a bulk garbage or bulk recycling container that is placed for a specific event and not emptied on a regular basis.

Tree trimmings means every waste accumulation of palm fronds, tree branches, parts of trees, bushes or shrubs, green leaf cuttings, coconuts, fruits or other matter usually created as refuse in the care of trees and large bushes.

Section Two. Section 27-465 subsection (a) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-465. – Unlawful disposal of refuse garbage, recyclable materials, or rubbish.

- a) It is unlawful to deposit garbage, recyclable materials, industrial waste, garden trash, tree trimmings, noncombustibles or rubbish upon the premises of another or upon any street, alley, park or other public property, or in any canal, water, waterway, rock pit, pool or lake within the City, or in any garbage or rubbish container upon which any other person shall have paid the collection fee as provided by this article; however, tenants of multiple-dwellings, commercial businesses or institutional establishments may deposit garbage or rubbish in containers upon which the owner or manager of the multiple-dwellings, commercial businesses or institutional establishments shall have paid the collection fee provided in this article and authorized the tenants to use such garbage or rubbish containers.

Section Three. Section 27-466 subsection (b) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-466. – Unlawful accumulations of refuse garbage, recyclable materials, or rubbish.

- b) Any single-family residence, multiple-family residence, commercial establishment or any business or institutional enterprise occupied or in operation shall be prima facie evidence that garbage, recyclable materials or rubbish is being produced and accumulated on the premises.

Section Four. Section 27-467 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-467. Burial of garbage, recyclable materials, or rubbish.

No garbage, recyclable materials or rubbish shall be buried within the City.

Section Five. Section 27-469 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-469. - Burning of garbage, recyclable materials or rubbish; incinerators.

- (a) No garbage, recyclable materials or rubbish shall be burned on any premises within the City unless a written permit therefor is first secured from the POD. Such a permit will be issued upon a showing that the proposed activity will not violate any law, ordinance, rule or regulation.
- (b) Incinerators to be installed or operated for the purpose of burning garbage, recyclable materials or rubbish shall comply with all City Codes.

Section Six. Section 27-471 subsection (a) and (b) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-471. – Time of container placement.

- (a) *Prohibited hours.* Approved bulk garbage or bulk recycling containers placed near the curb or alley shall be placed there no earlier than 7:00 p.m. of the evening preceding the collection day and must be removed to a point at the side or rear of the structure not later than the later of 7:00 p.m. of the day of collection or when the container has been emptied.
- (b) *Collection time.* All approved bulk garbage or bulk recycling containers that must be placed near the curb or alley for collection must be so placed prior to 7:00 a.m. on the day of collection. If the container is not so placed by 7:00 a.m., it will not be collected once the truck has completed that area.

Section Seven. Section 27-499 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-499. – Prerequisites to removal by the City.

No removal of garbage, recyclable materials or rubbish shall be made by the City from any premises unless the garbage, recyclable materials or rubbish is deposited in the bulk garbage or bulk recycling containers as provided in this division and the fee has been paid. There shall be no removal of any recovered materials by the City from any premises unless the recovered material is deposited in the bulk recycling container as provided in this article and all fees have been paid.

Section Eight. Section 27-501 subsection (a) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-501. – Preparation of materials for collection.

- (a) All garbage and recyclable materials, tin cans, and bottles shall first be drained of all liquids and shall be deposited in the bulk containers. Wet garbage matter shall be drained and wrapped in paper before being placed in the bulk containers. Any hazardous or infectious material of any kind shall not be deposited in or near bulk garbage or recycling refuse containers. Such items shall not be collected by the City.

Section Nine. Section 27-502 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-502. – Frequency of disposal.

All bulk garbage containers must be emptied at least twice each week in residential areas, except in times of emergency as designated by the Mayor, or where once-per-week collection for minimum users has been authorized; bulk garbage containers of commercial producers of waste shall be emptied at least twice each week, except where, due to the nature of the material, the POD may designate exemptions. The POD may require more frequent collections where necessary to keep any premises free of excess accumulation and thereby avoid the creation of a nuisance. Bulk recycling containers located at single-family residences shall generally be emptied once every two weeks.

Section Ten. Section 27-503 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-503. – Termination of service for violation of article; appeal.

The POD may deny all garbage and recyclable material collection services to persons or places in violation of this article. Any person aggrieved by any decision of the POD shall have the right to appeal the decision to the Mayor.

Section Eleven. Section 27-504 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-504. – Operation of sanitation trucks against traffic on one-way streets.

Sanitation trucks owned and operated by the City for the purpose of collecting rubbish refuse, recyclable materials or garbage may be lawfully operated against traffic on all one-way streets within the City except State highways while in the process of collecting garbage, recyclable materials or refuse rubbish provided the following conditions are met:

- (1) Each such truck shall be designed for garbage, recyclable materials or refuse-rubbish collection from the right side of the truck so that operation in derogation of one-way restriction is necessitated by the design of the truck.
- (2) While operating his truck in derogation of one-way restrictions each such truck operator shall not exceed a speed of five miles per hour and shall continuously display on the front of the truck a flashing yellow light.

Section Twelve. Section 27-534 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-534. - Bulk garbage and bulk recycling containers furnished by City.

All residents or occupants of any single-family residence, and the owner, manager or occupant of any multiple-family residence or of any business, institutional or commercial establishment within the City are hereby required to use those bulk garbage containers provided by the City for their use in which authorized garbage, recyclable material, and rubbish shall be deposited for collection by the City. All residents or occupants of a single-family residence are required to use those bulk recycling containers provided by the City for their use if they are participating in the single stream curbside recycling program. Nothing in this section of the Code shall be construed to exempt residents or occupants of single-family homes from the City's right to collect fees as provided for in the City's sanitation fee schedule.

Section Thirteen. Section 27-535 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-535. -- Specifications.

- (a) Use of a container of the type commonly sold as a garbage can must be authorized by the POD. If a container of the type commonly sold as a garbage can is used, it shall be made of metal or other suitable material, shall have two lifting handles upon the sides of the can, shall have a tight-fitting cover, shall be watertight and of a capacity of not less than ten gallons and not exceeding 30 gallons.
- (b) If a bulk garbage container is used, it shall be suitable for handling by City front-end loading units or automated side loading units.
- (c) If a plastic bag is used for garbage or rubbish, it shall be a polyethylene or heavy duty bag with a securing twist tie and placed in the bulk garbage container. Recyclable materials placed in the bulk recycling container shall not be placed in plastic bags.

Section Fourteen. Section 27-536 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-536. -- Maintenance and cleanliness; inspection; condemnation.

- a) All bulk garbage and bulk recycling containers provided by the City shall be subject to inspection and approval by the POD. All bulk garbage and bulk recycling containers shall be kept clean by the user thereof. No writings or other markings shall be painted or otherwise placed on bulk garbage or bulk recycling containers unless approved in writing in advance by the POD.
- b) Repair and/or replacement required because of the abuse or misuse by the users shall be chargeable to the user by the City. Abuse and misuse by the user shall include but not be

limited to placing hot or burning ashes, cinders and coals and chlorine containers or other combustible materials into the bulk garbage or bulk recycling container.

Section Fifteen. Section 27-537 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-537. – Containers to be free of excess liquids.

The users or owners of all containers in which garbage, recyclable materials, rubbish or garden trash is placed for collection shall keep the containers free of water or other excess liquids.

Section Sixteen. Section 27-538 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-538. – To be kept tightly covered.

Bulk Garbage and bulk recycling and ~~rubbish~~ containers shall be kept tightly covered at all times except when it is necessary to lift the cover to deposit or remove garbage, recyclable materials or rubbish. It shall be unlawful for any person to deposit in any bulk garbage or bulk recycling container any garbage, recyclable material, rubbish or other matter in such amounts as will not permit the lid of the bulk garbage or bulk recycling container to fit tightly in place.

Section Seventeen. Section 27-539 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-539. – Location of containers.

(a) Commercial bulk garbage containers shall be kept in a place easily accessible to collection vehicles at all times and no service shall be given to those places permitting objects, obstructions or vehicles to hinder in any way whatsoever the servicing of the commercial bulk garbage containers. A bulk metal commercial bulk garbage container may be located more than 50 feet from the street only if the ingress and egress is by the same driveway and an area not less than 50 feet square is provided the collection vehicles to turn around. All wires over the ingress and egress shall be more than 20 feet above ground at the lowest point. The wire height over the dumping area shall be more than 25 feet. The commercial bulk container shall be placed so that the collection vehicle can drive up, dump the containers and back out without the driver leaving the cab. Commercial bulk garbage containers placed within fences, walled areas or enclosures prior to a scheduled collection shall be placed in position for direct pickup as provided in this subsection. Such fences, walled areas and enclosures should be designed for that container only and should be a minimum of ten feet deep and ten feet wide (inside dimensions).

(b) Single-family residences, multiple-family residences and commercial establishments not using commercial bulk garbage or bulk recycling containers shall place all garbage that is to be

removed in bulk garbage containers and have a choice of curb/alley residential service or backyard residential service. Single family residences shall place recyclable materials in a bulk recycling container for curbside residential service.

(1)*Curb/alley residential service.* Bulk garbage containers shall be placed at curbside in front of property in such manner as not to obstruct pedestrian passage and no further away from the curb than two feet with the container handle away from the street, or if a serviceable alley is available, not more than three feet from the alley right-of-way. A bulk container placed in an alley will be located by the POD and not relocated without POD's permission.

(2)*Backyard residential service.* Approved waste containers shall be placed not more than 80 feet from street right-of-way and shall not be placed within any completely fenced or walled area or enclosure of any kind. This prohibition shall include sunken cans, unless such sunken cans are approved by the POD.

(3) Single-family single stream recycling service. Bulk recycling containers shall be placed curbside in front of property in such manner as not to obstruct pedestrian passage and no further away from the curb than two feet with the container handle away from the street.

(c) Containers used for the storage and collection of garbage, recyclable materials or rubbish shall not be kept upon property not owned or occupied by the person who accumulates the garbage or rubbish.

Section Eighteen. Section 27-557 subsection (a) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-557. – Sanitation Charges.

(a)*Generally.* All occupants or owners of premises in the City that are subject to having accumulations of garbage, recyclable materials, rubbish and garden trash removed and disposed of by the City shall be required to pay charges for garbage, recyclable materials and rubbish removal, and these charges shall be paid to the City and will be billed with water and sewer service billings. When a water service is active and unless specifically included in other sections of this article, all occupants or owners of premises in the City shall pay a removal charge as follows:

(1) 90 gallon or 300 gallon bulk garbage container can service (twice-per-week).

a. *Curbside/alley monthly charge.*

1. Single-family residence*\$22.33

Each additional automated 90-gallon bulk garbage container can (six-month minimum)12.31

2. Multiple-family residence, per unit22.33

3. Business or institution:

One automated 90-gallon can22.33

Each additional automated 90-gallon can (six-month minimum)12.31

b. *Backyard monthly charge.*

1. Single-family residence*:

One automated 90-gallon bulk garbage container can or two cans, manual system53.27

Each additional automated 90-gallon bulk garbage container can or two bulk garbage containers cans, manual system26.10

2. Multifamily residence, per unit53.27

3. Business or institution:

One automated 90-gallon can or two cans, manual system53.27

Each additional automated 90-gallon can or two cans, manual system26.10

~~Note—Each mobile home space constitutes a single-family residential unit.~~

c. Mobile home space. Each mobile home space constitutes a single family residential unit.

(2) 90 gallon bulk garbage container ~~Can~~ service (once-per-week).

a. Once-per-week collection status will be made available. To qualify, the customer must make application to the POD, and meet all of the following criteria:

1. Have a single-family residence;

2. Have a household consisting of only one person ~~(with or without permitted curbside recycling)~~ or two persons with permitted curbside recycling;

3. Have a lot size of 8,500 square feet or less; and

4. In the billing month, have water consumption of 5,000 gallons or less. If water consumption exceeds 5,000 in a given month, then the twice-per-week rate shall apply.

The once-per-week status will be granted to customers who share a large automated ~~can~~ bulk garbage container if they meet the criteria of this subsection (a)(2)a.

b. Single-family residence, once-per-week, monthly charge17.69

c. Once a week garbage collection service will be withdrawn and twice a week garbage service instituted at the prescribed charge therefor upon 15 days' written notice to the

customer (occupant or owner) with the notice provided by regular United States mail or by delivery to the premises served. Notice shall be complete upon mailing or delivery. Such notice shall be given if the POD determines that one of the following has occurred in connection with the once a week service:

1. A potential or actual health hazard or odor problem has occurred or is occurring due to the once a week garbage service; or
2. Sufficient material is being placed in the container that once a week service is not adequate for removal.

d. The owner or occupant given such notice may appeal the decision to withdraw once a week service by giving written notice thereof in the manner and to the person prescribed in the notice of withdrawal of once a week service along with payment of the prescribed fee therefor. The notice of appeal must be actually delivered to and stamped received by the POD within ten days of the date of mailing of the notice of withdrawal of once a week service.

The Mayor shall by administrative regulation provide for the processing of appeals including the amount of the fee therefor and who shall determine appeals. All appeals shall be determined according to the evidence presented. The appellant and the POD shall have a right to be present and present evidence and be heard. The strict rules of evidence shall not apply.

e. If once a week garbage service has been withdrawn as provided herein it shall not be reinstated until one year has elapsed and then only upon proper application.

(3) Other bulk container ~~can~~ service fees.

a. Standby fees and criteria for charging such fees are discussed in section 27-132(3)b. The monthly standby fee shall be\$11.48

b. Other fees. A one-time placement fee for an additional 90-gallon can will be10.63

c. Single stream recycling fee. A monthly fee for single family residence bulk recycling container service shall be....\$2.95

(4) Roll off container service. Where a roll off container is used the charge is per pull. It is \$1.62 per cubic yard capacity times the compaction ratio of one for regular containers and four for compacting containers plus the cost of disposal plus \$144.37. There is a one time placement fee of \$10.00. \$50.00 will be charged for overloaded or blocked containers; \$35.00 will be charged for cleaning.

(5) Bulk container service; ~~commercial bulk can~~ rate. Where a commercial or multi-family residential bulk container is used, the charge per cubic yard shall be based on size of container and frequency of collection as shown on Tables A—E. The monthly charge will be calculated by multiplying the charge per cubic yard from the applicable table times the size

of the bulk commercial or multi-family residential container times the number of pickups per week times 52 weeks divided by 12 months. In addition, the following charges will apply:

a. Special rollout charge, per occurrence\$3.18

b. Special pickups13.15

Plus the established per cubic yard cost from Tables A—E for that customer.

c. Special service charge for multifamily units serviced by bulk commercial or multi-family residential containers, per unit, per month5.04

Plus the appropriate bulk container rate (condominium, apartment, mobile home park, etc.)

CITY OF ST. PETERSBURG, FLORIDA

EFFECTIVE RATE COMPARISON

RATE PER CUBIC YARD

TABLE A. COMMERCIAL - UNCOMPACTED

Times/week collected	1	2	3	4	5	6	7
1 cubic yard	\$15.64	\$13.76	\$13.12	\$12.81	\$12.63	\$12.50	\$12.41
2 cubic yards	10.31	9.36	9.04	8.87	8.77	8.71	8.65
3 cubic yards	8.64	7.94	7.70	7.59	7.51	7.45	7.43
4 cubic yards	7.75	7.20	<u>7.02</u>	6.92	6.87	6.83	6.80
5 cubic yards	7.23	6.78	6.63	6.55	6.50	6.48	6.46
6 cubic yards	6.88	6.48	6.34	6.28	6.24	6.20	6.19
8 cubic yards	6.44	6.10	5.99	5.94	5.92	5.89	5.88
10 cubic yards	6.20	5.89	5.78	5.74	5.68	5.67	5.66

TABLE B. COMMERCIAL - COMPACTED

Times/week collected	1	2	3	4	5	6	7
2 cubic yards	\$21.26	\$20.96	\$20.86	\$20.81	\$20.77	\$20.75	\$20.73
3 cubic yards	19.91	19.71	19.63	19.60	19.58	19.57	19.56
4 cubic yards	19.22	19.06	19.01	18.99	18.98	18.97	18.95
5 cubic yards	18.83	18.69	18.66	18.63	18.62	18.62	18.61
6 cubic yards	18.53	18.45	18.41	18.40	18.38	18.38	18.36
8 cubic yards	18.20	18.13	18.10	18.09	18.08	18.08	18.07

TABLE C. MULTI-FAMILY - UNCOMPACTED

Times/week collected	1	2	3	4	5	6	7
1 cubic yard	\$14.00	\$12.13	\$11.51	\$11.19	\$11.00	\$10.88	\$10.79
2 cubic yards	8.70	7.73	7.42	7.25	7.15	<u>7.08</u>	<u>7.04</u>
3 cubic yards	<u>7.02</u>	6.31	6.08	5.96	5.89	5.83	5.81
4 cubic yards	6.13	5.57	5.40	5.29	5.24	5.20	5.18
5 cubic yards	5.60	5.16	<u>5.01</u>	4.92	4.87	4.84	4.83

6 cubic yards	5.25	4.85	4.72	4.66	4.63	4.59	4.57
8 cubic yards	4.81	4.47	4.37	4.32	4.30	4.27	4.26
10 cubic yards	4.59	4.27	4.15	4.10	4.06	<u>4.05</u>	<u>4.04</u>

TABLE D. MULTI-FAMILY - COMPACTED

Times/week collected	1	2	3	4	5	6	7
2 cubic yards	\$14.77	\$14.48	\$14.36	\$14.31	\$14.28	\$14.25	\$14.23
3 cubic yards	13.42	13.21	13.13	13.10	13.08	13.07	13.06
4 cubic yards	12.72	12.58	12.52	12.50	12.49	12.48	12.46
5 cubic yards	12.33	12.21	12.17	12.14	12.13	12.13	12.12
6 cubic yards	12.05	11.95	11.91	11.90	11.89	11.89	11.88
8 cubic yards	11.71	11.63	11.60	11.59	11.58	11.58	11.57

TABLE E. CARDBOARD

Times/week collected	1	2	3	4	5	6	7
2 cubic yards	\$3.88	\$3.88	\$3.88	\$3.88	\$3.88	\$3.88	\$3.88
3 cubic yards	3.44	3.44	3.44	3.44	3.44	3.44	3.44

4 cubic yards	3.22	3.22	3.22	3.22	3.22	3.22	3.22
6 cubic yards	2.15	2.15	2.15	2.15	2.15	2.15	2.15
8 cubic yards	1.61	1.61	1.61	1.61	1.61	1.61	1.61

d. There is a one time placement fee of \$10.00 for each temporary bulk container.

(6)*Special service charges for private collection.* For nonresidential collection, the special service charge for a privately collected roll off container is \$1.62 per cubic yard capacity times the compaction ratio.

For existing nonautomated multifamily back door, door to door apartment private collection, the monthly special service charge for private collections is \$1.62 per cubic yard capacity times the compaction ratio times the frequency of pickup per month, plus an annual monitoring fee of \$5.04 per unit. The monitoring fee is to be paid annually in advance.

a. The special service charge for all other multifamily units privately collected will be \$5.04 per unit per month (condominium, apartment, mobile home park, etc.).

b. All existing nonautomated multifamily apartment back door collection, door to door by the owner, shall be allowed to continue for so long as it remains impractical for the City to provide such service.

Section Nineteen. Section 27-558 subsection (a) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-558. – Tagging containers or premises when chargers are not paid.

The POD may cause tags to be placed on bulk garbage or bulk recycling containers or premises to indicate that the collection charges provided for in this article have not been paid. It shall be unlawful for any person, except the POD, to remove any tag placed pursuant to this section.

Section Twenty. Coding: As used in this ordinance, language appearing in ~~struck-through~~ type is language to be deleted from the City Code, and underlined 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 Twenty-one. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section Twenty-two. If this ordinance is not vetoed by the mayor, and, that, if vetoed, the veto is overridden by the City Council all as provided in the City Charter; then the effective date, shall be a date specified in a published public notice placed in a newspaper, by the administration, at least ten days prior to the specified effective date. The notice shall, also be placed, at least ten days prior to the specified effective date, on the City's internet webpage or a site linked to the City's webpage. The notice shall provide a brief explanation of the program and publish the amount of the fee. The effective date shall coincide with the date by which the City has acquired the workers and equipment necessary to begin the recycling program.

Approved as to form and content:


City Attorney (designee)
Jordan Rivers
Legal: 00205379.doc

COUNCIL AGENDA NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: **October 14, 2014**

COUNCIL DATE: **November 6, 2014**

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

ACTION DESIRED:

Respectfully requesting Administration provide to the PS&I Committee an amendment to our development ordinances relating to the allowable hours for pile driving projects within 1000 feet of residential units. If pile driving started at 9 AM, it would have a significant positive impact on sleeping abilities.

RATIONALE:

High rise development may require pile driven vs. auger driven footings. For the last six months pile driving has started at 7 AM at a downtown construction project five days a week which obviously ends the ability to sleep within several blocks of the construction site. It is in the community's interest to both encourage the development of downtown and to allow nearby residents a decent night's sleep. Depending upon the geology, there will be additional high rise development very soon that will likely require pile driven foundation. We should address this issue before additional developments break ground.

Karl Nurse
Council Member

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: Members of City Council

DATE: October 16, 2014

COUNCIL DATE: November 6, 2014

RE: *Co-Naming Request*

ACTION DESIRED:

Respectfully requesting City Council discuss and consider the co-naming of 2nd Street, between 6th Avenue South and 5th Avenue North to University Way.

RATIONALE:

Attached is a letter from USFSP requesting the co-naming as part of the 50th Anniversary of the college in St. Petersburg. Happily, both SPC and USFSP are rapidly increasing the number of students along this corridor. This is part of the effort to assist in the growth of the schools and improve our community.

Attachment

Karl Nurse
Council Member

A RESOLUTION EXPRESSING THE
INTENT OF CITY COUNCIL TO SUPPORT
THE REVIEW OF RENAMING A PORTION
OF 2ND STREET; INITIATING THE STREET
RENAMING PROCESS; AND PROVIDING
AN EFFECTIVE DATE.

WHEREAS, City Council has received a request to rename 2nd Street from 6th Avenue South to 5th Avenue North as University Way from the University of South Florida St. Petersburg; and

WHEREAS, this City Council believes that it is appropriate to review the potential for the renaming of this portion of 2nd Street to University Way; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the City Council hereby initiates the street renaming process for this portion of 2nd Street to receive the recommendations of staff and the CPPC as to whether this portion, or any other portion of 2nd Street, should be renamed and whether University Way, or any other name, would be appropriate.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content::

City Attorney (designee)

USFSP
UNIVERSITY OF
SOUTH FLORIDA
ST. PETERSBURG

Mr. Karl Nurse
Councilman
City of St. Petersburg
P.O. Box 2842
St. Petersburg, Florida 33731

October 8, 2014

Dear Councilman Nurse:

As you know, the University of South Florida St. Petersburg has recently completed its strategic plan and is now beginning to implement key strategies to move forward. One of the goals of the plan is to define and articulate the distinctive identity of the institution. In listening forums with students, faculty, community and business groups, the relationship with USFSP and the City of St. Petersburg was consistently identified as central to our past and anchored to the future. Some suggested one measure of success of the plan was for the City of St. Petersburg to be recognized as a college town! As the University and the City continue to collaborate and grow together, I am requesting your consideration of co-naming Second Street "University Way" from Sixth Avenue South to Fifth Avenue North.

If approved by the City of St. Petersburg City Council, I would ask for signage to be completed in conjunction with the kick-off of the 50th Anniversary Celebration in August 2015. Helen Levine, Vice Chancellor for University Advancement, is serving as my point person for this initiative. Please direct questions to her at 727-873-4744 or hlevine@mail.usf.edu.

I am appreciative of your support and commitment to USFSP.

Best wishes,



Sophia Wisniewska, Ph.D.
Regional Chancellor

cc: Helen Levine, Vice Chancellor, University Advancement

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: **Members of City Council**

DATE: **October 21, 2014**

COUNCIL DATE: November 6, 2014

RE: Referral to Public Services & Infrastructure

ACTION DESIRED:

Respectfully requesting a referral to the Public Services & Infrastructure Committee an update on the Historic Roser Park Plan.

Bill Dudley, Chair
St. Petersburg City Council

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: Members of City Council

DATE: October 20, 2014

COUNCIL DATE: November 6, 2014

RE: *Referral to the Budget, Finance and Taxation Committee*

ACTION DESIRED:

Respectfully requesting a referral to the Budget, Finance and Taxation Committee for a staff presentation on the existing fire service pension plans and the differences between the terms of those plans.

Charlie Gerdes
Council Member

**ST. PETERSBURG CITY COUNCIL
BUDGET, FINANCE & TAXATION COMMITTEE**

Committee Report for October 23, 2014

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

Support Staff Linda Livingston, Accountant III, Finance Department
John Armbruster, Personnel Analyst III, Human Resources

Call to Order
Approval of Agenda-Approved

1. New / Deferred Business

a. Pension Accounting Changes (Fritz)

Ms. Fritz, Director of Finance, and Erika Langhans, Controller, appeared before the Committee to discuss the new pension accounting, GASB 67 and 68. The City maintains three single-employer defined plans that fall under GASB 67 and 68: ERS, Fire and Police. The new pension accounting does not change the City's other two plans: the 401a defined contribution plan and the 457 deferred compensation plan.

The City will now have the necessity for two actuarial reports: one for accounting and another for funding.

The following changes in pension accounting were discussed:

- Changes amount that an employer reports as a liability in its financial statements. (FY 2015)
- Changes the amount an employer reports as pension expense. (FY 2015)
- Changes how the employer determines the rate used to discount the total pension liability to its present value. (FY 2014)
- Limits the choice of actuarial methods an employer may use to calculate its total pension liability. (FY 2014)
- Changes how an employer amortizes the effects of various factors that affect its total pension liability. (FY 2014)
- Changes when amounts are measured. (FY 2014)

Implementation will be in FY 2014 and FY 2015 as follows:

- GASB 67/68, FY 2014
 - GASB 67 disclosures will be implemented in the CAFR as pension plans are presented as a fiduciary fund.
 - GASB 27 compliance is still needed for recording pension plans for employers.
 - Notes – GASB 67 & 27
 - RSI – GASB 67 & 27
- GASB 68, FY 2015
 - Full implementation of GASB 68.
 - "Liability" on entity wide financials statements (certain implementation TBD for ERS)
 - Accounting will be separate from funding and may show more volatility in pension expense.

Ms. Langhans said that there are state requirements that mirror the new GASB requirements and go even further. Joe Griffin, Buck Consultants, is meeting with the state to determine the impact of their requirements. Ms. Fritz stated that Florida has more oversight than most states and is better managed compared to other states. In addition, from an overall perspective, the impact to our City will be minimized because our plans are well-managed and well-controlled.

2. Continued Business / Deferred Business - None

3. Upcoming Meetings Agenda Tentative Issues

a. November 17, 2014

1. 4th Quarter Financial and Budget Report/Year End Clean-Up (Fritz/Greene)
2. Subordination Requested by Menorah Center, Inc.: To allow an increase in their bank loan of \$200,000 in order for renovations to take place to the facility to continue serving low and moderate income persons. (Johnson)

4. Adjournment – Meeting adjourned at 8:47 a.m.

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of October 23, 2014 - 9:15 a.m.
City Hall, Room 100

Members and Alternates: Chair Bill Dudley; Vice-Chair Steve Kornell, Darden Rice, Alternate: Jim Kennedy

Other present: Council Members Karl Nurse, Amy Foster, Charlie Gerdes; Support Staff: Brian Campbell, Information Technology Security Officer and primary support staff; Blaise Mazzola, Claims Supervisor and backup support staff; John Wolfe, City Attorney; Heather Judd, Assistant City Attorney; Dave Goodwin, Susan Ajoc, Todd Yost, Corey Malyszka, Elizabeth Abernethy

1) Call to Order 9:16 A.M.

2) Approval of Agenda Passed 4-0

3) Approval of Minutes Passed 4-0

a) October 9, 2014

4) New Business

a) October 23, 2014

- i) Unimproved Alleys - Dave Goodwin presented the unused ally removal pilot program options. Questions as to property lines and ownership were discussed. CM Kennedy suggested alley cleanups could be identified as potential neighborhood projects for the annual Carefest event. CM Nurse expressed concern regarding alleys being used for dumping. CM Gerdes suggested identifying the worst offenders and more rigorous enforcement. CM Rice reiterated the need for cleanup and consequences. CM Kornell expressed concern that some alleys may have tree growth that fall under the City's Tree Ordinance. CM Dudley requested staff recommendations to be prepared and presented.

Action Items: Staff to prepare recommendations, costing estimates, prioritization matrix, survey, and Information Program to be presented within 45 days.

- ii) Chain Link Fencing (on Central) – Elizabeth Abernathy presented a breakdown of existing fence regulations, current fencing examples in place along Central Avenue and possible modifications to existing code. CM Rice requested clarification on the originating referral. CM Kennedy expressed concern over potential financial impact to citizens of regulation changes. CM Kornell inquired if a citywide or “street-by-street” made sense. CM Gerdes requested clarification if existing fencing would be affected by any code changes or if it would only be prospective.

Action Items: Staff to return to Council with recommendations and cost and an Ordinance be prepared and presented to Council.

5) New Business – Referrals from Council

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of October 23, 2014 - 9:15 a.m.
City Hall, Room 100

a) None

6) Upcoming Meetings

a) November 24, 2014

- i) Towing Ordinance
- ii) Medical Marijuana

Mark Winn
Committee

7) Adjournment

Attachments: Minutes of the October 9, 2014 Committee meeting
Pending and Continuing Referral List

UNUSED ALLEY REMOVAL PILOT PROGRAM OPTIONS

INITIAL DISCUSSION

PSI COMMITTEE

October 23, 2014



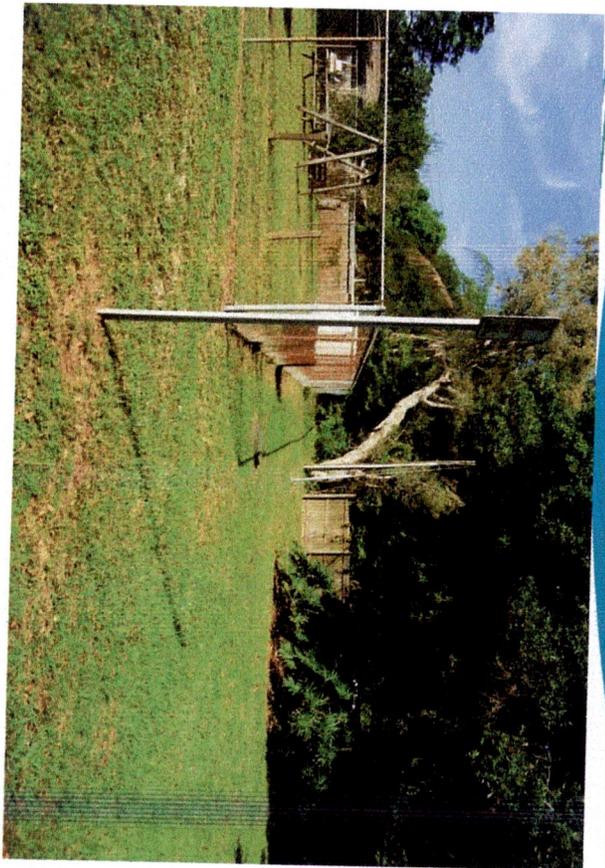
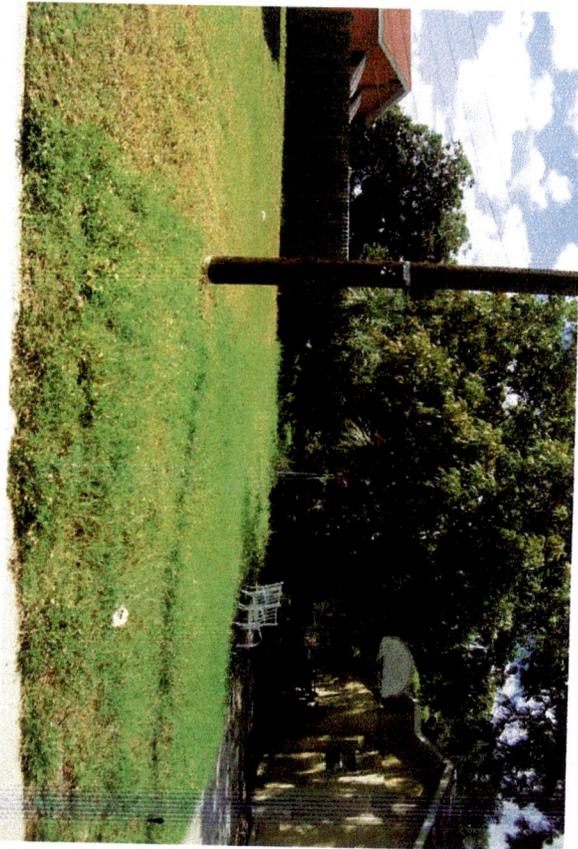
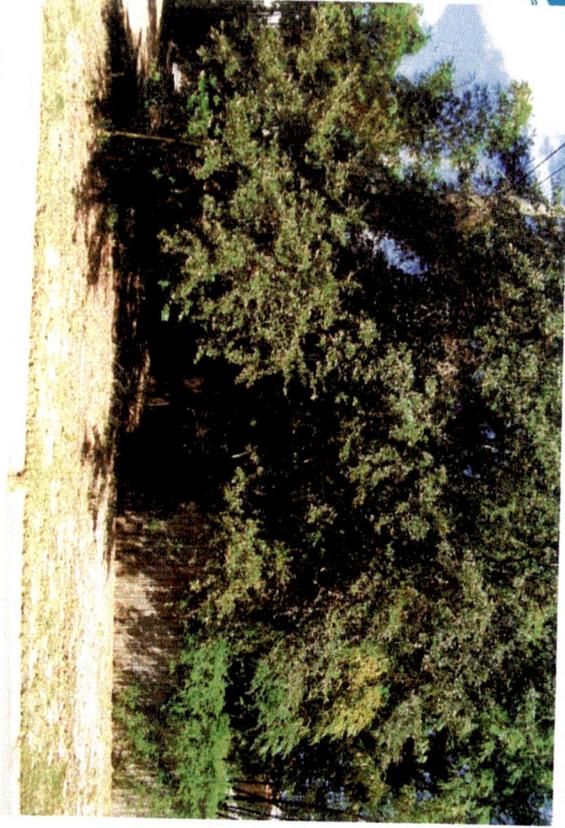
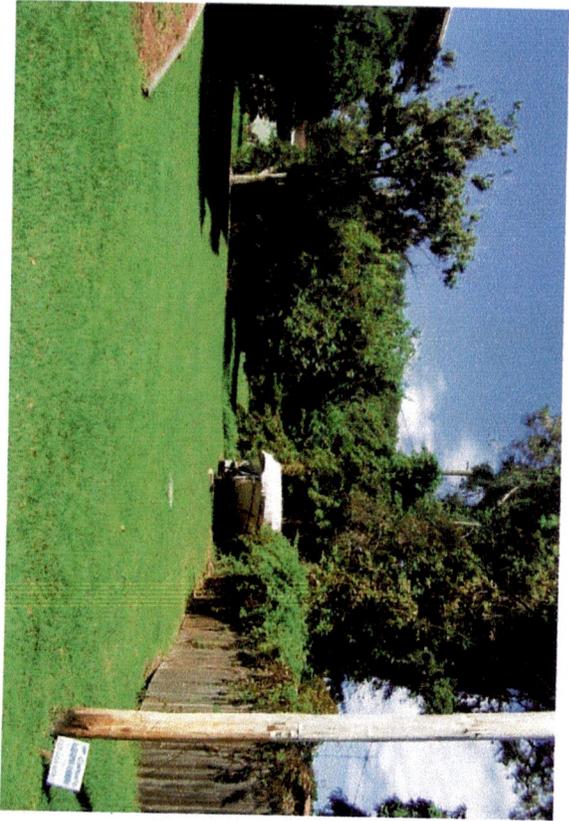
PROBLEM STATEMENT

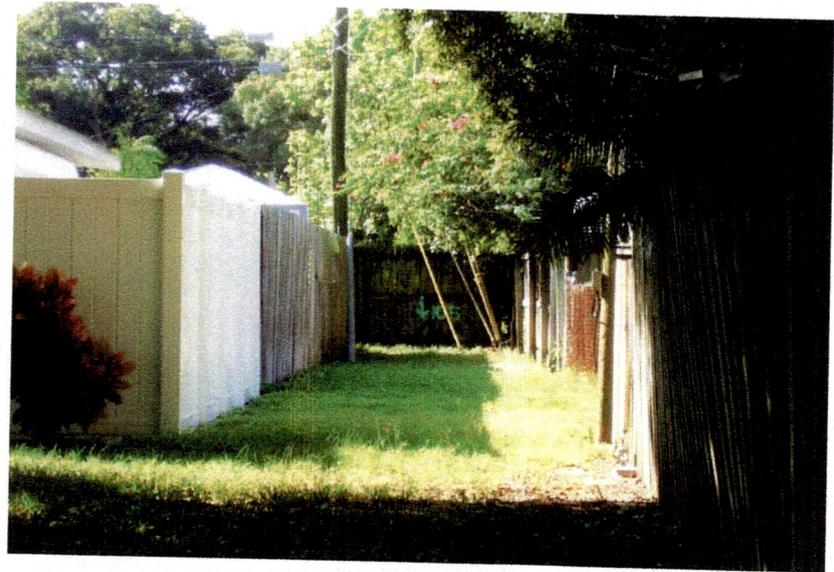
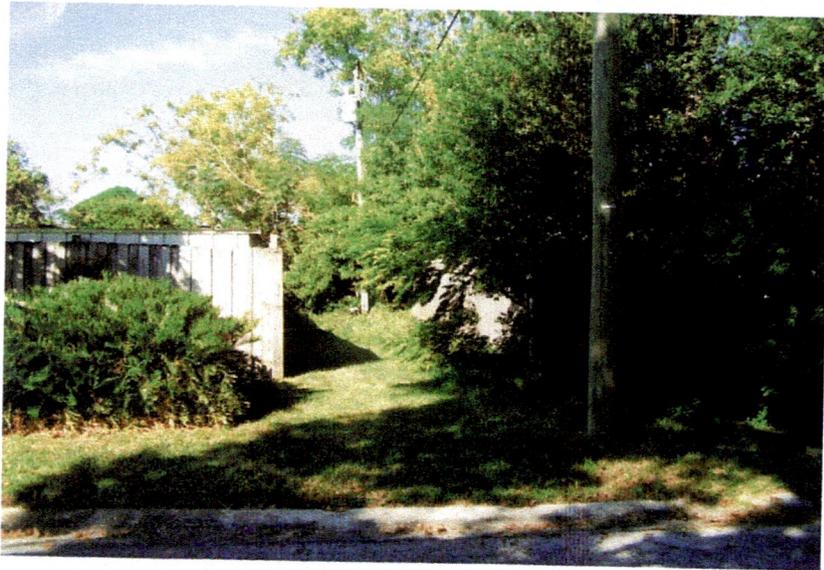
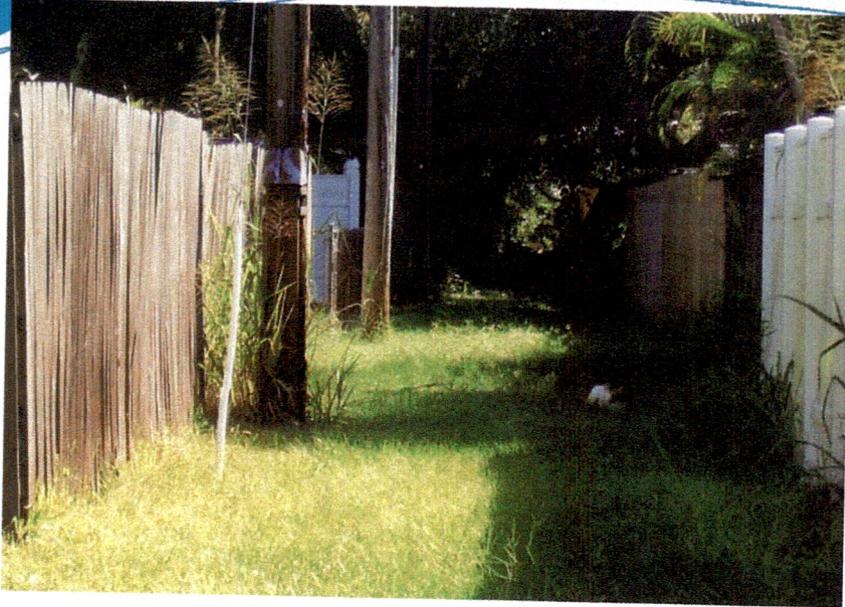
- Unused alleys create voids in maintenance responsibility and become uncared for areas that are unsightly and can attract undesirable activity
- Adjacent property owners are, by code, responsible for ROW maintenance – difficult to enforce
- Estimate that there are XXX unused alley segments in St. Petersburg

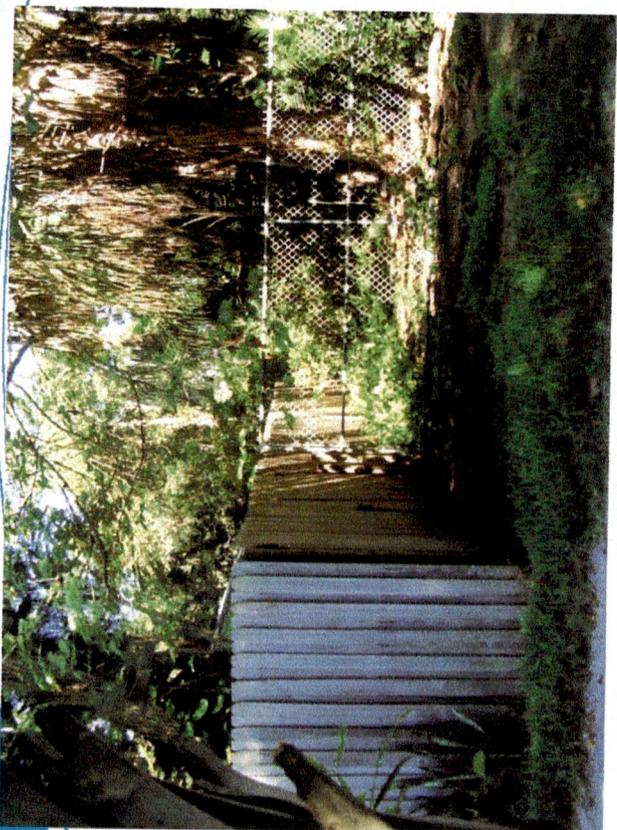
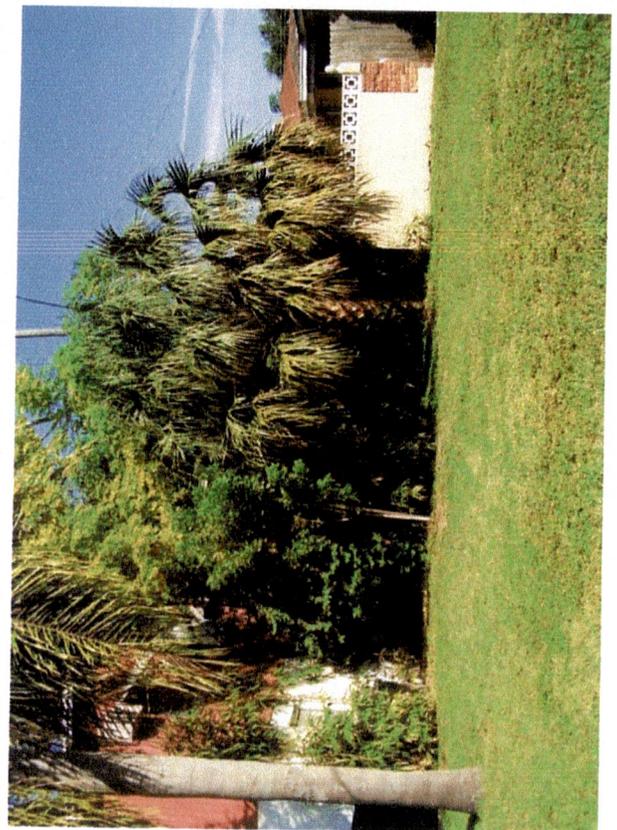
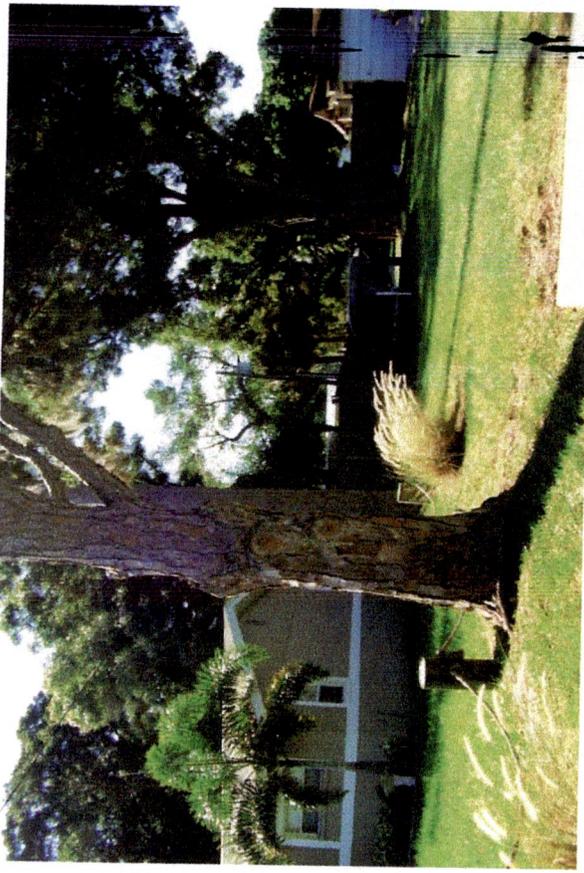


EXISTING ALLEY INVENTORY

- Inventory in process – 753 non-sanitation alleys
- http://stpmapmsc/maps/DSD/Alley_Project.mwf









REVIEW OF PREVIOUS DISCUSSION

(March 27, 2014 PSI Meeting)

- Background Information
 - Estimate XX unused alley segments
 - Private ally vacation requires owners of 51% or more of the linear frontage to sign petition/application
 - City Council may initiate alley vacations regardless of support
 - Most alleys have utilities that must be protected with an easement if ROW is vacated
 - Easement placement is difficult when multiple property owners are involved - all must sign
 - Existing fences complicate matters



REVIEW OF PREVIOUS DISCUSSION

(March 27, 2014 PSI Meeting)

- Committee request
 - ✓ Provide options for a pilot program in a designated neighborhood(s) and evaluate feasibility and time constraints of such a program



REVIEW OF PREVIOUS DISCUSSION

(March 27, 2014 PSI Meeting)

- Issues to be addressed
 - ✓ Research options to streamline easement placement process
 - ✓ Possibility of agreement between property owners to move fences
 - ✓ City installation of fences at residents expense
 - ✓ Placement of lighting in alleys
 - ✓ Program to fund one time cleaning of alleys



PILOT PROGRAM OPTIONS*

- Option 1 – Neigh. and Property Owner Driven
- Option 2 – City Driven
- Option 3 – Modified Status Quo
- Option 4 – Slightly Modified Status Quo

* All options assume streamlined easement placement



Option 1 – Neighborhood and Property Owner Driven

- Public information program
- City performs initial clean-up
- Petitions to vacate minimum threshold
- Cost of vacation application (\$1,000)
- Fence relocation is responsibility of property owners and optional
- Eventually City may begin citing for maintenance
- Estimated average City cost per alley XXXXXXXX



Option 2 – City Driven Process

- Public information program
- City Council initiates alley vacations by priority system
- Alleys are vacated by the required process
- City performs initial clean-ups in concert with vacations
- City relocates fences to center line of former alley within newly established easement
- Estimated average cost per alley segment XXXXXXXX



Option 3 – Modified Status Quo

- Public information program
- City performs initial clean-up
- Code enforcement to ensure ongoing maintenance
- Estimated average cost per alley segment XXXX



Option 4 – Slightly Modified Status Quo

- Public information program
- Amnesty period
- Code enforcement
- Estimated average cost per alley segment XXXX

Option Evaluation

(Draft)

Option	Cost to property owner	Cost to City/ tax payers	Short term effectiveness	Long term effectiveness
Option 1 (property owner driven)	Highest	Medium	Likely to be difficult to get applications processed	Fences may or may not get moved
Option 2 (City driven)	Low	Highest	Slow implementation can be expected, x alley segments per year	Highest – fences moved – however existing fence conditions uncertain
Option 3 (modified status quo)	Low	Medium	Effective (City performs initial clean-up)	Maintenance issues likely to remain a struggle – over time property owners should become familiar with the responsibility
Option 4 (slightly modified status quo)	Low	Lowest	Public education period should be expected	Maintenance issues likely to remain a struggle – over time property owners should become familiar with the responsibility



Cost factors

- Cost per square foot of initial ally clean-up \$XXX
- Cost per linear foot to relocate chain link fences \$3
- Cost per linear foot to relocate wood stockade \$12.8
- Staff costs to process vacations (each) \$3,500
- Vacation application fee \$1,000
- Cost of public information program per alley \$XXX
- Cost of City staff, neighborhood association and property owner coordination per alley \$XXX



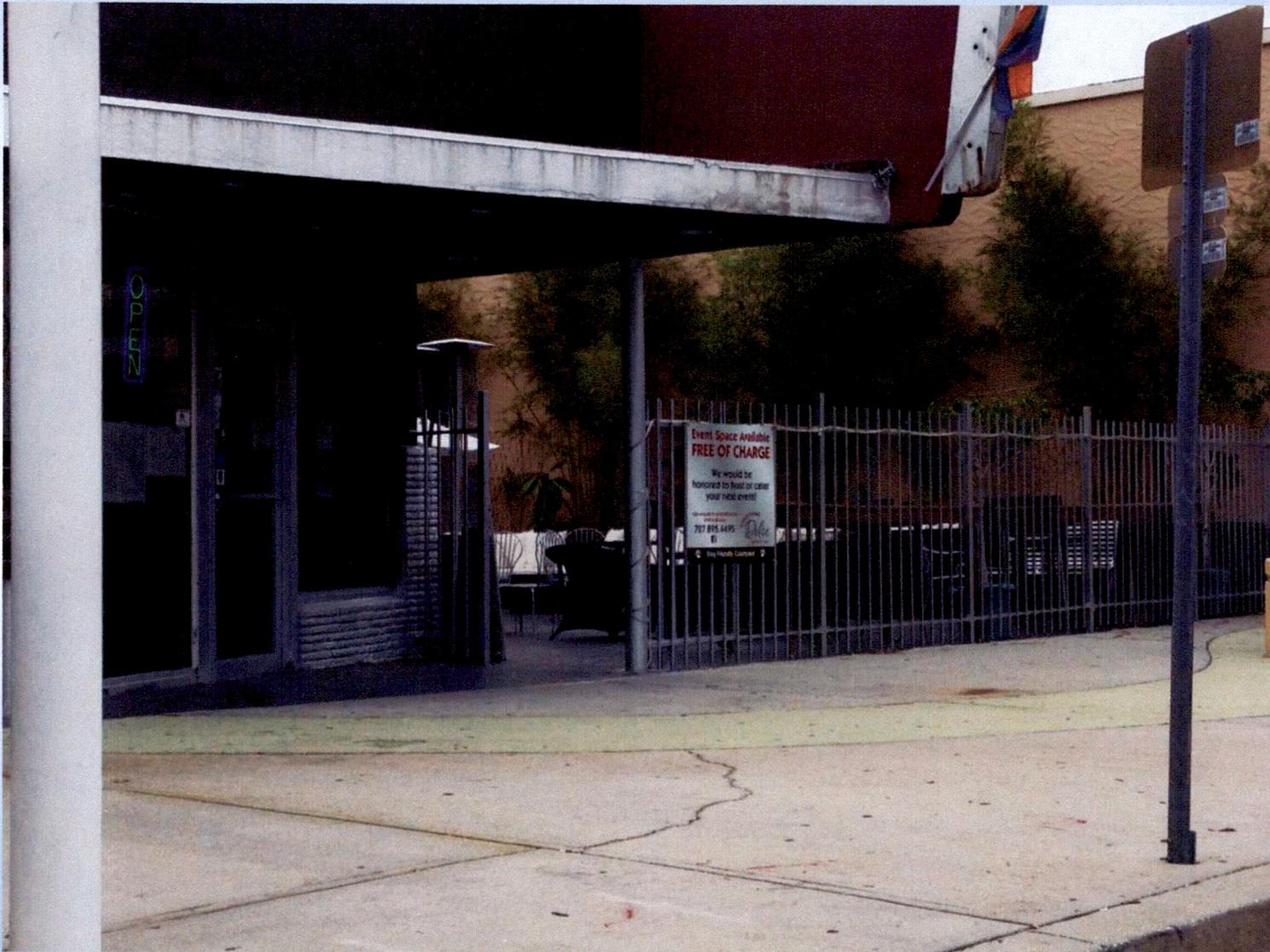
Central Avenue Chain-link Fences

**PSI Committee
October 23, 2014**

Current Regulations

Type	Chain-link Fence Requirements
Height	Allows 6-feet to the property line in zero setback districts such as Central Avenue and Downtown (code restricts height to 4' w/o landscaping or 6' with landscaping in "front yards" of other districts)
Design	Must be decorative* (vinyl-coated) when visible from major street; or landscaped
	Top rail required
	Articulation with columns or other visual breaks measuring at least 2' in width is required, every 100 feet
	Attachment of material (slats or cloth) only allowed to create a wind barrier for athletic courts or similar situations
Landscaping	N/A - Only required if fence is opaque, where visible from any street landscaped with a minimum of one shrub for every 4 linear feet and one under-story tree for every 25 linear feet

Existing Fences



Existing Fences



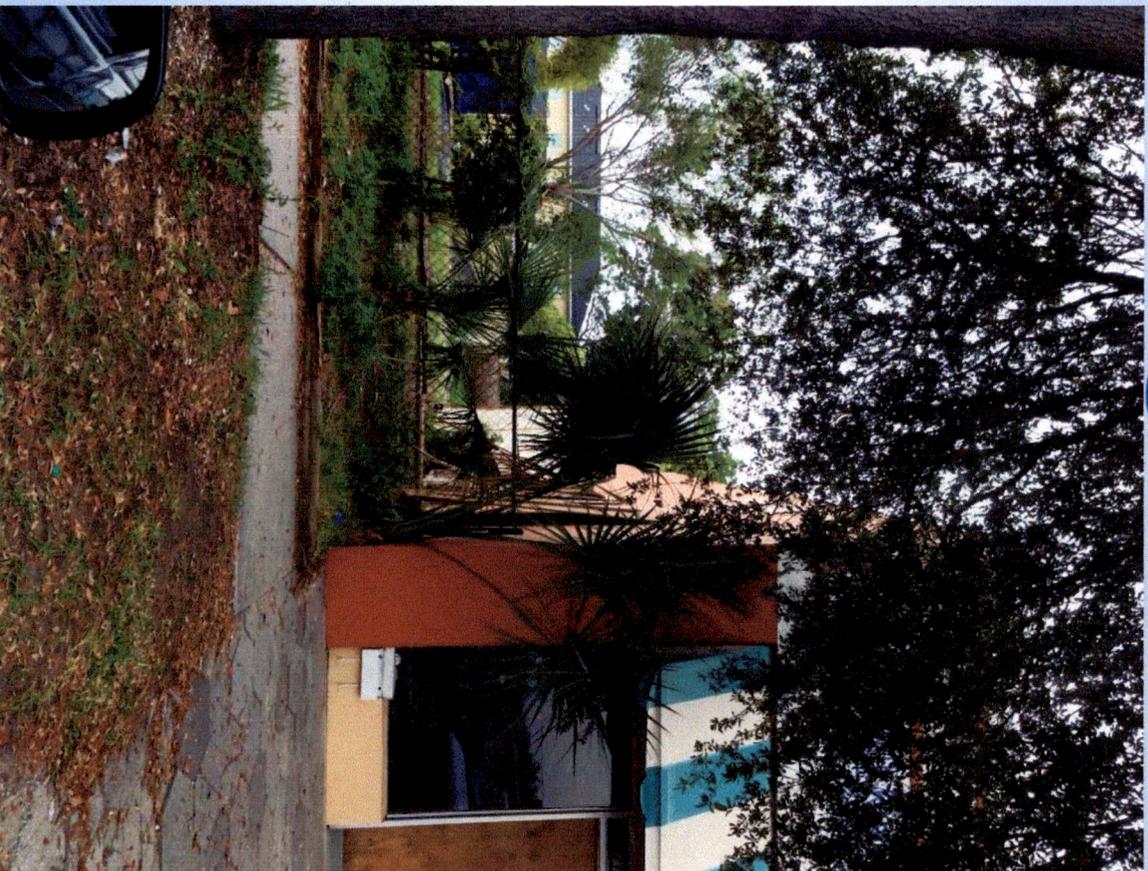


Existing Fences

Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences



Existing Fences





Existing Fences

Existing Fences



Existing Fences



Possible Modifications

Type	
Height	<p>Reduce height allowed at property line to 4' without landscaping or 6' with 2' setback and landscaping, for solid fences, walls and chain link, along all street frontages in zero setback districts.</p> <p>Allow transparent fences such as decorative metal fences or PVC w/o landscaping</p>
Design	<p>Require vinyl-coated for all chain link fence in commercial districts for fences visible from any street, regardless of whether there is landscaping;</p> <p>Require landscaping for chain link</p> <p>Prohibit new chain link visible from streets along all commercial corridors</p>

What is decorative?

Walls: masonry with a stucco finish or has a finish of natural materials, such as brick, stone, or glass block

Fences: PVC fence material, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence.

CITY OF ST. PETERSBURG

Committee of the Whole

Thursday, October 23, 2014, 1:32p.m.

PRESENT: Chair Bill Dudley and Councilmembers Charlie Gerdes, Jim Kennedy, Darden Rice, Steve Kornell, Karl Nurse, Wengay Newton and Amy Foster.

ALSO: City Attorney John Wolfe, City Administrator Gary Cornwell, Public Works Administrator Michael Connors, City Council Administrative Officer Cindy Sheppard, City Clerk Chan Srinivasa, other members of staff.

Chair Dudley called the meeting to order and the following topics were discussed:

1. Density Bonuses in Downtown Zoning:
 - a. Staff gave a PowerPoint presentation on the density bonuses. Councilmember Nurse suggested the ordinance should make it mandatory for sheltered parking.
 - b. Council discussed the differences between workforce house and low income/affordable housing.
2. Updated presentation regarding the Pier process, Request for Qualification (RFQ) submittals.
 - a. Mike Connor's and staff gave a PowerPoint presentation on the current status of the Pier process. Each of the respective Councilmember's asked questions and staff addressed their concerns.
3. Discussion for funding lighting to the existing volleyball courts located at North Shore Park from the Weeki Wachee Funds.
 - a. Mike Jefferis, Parks and Recreation Director and Frank Wells spoke in regards to the volleyball courts at North Shore Park. Mike Jefferis indicated that the estimated cost for the lights is \$150,000.00.
 - b. A motion was made by Councilmember Gerdes with a second by Councilmember Kornell to take the item before Council. **The motion passed.**
4. Discussion for funding a Regional Skateboard Park from the Weeki Wachee Funds.
 - a. Councilmember Nurse opened the discussion and turned the meeting over to staff. Discussion was made by staff and members of the skateboarding community regarding the proposed location of the skateboard park.
 - b. A substitute motion was made by Councilmember Kennedy and seconded by Councilmember Kornell to appropriate \$25,000 for a due diligence study for a regional skateboard park not with park acceptations.
5. Discussion for funding a rubber track at Gibbs High School from the Weeki Wachee Funds.
 - a. Councilmember Newton opened the discussion and Garlynn Boyd from the Lightning Bolt Track organization and Javaughn Turner, Assistant Principal Gibbs High School spoke.
 - b. Council asked the Parks and Recreation Department to bring back a report in 30 days to include information from the TDC on a possible location for a track.

6. Discussion on splitting the Weeki Wachee Funds for the Arts.
 - a. Councilmember Gerdes opened the discussion and gave history regarding the splitting of the Weeki Wachee Fund for the Arts.
 - b. A motion was made by Councilmember Kornell and seconded by Councilmember Gerdes for staff to produce and ordinance to make available from the Weeki Wachee Fund \$200,000 for 5 years for the Arts and to Sunset in 5 years. **The motion passed 4 to 3.** Ayes Rice. Kornell. Foster. Gerdes. Naves Kennedy. Dudley. Newton. Absent Nurse.
7. Discussion for funding the shade structures for Fitness Zones at Lake Vista Park and Rivera Bay Park.
 - a. Councilmember Kennedy opened the discussion and turned the meeting over to Mike Jefferis.
 - b. A motion was made by Councilmember Kennedy a seconded by Councilmember Kornell to set aside \$50,000 for the shade structures for the Fitness Zones at Lake Vista Park and Rivera Bay Park. **The motion passed.**

There being no further business, the meeting was adjourned at 4:50 p.m.



City of St. Petersburg

City Council

Co-Sponsorship Subcommittee Report

Subcommittee Members

Charlie Gerdes, Subcommittee Chair

Amy Foster

Jim Kennedy

Steve Kornell

The Co-Sponsorship Subcommittee met on Thursday, October 27, 2014 with all members present.

The subcommittee considered the following for referral to City Council for approval:

- Thirty-one (31) Group A, B, and C events (FY 2015) for Co-sponsorship in name only (eleven (11) of the thirty-one groups are first time events).
- Non-profit waiver for one (1) Group A event, seven (7) Group B events, and two (2) Group C events (FY 2015)
- Request to exempt from the beer/wine only restriction for Group B and Group C events (FY 2015)
- Approval of two (2) events for the sale and consumption of alcoholic beverages for FY 2015

Submitted by Lynn Gordon, Parks & Recreation Manager & Co-Sponsorship Subcommittee Liaison

REVISED
11/05/14



City of St. Petersburg

City Council

Co-Sponsorship Subcommittee Report

Subcommittee Members

Charlie Gerdes, Subcommittee Chair

Amy Foster

Jim Kennedy

Steve Kornell

The Co-Sponsorship Subcommittee met on Thursday, October 27, 2014 with all members present.

The subcommittee considered the following for referral to City Council for approval:

- Thirty-one (31) Group A, B, and C events (FY 2015) for Co-sponsorship in name only (eleven (11) of the thirty-one groups are first time events).
- Non-profit waiver for one (1) Group A event, seven (7) Group B events, and two (2) Group C events (FY 2015)
- Request to exempt from the beer/wine only restriction for Group B and Group C events (FY 2015)
- Approval of two (2) events for the sale and consumption of alcoholic beverages for FY 2015

The subcommittee requested a meeting to specifically discuss possible changes to the co-sponsored process and fees. The subcommittee asked that a meeting of the subcommittee be scheduled the first week of December to further discuss the matter and review current policy.

Submitted by Lynn Gordon, Parks & Recreation Manager & Co-Sponsorship Subcommittee Liaison

Resolution No. 2015-_____

A RESOLUTION APPROVING EVENTS FOR CO-SPONSORSHIP IN NAME ONLY BY THE CITY FOR FISCAL YEAR 2015; WAIVING THE NON-PROFIT REQUIREMENT OF RESOLUTION NO. 2000-562(a)8 FOR THE CO-SPONSORED EVENTS TO BE PRESENTED BY BLOSSOM MONTESSORI SCHOOL FOR THE DEAF, PARAGON FINE ARTS FESTIVALS, INC., NO CLUBS ENTERTAINMENT INC., LEDGE ENTERTAINMENT, LLC, AOS GROUP, LP, BEAST ATHLETICS, INC., COX RADIO, INC., ACTIVE ENDEAVORS, INC., AND GRAND CITRUS GROUP, LLC.; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, various entities have requested that the City co-sponsor their public events in name only for Fiscal Year 2015; and

WHEREAS, the City Council Co-Sponsored Events Committee has reviewed these requests in accordance with City Council Resolution No. 2000-562, as amended, and has made recommendations to City Council as to which requests to approve in name only; and

WHEREAS, City Council has reviewed the recommendations and has determined which of these requests to approve in name only; and

WHEREAS, City Council Resolution No. 2000-562(a) 8. requires:

The applicant agency [requesting co-sponsorship] must have been a non-profit or not for profit corporation, exempt from federal income tax (26 U.S.C. Sec. 501(c)(3) or similar federal tax provision) for a period of 1 year prior to the date of application and must provide a letter of endorsement for the event from the corporation's board of directors. Proof of corporate existence and tax status are required at the time of making application.

;and

WHEREAS, City Council Resolution No. 2006-119 exempts governmental entities from the non-profit requirements of Resolution No. 2000-562(a) 8; and

WHEREAS, Paragon Fine Arts Festivals, Inc., No Clubs Entertainment Inc., Ledge Entertainment, LLC, AOS Group, LP, Beast Athletics, Inc., Cox Radio, Inc., Active Endeavors, Inc., and Grand Citrus Group, LLC. (collectively, "For Profit Entities"), do not meet the non-profit requirement of Resolution No. 2000-562(a) 8; and

WHEREAS, in order for the City to enter into co-sponsorship agreements with the For

Profit Entities, the non-profit requirements of Resolution No. 2000-562 (a) 8. must be waived by City Council; and

WHEREAS, the Administration and the City Council Co-sponsored Events Committee have reviewed the events set forth below that have been proposed by the various entities and recognize them as events that will benefit the community and recommend approval of the events for co-sponsorship and that a waiver be granted to the For Profit Entities.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the following events for co-sponsorship by the City in name only are approved for Fiscal Year 2015:

Group A Events

Event Name	Non Profit	Profit Organization	Event Dates
St. Petersburg Holiday of the Arts	ST. PETERSBURG ARTS ALLIANCE, INC.	PARAGON FINE ARTS FESTIVALS, INC.	12/20/14- 12/21/14

Group B Events

Event Name	Non Profit	Profit Organization	Event Dates
St. Petersburg Cycle for Life	CYSTIC FIBROSIS FOUNDATION		04/18/15
Rebolution Festival	TBA	NO CLUBS ENTERTAINMENT INC	05/20/15 - 05/23/15
Awakening into the Sun - Healthy Lifestyle Festival	AWAKENING INTO THE SUN, INC.		03/07/15 - 03/08/15
Coastline Festival	VETERANS ADAPTIVE SPORTS, INC.	LEDGE ENTERTAINMENT LLC	02/21/15
Historic Kenwood Pinot in the Park	HISTORIC KENWOOD NEIGHBORHOOD ASSOCIATION, INC.		04/18/15
AVP St. Pete Open	TBA	AOS GROUP, LP	05/15/15 – 05/17/15
COPS Walk	THE WEST CENTRAL FLORIDA CHAPTER OF CONCERNS OF POLICE SURVIVORS, INC.		05/18/15
Movies in the Park (May)	SAINT PETERSBURG PRESERVATION, INC.		Thursdays, May 2015
Cupid Undie Run	CUPID CHARITIES CORPORATION		02/14/15
Concert for Fair Food	THE COALITION OF IMMOKALEE WORKERS, INC		03/14/15 or 03/21/15
Rasta Run 5K	ST. PETERSBURG FREE CLINIC, INC.	BEAST ATHLETICS, INC	02/15/15

Event Name	Non Profit	Profit Organization	Event Dates
Valentine's Day 5K for Charity	BLOSSOM SCHOOL, INC.		02/14/15
St. Petersburg Luxury Living & Lifestyle Expo	ST. PETERSBURG ARTS ALLIANCE, INC	PARAGON FINE ARTS FESTIVALS, INC.	02/21/15 - 02/22/15
Localtopia	KEEP SAINT PETERSBURG LOCAL CORPORATION		02/07/15
Annual Family Fun Day Festival	JAMES B. SANDERLIN FAMILY SERVICE CENTER, INC.		05/3/14
Stuart Society Wine Weekend	MUSEUM OF FINE ARTS OF ST PETERSBURG, FLORIDA, INC.		02/06/15 - 02/08/15
97X BBQ	PARC, INC.	COX RADIO, INC.	05/16/15
James Weldon Johnson Literacy Festival	FRIENDS OF JOHNSON BRANCH LIBRARY, INC.		03/21/15
Animal Exploration in the Garden	GREAT EXPLORATIONS, INC.		02/28/15
Grand Citrus Festival	TBA	GRAND CITRUS GROUP, LLC	02/12/15-02/15/2015
Corvette Car Show	SUNCOAST CORVETTE ASSOCIATION, INC.		05/23/15

Group C Events

Event Name	Non Profit	Profit Organization	Event Dates
Slightly Stupid 2015	TBA	NO CLUBS ENTERTAINMENT INC	07/23/15 - 07/26/15
Wig Out Against Brain Tumors	BRAIN TUMOR ALLIANCE, INC.		08/08/15
Tampa Bay Caribbean Carnival	TRINIDAD & TOBAGO AMERICAN ASSOCIATION OF CENTRAL FLORIDA, INC		06/06/15 - 06/07/15
St Pete Pride Weekend	ST. PETE PRIDE INC.		06/27/15 - 06/28/15
CureSearch Walk	NATIONAL CHILDHOOD CANCER FOUNDATION CORPORATION		09/19/15
Community Festival & Fitness Walk	PINELLAS COUNTY URBAN LEAGUE, INC.		09/19/15
Aids Walk St Pete	AIDS SERVICE ASSOCIATION OF PINELLAS, INC		09/12/2015
AVP St. Pete Open	TBA	AOS GROUP, LP	05/15/15 - 05/17/15
Extreme Mudwars	PIER AQUARIUM, INC.	ACTIVE ENDEAVORS, INC.	07/11/15 - 07/12/15

; and

BE IT FURTHER RESOLVED that the non-profit requirement of Resolution No. 2000-562(a) 8. is waived for the Co-sponsored Events to be presented in FY 2015 by Paragon Fine Arts Festivals, Inc., No Clubs Entertainment, Inc., Ledge Entertainment, LLC, AOS Group, LP, Beast Athletics, Inc., Cox Radio, Inc., Active Endeavors, Inc., Grand Citrus Group, LLC.; and

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute all documents necessary to effectuate this resolution.

This resolution shall become effective immediately upon its adoption.

Approvals:

Legal: _____

Administration: _____

Budget: _____

Legal: 00206086.doc v. 2

Ordinance No. _____

AN ORDINANCE PROVIDING FOR THE SALE
AND CONSUMPTION OF ALCOHOLIC
BEVERAGES IN ELVA ROUSE PARK ON
MARCH 7, 2015, AND SEMINOLE PARK ON
APRIL 18, 2015; AND PROVIDING AN
EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Notwithstanding any other Ordinance of the City of St. Petersburg, the sale and consumption of alcoholic beverages shall be permissible on March 7, 2015, in Elva Rouse Park and on April 18, 2015, in Seminole Park.

SECTION 2. The sale and consumption of alcoholic beverages pursuant to Section 1 hereof shall only be allowed in conjunction with those events for which a permit has been issued pursuant to Section 21-31 of the St. Petersburg City Code.

SECTION 3. As part of the permit issued pursuant to Section 21-31 of the St. Petersburg City Code, the Mayor may impose reasonable conditions and restrictions concerning the event, including but not limited to conditions and restrictions concerning the sale and consumption of alcoholic beverages.

SECTION 4. Section 21-31(e)(11) of the St. Petersburg City Code shall not apply to permits issued pursuant to Section 21-31 of the St. Petersburg City Code for the event entitled 1st Annual Bocce Tournament to be held on March 7, 2015, in Elva Rouse Park and for the event entitled Historic Kenwood Pinot in the Park to be held on April 18, 2015, in Seminole Park; and

SECTION 5. A condition of any permit issued pursuant to this Ordinance shall be that the permittee comply with all applicable State Laws.

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

Approved as to form and content:

City Attorney (designee)

Resolution No. 2015- _____

A RESOLUTION IN ACCORDANCE WITH CITY CODE SECTION 21-38(d) EXEMPTING AVP ST PETE OPEN (SPA BEACH PARK), 97X BBQ (VINOY PARK), AND EXTREME MUDWARS (SPA BEACH PARK) FROM THE BEER AND WINE ONLY RESTRICTIONS IN CITY CODE SECTION 21-38 (d) UPON 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 THEIR EVENTS AS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, AVP St. Pete Open, 97X BBQ, and Extreme Mudwars have been previously approved as Co-sponsored Events; and

WHEREAS, the promoters of these events have requested, in accordance with Section 21-38 (d) of the City Code, that they be exempt from the beer and wine only restrictions on the serving of alcoholic beverages set forth 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 their events; and

WHEREAS, AVP St Pete Open will take place May 8-17, 2015 (or) June 12-21, 2015 between the hours of 9a.m. and 6:00 p.m. in Spa Beach Park; and

WHEREAS, 97X BBQ will take place on May 16, 2015 between the hours of 11:00 a.m. and 10:00 p. in Vinoy Park; and

WHEREAS, Extreme Mudwars will take place on July 27 and 28, 2015 between the hours of 9:00 a.m. and 5:00 p.m. in Spa Beach Park; and

WHEREAS, the Co-Sponsored Events Committee has recommended approval of the requests of the promoters.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida AVP St Pete Open (Spa Beach Park), 97x BBQ (Vinoy Park), and Extreme Mudwars (Spa Beach Park) are exempt from the beer and wine only restrictions on the 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 their events as set forth herein.

This Resolution shall become effective immediately upon its adoption.

Approvals:

Legal: _____ Administration: _____

Legal: 00206080.doc v. 2

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

To: The Honorable William H. Dudley, Chair, and Members of City Council

Subject: Awarding a contract to M.T.M. Construction, Inc. in the amount of \$1,857,039.92 for the construction of the SR 682 Pinellas Bayway Trail North project (Engineering Project No. 13018-112; FPN 424532 5 - Oracle No. 13639).

Explanation: The Procurement Department received three (3) bids for the SR 682 Pinellas Bayway Trail North Project (see below). The work consists of furnishing all labor, services, materials, and equipment necessary to construct 7,500 linear feet of 12 foot wide multi-use asphalt trail for pedestrians and bicyclists along the south side of 54th Avenue South and at the Pinellas Bayway, from the Toll Plaza to the intersection at S.R. 679. Work includes drainage improvements, modifications to signals and equipment at the Pinellas Bayway intersection at S.R. 679; roadway widening and safety improvements, signing and marking modifications and milling and resurfacing on the approaches to the two bridges within the project limits.

Work includes construction of 750 linear feet of guardrail, 1,020 linear feet of pedestrian/bicycle aluminum railing, 1,030 linear feet concrete traffic railing, 5 pedestrian countdown signals, 6 traffic loop assemblies, 1 traffic controller, 34 single post signs, 1,400 square feet of concrete retaining wall, 775 square yards of 6" thick concrete sidewalks, 85 cubic yards of concrete gravity wall, 600 linear feet of storm drainage piping, 19,000 square yards soil/base stabilization, 8,000 linear foot of erosion/sediment control barriers, 9,100 square yards of sod, 360 tons of asphaltic concrete, 3,000 square yards milling, and 10,000 linear feet of pavement markings. Work also includes construction of 8,000 linear feet of 4" diameter electrical conduit for future use by the FDOT in implementing Intelligent Transportation Systems (ITS) projects.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within two hundred (200) consecutive calendar days thereafter. Bids were opened on August 21, 2014 and are tabulated as follows:

<u>Bidder</u>	<u>Total</u>
M.T.M. Construction, Inc. (Pinellas Park, FL)	\$1,857,039.92
All American Concrete, Inc. (Largo, FL)	\$2,177,016.11
Cone & Graham, Inc. (Tampa, FL)	\$2,377,860.91

M.T.M. Construction, Inc., the lowest responsive and responsible bidder, has met the specifications, terms and conditions for IFB 7725 dated July 23, 2014. They have satisfactorily performed other similar projects for the City of St. Petersburg, City of Clearwater, and Hillsborough County. The Principals of the firm are George J. Toccalino, President, and Anthony G. Toccalino, Secretary/Treasurer.

Administration recommends awarding this Contract to M.T.M. Construction, Inc. in the amount of \$1,857,039.92. This project qualifies for City Code 2-214/Ordinance 79-H, Local Hiring: Construction Incentive Program.

Cost/Funding/Assessment Information: Funds are available in the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), Bayway Trail North – Phase II Project (13639) (Engineering Project No. 13018-112) upon approval of the Supplement No. 1 to the Local Agency Program Agreement (“Agreement”) between the City of St. Petersburg, Florida (“City”) and the State of Florida Department of Transportation (“FDOT”) dated June 27, 2014, for the construction activities of the S.R. 682 (Pinellas Bayway) Trail – Phase II Project (“Project”) in the amount of \$817,856.

Attachments: Resolution

Approvals:


Administrative


Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO M.T.M. CONTRACTORS, INC. IN AN AMOUNT NOT TO EXCEED \$1,857,039.92 FOR CONSTRUCTION OF THE SR 682 PINELLAS BAYWAY TRAIL NORTH PROJECT (ORACLE NO. 13018-112); 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 three bids for construction of the SR 682 Pinellas Bayway Trail North Project (Oracle No. 13018-112) pursuant to IFB No. 7725 dated July 23, 2014; and

WHEREAS, M.T.M. Contractors, Inc. has met the specifications, terms and conditions of IFB No. 7725; and

WHEREAS, the Administration recommends approval of this award.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, the bid and award of an agreement to M.T.M. Contractors, Inc. in an amount not to exceed \$1,857,039.92 for construction of the SR 682 Pinellas Bayway Trail North Project (Oracle No. 13018-112) is hereby approved and the Mayor or Mayor's designee is hereby 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)

**SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 6, 2014**

To: The Honorable William H. Dudley, Chair, and Members of City Council

Subject: Awarding a one year blanket agreement for office supplies to Staples Contract and Commercial, Inc., at an estimated annual cost of \$480,000.

Explanation: This purchase is being made from the National Joint Powers Alliance (NJPA) Contract No. 031210-SCC.

The vendor will furnish and deliver within 24 hours office supplies such as replacement printer cartridges, pens, markers, note and legal pads, binders, notebooks, staplers, color paper, and file folders. They also furnish and deliver electronic equipment such as surge protectors, calculators, shredders, headsets and fax machines. The NJPA contract will provide the city with an additional advantage of an annual three percent rebate on purchases.

The Purchasing Department recommends for award utilizing NJPA Contract No. 031210-SCC:

Staples Contract and Commercial, Inc.....\$480,000

Staples Contract and Commercial, Inc has met the specifications, terms and conditions of NJPA Contract No. 031210-SCC dated August 1, 2014. This purchase is made in accordance with Section 2-256 (2) of the City Code which authorizes the Mayor or his designee to purchase supplies from a competitively bid proposal or contract secured by state, county or municipal government. A blanket purchase agreement will be issued and will be binding only for actual supplies ordered. This agreement will be effective from date of award through November 7, 2015.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001) [\$295,000], Police Department, Fiscal Support (1401389), Fire Department, Fire Administration (1501485), Parks & Recreation Department (1901573), Leisure Services Administration (5002321), Library Department (2001133), Real Estate and Property Management Department, Property Management & Realty Service (3602605), Engineering & Capital Improvement Department Administration (1301341), Downtown Enterprise Facilities Department Administration, (2821813); Water Resources Operating Fund (4001) [\$39,000], Water Resources Department Administration (4202045); Sanitation Operating Fund (4021) [\$19,000], Sanitation Department Administration (4502237); and Billing and Collections Operating Fund (5201) [\$29,000], Billing and Collections Department, Various Divisions (350).

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF A ONE-YEAR AGREEMENT (BLANKET AGREEMENT) TO STAPLES CONTRACT & COMMERCIAL, INC. IN AN AMOUNT NOT TO EXCEED \$480,000 FOR OFFICE SUPPLIES UTILIZING THE NATIONAL JOINT POWERS ALLIANCE CONTRACT NO. 031210-SCC; 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 office supplies, including certain electronic equipment; and

WHEREAS, pursuant to Section 2-256(b) 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, Staples Contract and Commercial, Inc. has met the specifications, terms and conditions of the National Joint Powers Alliance Contract No. 031210-SCC; 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 a one-year agreement (Blanket Agreement) to Staples Contract and Commercial, Inc. for office supplies at a total cost not to exceed \$480,000 utilizing National Joint Powers Alliance Contract No. 031210-SCC 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 through November 7, 2015.

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 November 6, 2014

To: The Honorable William H. Dudley, Chair, and Members of City Council

Subject: Awarding a contract to Island Marine Group, LLC, in the amount of \$339,079 for improvements to the Demen's Landing boat ramps under the Boat Ramp Facility Improvements Project and Demens Landing Improvements Project and providing an effective date (Engineering Project No. 11236-217 and 13210-017; Oracle Project No. 13181 and 13739).

Explanation: The Procurement Department received three bids for the Demen's Landing Boat Ramp Improvements Project (see below).

The work consists of furnishing all labor, material, and equipment necessary to construct two new reinforced concrete boat ramps, approximately 60 feet long by 20 feet wide. Work includes installation of silt fence and 250 LF of floating turbidity barrier, 148 LF coffer dam for dewatering, sawcut and removal of 3000 SF concrete ramps, concrete dock approach, central wooden deck and framing, side wooden and concrete docks, steps, and designated pilings. New construction includes but is not limited to construction of 3200 SF of 8" thick reinforced concrete boat ramps and approach slabs, construction of 10' x 24', 12' x 34', and 5' x 35' aluminum floating docks with internal pilings including aluminum gangways with handrails, installation of 12" diameter piles, delineation of ADA parking space and construction of adjacent sidewalk and signage.

The contractor will begin work approximately ten days from Notice to Proceed and is scheduled to complete the work within ninety consecutive calendar days thereafter. The contractor will have an additional thirty consecutive days to complete any identified punch list items. Bids were opened on October 2, 2014 and are tabulated as follows:

<u>Bidder</u>	<u>Base Bid</u>
Island Marine Group, LLC, (Apollo Beach, FL)	\$339,079.00
Speeler & Associates, Inc. (Largo, FL)	\$368,750.00
Tampa Bay Marine, Inc. (Gibsonton, FL)	\$379,493.00

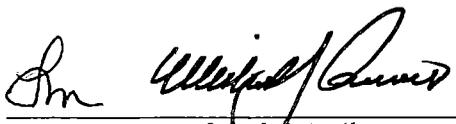
Island Marine Group, LLC, the lowest responsible and responsive bidder has met the specifications, terms and conditions of RFQ No. 5527 dated August 21, 2014. They have satisfactorily performed similar work for the cities of St. Petersburg and Tampa. Island Marine Group, LLC has met the SBE requirements. The Member Manager of Island Marine Group, LLC is Cynthia Pride-Belfatto.

Recommendation: Administration recommends awarding this Contract to Island Marine Group, LLC, in the amount of \$339,079.00 for the Demen's Landing Boat Ramps under the Boat Ramp Facility Improvements Project and Demens Landing Improvements Project and providing an effective date.

Cost/Funding/Assessment Information: FFWCC grant funds are available in the General Capital Improvement Fund (3001), Boat Ramp Facility Improvements Project (13181) and the City Funds Match of 45% is available in the Recreation and Culture Capital Improvement Fund (3029), Demens Landing Improvements Project (13739).

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO ISLAND MARINE GROUP, LLC IN AN AMOUNT NOT TO EXCEED \$339,079 FOR COMPLETION OF IMPROVEMENTS TO THE DEMEN'S LANDING BOAT RAMPS UNDER THE BOAT RAMP FACILITY IMPROVEMENTS PROJECT AND DEMENS LANDING IMPROVEMENTS PROJECT (ORACLE NOS. 13181 AND 13739); 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 three bids for improvements to the Demen's Landing boat ramps under the Boat Ramp Facility Improvements Project and Demens Landing Improvements Project (Oracle Nos. 13181 and 13739) pursuant to RFQ No. 5527 dated August 21, 2014; and

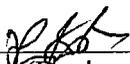
WHEREAS, Marine Group, LLC has met the specifications, terms and conditions of RFQ No. 5527; and

WHEREAS, the Administration recommends approval of this award.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the bid and award of an agreement to Marine Group, LLC in an amount not to exceed \$339,079 for completion of improvements to the Demen's Landing boat ramps under the Boat Ramp Facility Improvements Project and Demens Landing Improvements Project (Oracle Nos. 13181 and 13739) is hereby approved and the Mayor or Mayor's designee is hereby 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)

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

To: The Honorable William H. Dudley, Chair, and Members of City Council

Subject: Renewing a blanket purchase agreement with Hach Company for laboratory supplies and equipment repairs for the Water Resources Department at an estimated annual cost of \$125,000.

Explanation: On November 19, 2012 City Council approved a one-year agreement with Hach Company. Under the renewal of contract clause, the City reserves the right to extend the contract for a period of one year if mutually agreeable. This is the second of three renewals.

The vendor will provide repair and replacement, technical support, and parts for analytical laboratory equipment. They will also furnish and deliver related supplies and chemicals such as reagents, buffers, filters, electrodes, calibration kits and sensors. This equipment is used for analyzing and testing reclaimed and potable water.

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

Hach Company..... \$125,000

The vendor has agreed to hold prices firm under the terms and conditions of the original 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 October 31, 2015.

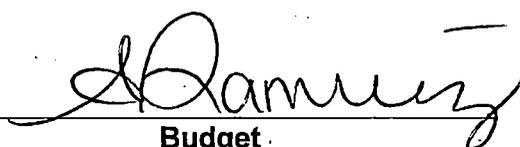
Cost/Funding/Assessment Information: Funds have been appropriated in the Water Resources Operating Fund (4001), Water Treatment and Distribution Admin (420-2073), Water Resources Department, COSME W T P Operations & Maintenance (420-2077), Environmental Compliance Laboratory (420-2153), Environmental Compliance Field Services (420-2161), Albert Whitted WRF (420-2169), Northeast WRF (420-2173), Northwest WRF (420-2177), and Southwest WRF (420-2181).

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION APPROVING THE SECOND ONE-YEAR RENEWAL OPTION OF THE AGREEMENT (BLANKET AGREEMENT) WITH HACH COMPANY AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$125,000 FOR LABORATORY SUPPLIES AND EQUIPMENT REPAIRS FOR THE WATER RESOURCES DEPARTMENT; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 19, 2012, City Council declared Hach Company to be a sole source supplier for laboratory supplies, equipment repair, chemicals, technical support, repair and replacement of analytical laboratory equipment for the Water Resources Department and approved the award of a one-year agreement (Blanket Agreement) with three one-year renewal options to Hach Company; and

WHEREAS, on September 19, 2013 City Council approved the first one-year renewal option of the Agreement; and

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

WHEREAS, the Vendor has agreed to hold prices firm under the terms and conditions of the original agreement; and

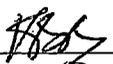
WHEREAS, the Procurement & Supply Management Department, in cooperation with the Water Resources Department, recommends approval of the second one-year renewal option of the Agreement.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the second one-year renewal option of the Agreement with Hach Company at an estimated annual cost not to exceed \$125,000 for laboratory supplies and equipment repairs for the Water Resources Department, 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 the renewal will be effective from the date of approval through October 31, 2015.

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 November 6, 2014

TO: The Honorable William H. Dudley, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his Designee, to execute a License Agreement and all other necessary documents with Bright House Networks, LLC, a Delaware limited liability company authorized to conduct business in the State of Florida, for the use of the pipe railing on the perimeter of Air Traffic Control Tower roof within Albert Whitted Airport to install, maintain, and operate camera equipment for a period of five (5) years at a rental rate of \$100.00 annually, with the right to request extensions for five (5) additional terms of one (1) year each, subject to approval by City Council; and providing an effective date. *(Requires affirmative vote of at least six (6) members of City Council.)*

EXPLANATION: Real Estate & Property Management, in conjunction with the Airport Manager, received a request from Bay News 9, an affiliate of Bright House Networks, LLC ("BHN"), to utilize an area on the roof of the Air Traffic Control Tower ("Tower") at City-owned Albert Whitted Airport ("Airport") for installing, operating and maintaining camera equipment. The camera installation is expected to provide the public with live and video-taped weather observations on the surrounding area, including downtown St. Petersburg, the Port of St. Petersburg, Bayboro Harbor and Tampa Bay, through its Bay News 9 website and broadcasts and provide marketing to the City of St. Petersburg.

After review of the request, the Airport Manager and the Federal Aviation Administration staff have coordinated with BHN for a specific location on the pre-existing pipe railing on the perimeter of the Tower roof ("Premises") for the placement of the camera equipment, which would assure minimal disruption to normal operations of the Tower. The improvements being installed by BHN, at its sole cost and expense, will include a camera, mount, protective housing, cabling, and electrical connection.

BHN has executed a License Agreement for an initial term of five (5) years ("Term"), with the right to request extensions for five (5) additional terms of one (1) year each, subject to approval by City Council. The rental rate is one hundred dollars (\$100.00) annually during the Term or any Renewal Term thereafter. BHN, at its sole cost and expense, shall be responsible for any and all maintenance related to the installation and use of its improvements. In addition, BHN 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 BHN's use of the Premises.

This License is in compliance with Section 1.02(c)(4)1., of the City Charter, which permits the leasing of property at Albert Whitted Airport for a term not to exceed twenty-five (25) years, with an affirmative vote of at least six (6) members of City Council.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a License Agreement and all other necessary documents with Bright House Networks, LLC, a Delaware limited liability company authorized to conduct business in the State of Florida, for the use of the pipe railing on the perimeter of Air Traffic Control Tower roof within Albert Whitted Airport to install, maintain, and operate camera equipment for a period of five (5) years at a rental rate of \$100.00 annually, with the right to request extensions for five (5) additional terms of one (1) year each, subject to approval by City Council; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

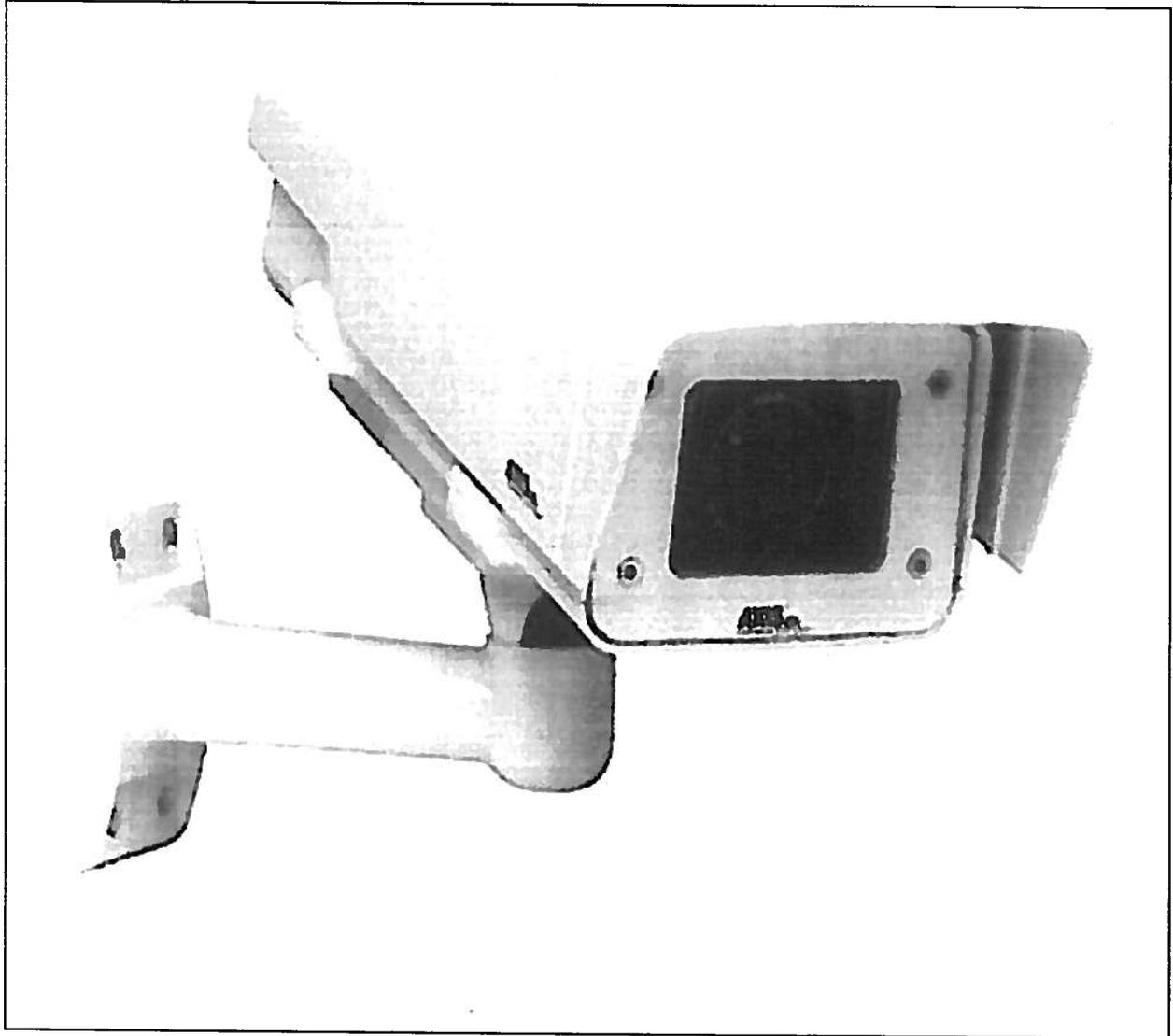
ATTACHMENTS: Illustrations and Resolution

APPROVALS: Administration:   
Budget: N/A
Legal: 
(As to consistency w/attached legal documents)
Legal: 00204454.doc V. 1

ILLUSTRATION NO. 1
(Location of Air Traffic Control Tower)



ILLUSTRATION NO. 2
(Camera Equipment)



A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS WITH BRIGHT HOUSE NETWORKS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AUTHORIZED TO CONDUCT BUSINESS IN THE STATE OF FLORIDA, FOR THE USE OF THE PIPE RAILING ON THE PERIMETER OF AIR TRAFFIC CONTROL TOWER ROOF WITHIN ALBERT WHITTED AIRPORT TO INSTALL, MAINTAIN, AND OPERATE CAMERA EQUIPMENT FOR A PERIOD OF FIVE (5) YEARS AT A RENTAL RATE OF \$100.00 ANNUALLY, WITH THE RIGHT TO REQUEST EXTENSIONS FOR FIVE (5) ADDITIONAL TERMS OF ONE (1) YEAR EACH, SUBJECT TO APPROVAL BY CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate & Property Management, in conjunction with the Airport Manager, received a request from Bay News 9, an affiliate of Bright House Networks, LLC ("BHN"), to utilize an area on the roof of the Air Traffic Control Tower ("Tower") at City-owned Albert Whitted Airport ("Airport") for installing, operating and maintaining camera equipment; and

WHEREAS, the camera installation is expected to provide the public with live and video-taped weather observations on the surrounding area, including downtown St. Petersburg, the Port of St. Petersburg, Bayboro Harbor and Tampa Bay, through its Bay New 9 website and broadcasts and provide marketing to the City of St. Petersburg; and

WHEREAS, after review of the request, the Airport Manager and the Federal Aviation Administration staff have coordinated with BHN for a specific location on the pre-existing pipe railing on the perimeter of the Tower roof ("Premises") for the placement of the camera equipment, which would assure minimal disruption to normal operations of the Tower; and

WHEREAS, the improvements being installed by BHN, at its sole cost and expense, will include a camera, mount, protective housing, cabling, and electrical connection; and

WHEREAS, BHN has executed a License Agreement for an initial term of five (5) years ("Term"), which may be renewed at the end of the Term for five (5) additional terms of one (1) year each, subject to approval by City Council; and

WHEREAS, the rental rate is one hundred dollars (\$100.00) annually during the Term or any Renewal Term thereafter; and

WHEREAS, BHN, at its sole cost and expense, shall be responsible for any and all maintenance related to the installation and use of its improvements; and

WHEREAS, BHN 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 BHN's use of the Premises; and

WHEREAS, the License is in compliance with Section 1.02(c)(4)1., of the City Charter, which permits the leasing of property at Albert Whitted Airport for a term not to exceed twenty-five (25) years, with an affirmative vote of at least six (6) members of City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor, or his Designee, is hereby authorized to execute a License Agreement and all other necessary documents with Bright House Networks, LLC, a Delaware limited liability company authorized to conduct business in the State of Florida, for the use of the pipe railing on the perimeter of Air Traffic Control Tower roof within Albert Whitted Airport to install, maintain, and operate camera equipment for a period of five (5) years at a rental rate of \$100.00 annually, with the right to request extensions for five (5) additional terms of one (1) year each, subject to approval by City Council.

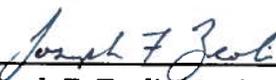
This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (Designee)
Legal: 00204454.doc V. 1

APPROVED BY:



Joseph F. Zeoli, Interim Director
Downtown Enterprise Facilities

APPROVED BY:



Bruce E. Grimes, Director
Real Estate & Property Management

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

TO: The Honorable William H. Dudley, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his designee, to execute a Lease and Development Agreement and all other necessary documents with Tampa Bay Innovation Center, operated by STAR-TEC Enterprises, Inc., a Florida non-profit corporation, to lease and develop City-owned property located at the southwest corner of 4th Street South and 11th Avenue South within the Bayboro Harbor Community Redevelopment Area; and providing an effective date.

EXPLANATION: On June 19, 2014, at the conclusion of the Public Hearing held regarding the subject, the St. Petersburg Community Redevelopment Agency ("CRA") adopted CRA Resolution No. 2014-2 making certain findings and recommended approval of the subject disposition to the City Council of the St. Petersburg, Florida. After staff presentation, the public hearing, discussion and CRA recommendation, City Council adopted Resolution No. 2014-270 *"finding that 1) the disposition of Lot 1, Royal Poinciana Subdivision — Kamman Partial Replat and Lots 1, 2, 3, 4, 5, and 6 Royal Poinciana Subdivision ("Disposition") at less than fair value will enable the expansion and support for business incubator facilities and other job creating, employment oriented uses and further the development of the Innovation District by providing space for research, including but not limited to, health sciences and marine research 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 Tampa Bay Innovation Center, operated by STAR-TEC Enterprises, Inc., a Florida non-profit corporation ("TBIC"); authorizing Administration to negotiate a Lease and Development Agreement with TBIC that will be brought to City Council for approval."*

The subject City-owned property contains approximately 2.5 acres and is legally described as follows:

Lot 1, ROYAL POINCIANA SUBDIVISION—KAMMAN PARTIAL REPLAT, a subdivision according to the plat thereof recorded at Plat Book 61, Page 91, in the Public Records of Pinellas County, Florida (PIN: 30/31/17/77418/000/0010)

AND

Lots 1, 2, 3, 4, 5, and 6, ROYAL POINCIANA SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book H-7, Pages 8 and 9, in the Public Records of Hillsborough County, Florida, of which Pinellas County, Florida was formerly a part (PIN: 30/31/17/77400/000/0010)

Resolution No. 2014-270 which authorized Administration to negotiate a Lease and Development Agreement with TBIC identified the following business points that would form the basis of the agreement:

1. Lease and Development Agreement. The City and TBIC shall execute a Lease and Development Agreement ("Agreement") for the City Property which is vacant land totaling approximately 2.5 acres at the southwest corner of 4th Street South and 11th Avenue South for a nominal rent with an initial term of 25 years, with the right to renew for five (5) additional consecutive terms of five (5) years each on terms and conditions mutually agreeable to the parties.
2. Facility. Subject to City Administrative and Regulatory approvals, TBIC shall design and construct a facility of approximately 40,000 SF ("Building") that will house technology start-ups, provide space for researchers and serve as the community focal point for innovation and entrepreneurs.
3. Grant Funding and Construction. It is TBIC's intent to leverage the City property to seek grant and other funding for the project from government (Federal, State, and County) and private sector partners. Accordingly, the Agreement will provide an approximate two (2) year period to obtain such funding and provide that TBIC may encumber the Agreement with the consent of City Council, but shall not encumber the fee simple interest of the City Property. The Lease shall commence upon TBIC's notice and demonstration to the City that funding is committed. Thereafter, construction shall begin within two (2) years with construction completed not more than two (2) years after construction begins.
4. Vacation of Alley. The City will initiate a procedure to vacate the alley located on the property. TBIC will be responsible for any removal or relocation of utilities within the alley to accommodate its site plan.
5. Rezoning. The City will initiate an amendment to the future land use map and zoning so that the land is zoned appropriately for the proposed facility.
6. Job Creation. TBIC shall endeavor to create 100 or more new jobs through the growth and development of client startups, an anchor tenant, and TBIC staffing needs following completion of the Building.
7. Restriction on Transfer of City Property. TBIC may not assign or transfer the Agreement, in whole or in part, without the prior written consent of the City of St. Petersburg City Council ("City Council") which consent may be granted or denied in City Council's sole discretion.
8. Failure to Obtain Funding. If project funding is not secured by TBIC and demonstrated to the City within two (2) years, the Agreement will terminate without notice.

9. Failure to Develop. In the event that TBIC is unable to develop the City Property within two (2) years of the Agreement's commencement date, the City may unilaterally terminate the Agreement and TBIC shall return the City Property free and clear of all liens, encumbrances, and restrictions.

10. Permitted Use. TBIC shall use the City Property to construct a facility to house entrepreneurs, scientists, researchers and innovators, and for no other purpose without the express written consent of the City Council, which consent may be granted or denied in City Council's sole discretion.

These business points have been incorporated in the Lease and Development Agreement that has been signed by TBIC, subject to City Council Approval.

In addition, the Agreement has requirements for TBIC related to incorporating the Historic Booker Creek Trail ("Trail") into its site plan and to provide for or permit (i) accommodation of the ten foot (10') Trail and four foot (4') recovery area at the north end of the Premises, in accordance with the City's current Trail plan that allows for minimal impact to the existing trees; (ii) a minimum of six (6) motor vehicle parking spaces including one (1) accessible motor-vehicle parking space that are fully dedicated for the exclusive use of Trail users; (iii) an allowance based on availability, for the use of the remaining planned motor vehicle parking spaces after 5 pm and on weekends (Trail hours will follow that of the adjacent parks which are closed from 30 minutes after sunset until 30 minutes before sunrise the following day); (iv) installation of appropriate bike parking using bike racks that meet City standards established by the Transportation and Parking Management Department; and (v) construction of an accessible path to connect between the parking, bike parking, and the Trail.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his designee, to execute a Lease and Development Agreement and all other necessary documents with Tampa Bay Innovation Center, operated by STAR-TEC Enterprises, Inc., a Florida non-profit corporation, to lease and develop City-owned property located at the southwest corner of 4th Street South and 11th Avenue South within the Bayboro Harbor Community Redevelopment Area; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Illustration, Resolution

APPROVALS: Administration: _____



Budget: _____

N/A

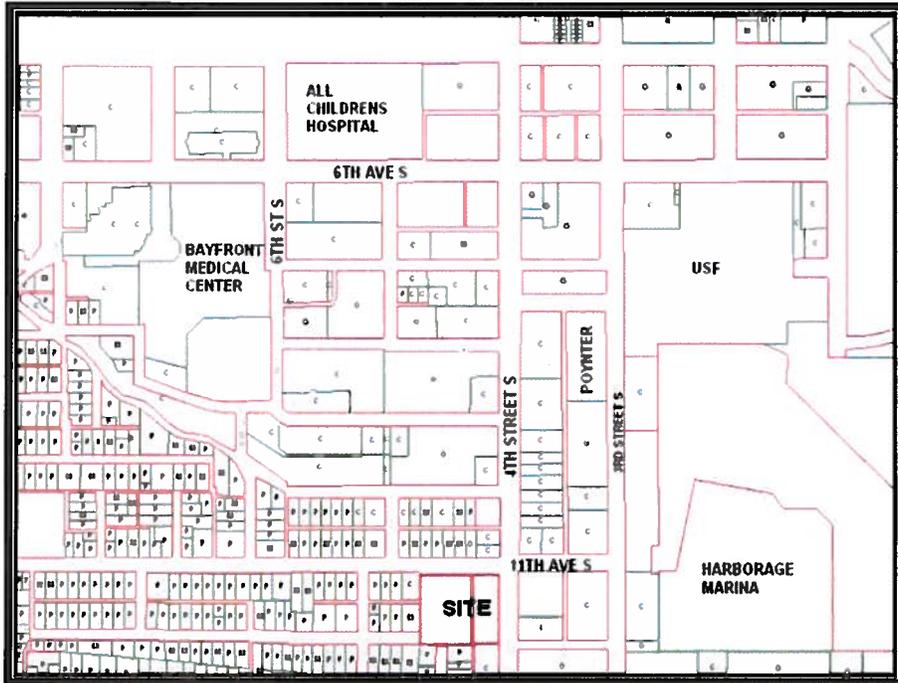
Legal: _____



(As to consistency w/attached legal documents)

Legal: 00204800.doc V. 1

ILLUSTRATION



A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LEASE AND DEVELOPMENT AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS WITH TAMPA BAY INNOVATION CENTER, OPERATED BY STAR-TEC ENTERPRISES, INC., A FLORIDA NON-PROFIT CORPORATION, TO LEASE AND DEVELOP CITY-OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 4TH STREET SOUTH AND 11TH AVENUE SOUTH WITHIN THE BAYBORO HARBOR COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 19, 2014, at the conclusion of the Public Hearing held regarding the subject, the St. Petersburg Community Redevelopment Agency ("CRA") adopted CRA Resolution No. 2014-2 making certain findings and recommended approval of the subject disposition to the City Council of the St. Petersburg, Florida; and

WHEREAS, after staff presentation, the public hearing, discussion and CRA recommendation, City Council adopted Resolution No. 2014-270 *"finding that 1) the disposition of Lot 1, Royal Poinciana Subdivision — Kamman Partial Replat and Lots 1, 2, 3, 4, 5, and 6 Royal Poinciana Subdivision ("Disposition") at less than fair value will enable the expansion and support for business incubator facilities and other job creating, employment oriented uses and further the development of the Innovation District by providing space for research, including but not limited to, health sciences and marine research 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 Tampa Bay Innovation Center, operated by STAR-TEC Enterprises, Inc., a Florida non-profit corporation ("TBIC"); authorizing Administration to negotiate a Lease and Development Agreement with TBIC that will be brought to City Council for approval."*; and

WHEREAS, the City-owned property site contains approximately 2.5 acres and is legally described as follows:

Lot 1, ROYAL POINCIANA SUBDIVISION—KAMMAN PARTIAL REPLAT, a subdivision according to the plat thereof recorded at Plat Book 61, Page 91, in the Public Records of Pinellas County, Florida (PIN: 30/31/17/77418/000/0010)

AND

Lots 1, 2, 3, 4, 5, and 6, ROYAL POINCIANA SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book H-7, Pages 8 and 9, in the Public Records of Hillsborough County, Florida, of which Pinellas County, Florida was formerly a part (PIN: 30/31/17/77400/000/0010); and

WHEREAS, Resolution No. 2014-270 which authorized Administration to negotiate a Lease and Development Agreement with TBIC identified certain business points that would form the basis of the agreement:

1. Lease and Development Agreement. The City and TBIC shall execute a Lease and Development Agreement ("Agreement") for the City Property which is vacant land totaling approximately 2.5 acres at the southwest corner of 4th Street South and 11th Avenue South for a nominal rent with an initial term of 25 years, with the right to renew for five (5) additional consecutive terms of five (5) years each on terms and conditions mutually agreeable to the parties.
2. Facility. Subject to City Administrative and Regulatory approvals, TBIC shall design and construct a facility of approximately 40,000 SF ("Building") that will house technology start-ups, provide space for researchers and serve as the community focal point for innovation and entrepreneurs.
3. Grant Funding and Construction. It is TBIC's intent to leverage the City property to seek grant and other funding for the project from government (Federal, State, and County) and private sector partners. Accordingly, the Agreement will provide an approximate two (2) year period to obtain such funding and provide that TBIC may encumber the Agreement with the consent of City Council, but shall not encumber the fee simple interest of the City Property. The Lease shall commence upon TBIC's notice and demonstration to the City that funding is committed. Thereafter, construction shall begin within two (2) years with construction completed not more than two (2) years after construction begins.
4. Vacation of Alley. The City will initiate a procedure to vacate the alley located on the property. TBIC will be responsible for any removal or relocation of utilities within the alley to accommodate its site plan.
5. Rezoning. The City will initiate an amendment to the future land use map and zoning so that the land is zoned appropriately for the proposed facility.
6. Job Creation. TBIC shall endeavor to create 100 or more new jobs through the growth and development of client startups, an anchor tenant, and TBIC staffing needs following completion of the Building.
7. Restriction on Transfer of City Property. TBIC may not assign or transfer the Agreement, in whole or in part, without the prior written consent of the City of St. Petersburg City Council ("City Council") which consent may be granted or denied in City Council's sole discretion.
8. Failure to Obtain Funding. If project funding is not secured by TBIC and demonstrated to the City within two (2) years, the Agreement will terminate without notice.

9. Failure to Develop. In the event that TBIC is unable to develop the City Property within two (2) years of the Agreement's commencement date, the City may unilaterally terminate the Agreement and TBIC shall return the City Property free and clear of all liens, encumbrances, and restrictions.
10. Permitted Use. TBIC shall use the City Property to construct a facility to house entrepreneurs, scientists, researchers and innovators, and for no other purpose without the express written consent of the City Council, which consent may be granted or denied in City Council's sole discretion; and

WHEREAS, these business points have been incorporated in the Lease and Development Agreement that has been executed by TBIC, subject to City Council approval; and

WHEREAS, in addition, TBIC shall incorporate the Historic Booker Creek Trail ("Trail") into its site plan and provide for or permit (i) accommodation of the ten foot (10') Trail and four foot (4') recovery area at the north end of the Premises, in accordance with the City's current Trail plan that allows for minimal impact to the existing trees; (ii) a minimum of six (6) motor vehicle parking spaces including one (1) accessible motor-vehicle parking space that are fully dedicated for the exclusive use of Trail users; (iii) an allowance based on availability, for the use of the remaining planned motor vehicle parking spaces after 5 pm and on weekends (Trail hours will follow that of the adjacent parks which are closed from 30 minutes after sunset until 30 minutes before sunrise the following day); (iv) installation of appropriate bike parking using bike racks that meet City standards established by the Transportation and Parking Management Department; and (v) construction of an accessible path to connect between the parking, bike parking, and the Trail.

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 Lease and Development Agreement and all other necessary documents with Tampa Bay Innovation Center, operated by STAR-TEC Enterprises, Inc., a Florida non-profit corporation, to lease and develop City-owned property located at the southwest corner of 4th Street South and 11th Avenue South, as legally described above, within the Bayboro Harbor Community Redevelopment Area.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (designee)

Legal: 00204800.doc V. 1

APPROVED BY:



Dave Goodwin, Director

Planning & Economic Development

APPROVED BY:



Bruce E. Grimes, Director

Real Estate & Property Management



CITY OF ST. PETERSBURG

MEMORANDUM

INFORMATIONAL ITEM

TO: The Honorable Bill Dudley, Chair and Members of City Council

FROM: Bruce Grimes, Director, Real Estate & Property Management

DATE: October 30, 2014

SUBJECT: November 6, 2014 City Council Agenda – Item CB - 7
Tampa Bay Innovation Center Lease

In accordance with Councilmember Kornell's request attached is a copy of the above referenced lease document as executed by TBIC.

CC: Gary Cornwell, City Administrator
Dave Metz, City Development Administration



TAMPA BAY www.tbinnovates.com
INNOVATION
CENTER

Serving the entire entrepreneurial community from idea to second-stage growth!



**LEASE AND DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF ST. PETERSBURG, FLORIDA
AND
TAMPA BAY INNOVATION CENTER**

2014

LEASE AND DEVELOPMENT AGREEMENT

THIS LEASE AND DEVELOPMENT AGREEMENT ("Lease"), made and entered into this _____ day of _____ 2014, by and between the City of St. Petersburg, a Florida municipal corporation, ("City") and Star-Tec Enterprises, Inc., a Florida non-profit corporation, d/b/a Tampa Bay Innovation Center ("TBIC") (collectively "Parties").

R E C I T A L S

WHEREAS, on April 14, 2014, the City received a letter proposal from TBIC to lease City-owned property located at the southwest corner of 4th Street South and 11th Avenue South ("City Property"); and

WHEREAS, because the City Property is located in the Bayboro Harbor Community Redevelopment Area the City, in accordance with the requirements of Florida Statutes 163.380, issued a Request for Proposals on April 20, 2014 with a due date of May 20, 2014, that set forth its intent to consider a proposal for the lease and development of the City Property; and

WHEREAS, the City Property contains approximately 2.5 acres and the City desires that the property be developed with not less than a 40,000 square foot facility, at no cost to the City that will encourage expansion and support for medical facilities and other job creating, employment oriented uses through the development mechanisms incorporated into the Bayboro Harbor Community Redevelopment Plan and help support the community by providing space for research, including but not limited to, health sciences and marine research; and

WHEREAS, TBIC was the only responder to the City's RFP; and

WHEREAS, the St. Petersburg Community Redevelopment Agency ("CRA") passed CRA Resolution No. 2014-2 on June 19, 2014 finding that the disposition at less than fair value is consistent with, and will further the implementation of the Bayboro Harbor Community Redevelopment Area Plan objectives and recommended that the City Council of St. Petersburg (City Council") approve the disposition to TBIC; and

WHEREAS, on June 19, 2014 after a duly noticed Public Hearing in accordance with Florida Statute 163.380 was held, the City Council approved Resolution No. 2014-270 finding that the disposition of the City Property at less than fair value will enable the expansion and support for business incubator facilities and other job creating, employment oriented uses and further the development of the Innovation District by providing space for research, including but not limited to, health sciences and marine research which is consistent with, and will further the implementation of the Bayboro Harbor Community Redevelopment Area Plan objectives

and approving the disposition of the City Property to TBIC and authorizing the Administration to negotiate this Lease.

NOW THEREFORE, in consideration of the promises and covenants contained herein, including but not limited to the services set forth below, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **RECITALS.** The above recitals are true and accurate and are incorporated herein.
2. **PREMISES.** City hereby leases to TBIC and TBIC hereby leases from City the property described in Exhibit "A", which is attached hereto and made a part hereof ("**Premises**").
3. **EFFECTIVE DATE.** This Lease shall be effective on the date the Mayor or his designee has executed this Lease ("**Effective Date**"). In the event TBIC fails to secure funding for the construction ("**Construction Financing**") of the Building, as hereinafter defined, within two (2) years of the Effective Date, the City or TBIC may terminate this Lease and upon termination, neither the City nor TBIC shall have any further obligations or rights hereunder and TBIC and City shall be released from all obligations hereunder except for any obligation(s) existing at the time of termination.
4. **COMMENCEMENT DATE.** If TBIC secures Construction Financing and this Lease has not been terminated, in accordance with paragraph 3, above, the right to terminate under paragraph 3 shall end and TBIC shall proceed with planning for construction of the Building, as hereinafter defined. TBIC shall secure site plan approval within two (2) years of securing Construction Financing. This Lease shall commence on the first (1st) day of the month following site plan approval for the improvements to the Premises ("**Commencement Date**"), which date shall be set forth in a memorandum signed by the Parties, which shall be attached hereto. TBIC shall commence construction as set forth in paragraph 10.2 of this Lease
5. **TERM; RENEWAL.** The Term of this Lease shall be for period of twenty-five (25) years after the Commencement Date ("**Term**") and shall expire on the twenty-fifth (25th) anniversary of the Commencement Date ("**Expiration Date**"). TBIC has the option of renewing this Lease five (5) times for five (5) years each, subject to the approval of the City Council set forth in paragraph 51 of this Lease ("**Renewal Term**").

6. ACCESS RIGHTS.

- 6.1. As of the Effective Date of this Lease, TBIC shall have the right to access the Premises for inspections, including but not limited to engineering, survey, and environmental.
- 6.2. As of the Commencement Date of this Lease, TBIC shall have the right to access, use and make improvements to the Premises, in accordance with the terms and conditions of this Lease.

7. RENT.

- 7.1. Rent. TBIC shall pay to the City Five Hundred Dollars (\$500.00) as rent for the Term, paid in advance prior to the Commencement Date of this Lease.
- 7.2. Additional Rent. TBIC shall pay to the City all other amounts due to City pursuant to this Lease as additional rent ("**Additional Rent**") within thirty (30) days after receipt of an invoice from City.

8. DELINQUENT PAYMENT; LATE CHARGE. If any payment due to the City is not paid fifteen (15) days after the receipt of an invoice from the City, TBIC shall pay a late charge of One Hundred (\$100) to compensate City for the additional administrative expense and loss occasioned thereby.

9. PERMITTED USE. TBIC shall use the City Property to construct a facility to house entrepreneurs, scientists, researchers and innovators, and for no other purpose ("**Permitted Use**") without the express written consent of the City Council, which consent may be granted or denied in City Council's sole discretion. The Permitted Use is further defined in Exhibit "B", attached hereto and made a part hereof by reference

10. TBIC OBLIGATIONS.

- 10.1. Facility. TBIC shall construct a facility of approximately 40,000 SF ("**Building**") that will house technology start-ups, provide space for researchers and serve as the community focal point for innovation and entrepreneurs.
- 10.2. Grant Funding and Construction. TBIC may encumber this Lease but not the fee simple interest of the City Property. Construction must begin not more than two (2) years after the Commencement Date and the construction completed not more than two (2) years after commencement of construction.
- 10.3. Job Creation. In addition to the Building, TBIC shall endeavor to create 100 or more new jobs at this location following completion of the Building.

10.4. **Failure to Develop.** In the event that TBIC is unable to substantially complete construction of the Building and commence operations within four (4) years of the Commencement Date, the City may unilaterally terminate this Lease and TBIC shall return the City Property free and clear of all liens, encumbrances, and restrictions.

10.5. **Historic Booker Creek Trail.** TBIC shall incorporate the Historic Booker Creek Trail ("Trail") into its site plan and provide for or permit, as the case may be:

10.5.1. Accommodation of the ten foot (10') Trail and four foot (4') recovery area at the north end of the Premises, in accordance with the City's current Trail plan that allows for minimal impact to the existing trees;

10.5.2. A minimum of six (6) motor-vehicle parking spaces including one (1) accessible motor-vehicle parking space that are fully dedicated for the exclusive use of Trail users;

10.5.3. An allowance based on availability, for the use of the remaining planned motor vehicle parking spaces after 5 pm and on weekends (Trail hours will follow that of the adjacent parks which are closed from 30 minutes after sunset until 30 minutes before sunrise the following day);

10.5.4. Installation of appropriate bike parking using bike racks that meet City standards established by the Transportation and Parking Management department.

10.5.5. Construction of an accessible path to connect between the parking, bike parking, and the Trail.

11. CITY OBLIGATIONS.

11.1. **Vacation of Alley.** The City will initiate a procedure to vacate the alley located on the property.

11.2. **Rezoning.** The City will initiate an amendment to the zoning for the City Property so that it is zoned appropriately for the Permitted Use.

11.3. **Historic Booker Creek Trail.** City intends to construct and maintain that portion of the Trail that will be located on the Premises as set forth in paragraph 10.5.1 of this Lease. City reserves the right to install Trail-related signage, including signs that would guide users to the parking areas and also educational signage/markers to note the historical significance of the adjacent areas.

12. **OWNERSHIP IMPROVEMENTS.** Excluding TBIC's personal property and trade fixtures, the Building and all permanent fixtures therein and any alterations or replacements thereof shall become the property of City upon the expiration or earlier termination of this Lease.

13. RETURN OF PREMISES.

13.1. Condition of Premises. TBIC shall, on or before the expiration of this Lease, or its earlier termination, remove all personal property from the Building and repair any damage caused by such removal and surrender and deliver up the Premises, broom clean and in good order, condition and repair, less ordinary wear and tear. Any personal property not removed within fifteen (15) days after the expiration of this Lease or its earlier termination, shall be deemed to have been abandoned by TBIC, and may be retained or disposed of by City, in its sole discretion.

13.2. Contracts and Encumbrances. TBIC shall return the Premises free and clear of any contractual obligations or other legal encumbrances not approved in writing by the City.

14. TAXES. As of the Effective Date of this Lease, the following shall apply:

14.1. Personal Property Taxes. TBIC shall be responsible for and shall pay before delinquency all municipal, county, state and federal taxes assessed during the Term, or any Renewal Term hereof, against personal property of any kind owned by or placed in, upon or about the Premises by TBIC.

14.2. Real Estate Taxes, Other Taxes and Fees. TBIC shall be responsible for and shall pay before delinquency all applicable real estate taxes, sales taxes, stormwater fees, governmental assessments of any kind, including but not limited to special assessments and service district assessments, if any, levied on the Premises or the contents thereof and deliver to the City, without notice or demand, the appropriate receipts that show payment thereof.

14.3. Property Owned by Governmental Unit. The Premises are subject to Section 196.199, Florida Statute, as it may be amended from time to time.

15. UTILITIES / SERVICES. As of the Effective Date of this Lease, TBIC shall contract in its own name for all water, sewer service, electric, gas and telephone service, cleaning service, satellite/cable/internet services and other services including but not limited to any and all turn-on or transfer fees, and the removal of trash/garbage.

16. CEASE OPERATIONS. In the event that the Premises are not used for the Permitted Use, City shall have the right to unilaterally terminate this Lease and TBIC shall vacate and surrender the Premises to the City free and clear of all liens, encumbrances and restrictions and City and upon termination, neither the City nor TBIC shall have any further obligations or rights hereunder and TBIC and City shall be released from all obligations hereunder except for any obligation(s) existing at the time of termination..

17. LIENS.

17.1. No Real Property Liens. TBIC shall never, under any circumstances, have the power to subject the Premises to any mechanic's or materialman's lien or other lien of any kind. All contracts for improvements to the Premises shall provide for a payment and performance in accordance with Section 255.05, Florida Statutes. City shall have a lien against all goods, equipment, furniture and other personal property of TBIC kept on the Premises at any time during the Term, or any Renewal Term hereof, in the aggregate amount of all rent, damages and the sums that may at any time be owed by TBIC to City under this Lease. City, in the event of any default by TBIC, may foreclose the lien.

17.2. Payment and Performance Bond. All contracts for improvements to the Premises shall provide for a payment and performance bond in accordance with Section 255.05, Florida Statutes or successor laws. Notice is hereby given that no contractor, subcontractor or any other person who may furnish any material, service or labor for any building, improvement, alteration, repairs or any part thereof, or for the destruction or removal of any building or structure, shall at any time be or become entitled to any lien on or against the Premises.

17.3. Leasehold as Collateral; City Estoppel Certificate. City acknowledges that TBIC may require a personal property lease agreement or other secured financing for its operations or equipment to be physically located at the Premises, or financing using TBIC's leasehold interest as collateral. In the event that a lender or equipment lessor requires the City as landlord to provide an estoppel and subordination certificate subordinating this Lease to the new financing, City shall, upon written request, execute such certificate whose terms and conditions are acceptable to City in its sole discretion, and only if it provides that the leasehold is the collateral and that the City's fee simple interest in the real property will not be subject to the financing. Notwithstanding the foregoing, in no event shall the City provide an estoppel certificate for any leasehold mortgage that exceeds a twenty (20) term or one that exceeds the expiration date of this Lease.

18. MAINTENANCE. TBIC shall be responsible for all maintenance of the Building, when constructed, including but not limited to all Building components, security, and Premises landscaping. If TBIC fails to maintain the Building or the Premises as required hereunder, then thirty (30) days after written notice (or such longer period as is necessary if the repair cannot reasonably be completed within the thirty (30) day period and TBIC promptly commences and diligently pursues the completion of such repair), City shall have the right to enter the Premises and to make such repairs at TBIC's expense. TBIC shall pay City's reasonable costs for making such repairs as Additional Rent.

19. CITY ADMINISTRATIVE APPROVAL OF PLANS. TBIC shall not commence work unless and until written plans have been submitted for administrative approval

("Administrative Approval") to and approved by the City's Development Administration, in City's reasonable discretion ("Approved Plans"). Said plans submitted for Administrative Approval shall include but are not limited to an interior space plan, elevations, electrical panel schedules, load calculations and HVAC equipment specifications, systems diagrams (ductwork, diffusers). TBIC, at its sole cost and expense, shall prepare and submit preliminary plans to the City not more than thirty (30) days after the Effective Date for Administrative Approval. Administrative Approval is in addition to any approvals required by the City of St. Petersburg's City Code. City shall have ten (10) days from receipt thereof to disapprove of such plans. Any disapproval shall contain the specific changes desired by City to obtain its approval. TBIC shall submit revised plans to City incorporating changes acceptable to TBIC. City shall have five (5) days from receipt thereof to disapprove any revised plans; provided that if the changes requested by City have been made, City's approval shall be deemed given. City's failure to disapprove the plans within the applicable ten (10) day period or five (5) day period shall constitute City's approval of said plans. If City and TBIC are unable to agree upon Approved Plans and Specifications, TBIC shall have the option of terminating this Lease upon written notice to City and upon such termination, City and TBIC shall be released from all obligations hereunder, except for any obligations existing at the time of termination. Unless such change is required by the City of St. Petersburg's Development Services Division, TBIC shall not change the plans in any substantial, material respect without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed.

20. INSURANCE.

20.1. TBIC Obligation as of the Effective Date of this Lease. TBIC, shall, from the Effective Date of this Lease until the expiration or earlier termination of this Lease or any Renewal Term hereof, maintain at TBIC's cost, the following insurance:

20.1.1. Commercial General Liability. A Commercial General Liability Insurance Policy protecting the City against all claims or demands that may arise or be claimed on account of TBIC's use of the Premises in an amount of at least \$1,000,000 for injuries to persons in one accident and \$2,000,000 general aggregate, \$1,000,000 for injuries to any one person, \$1,000,000 for damages to property and \$1,000,000 Damage to Rented Premises. Commercial General Liability limits may, from time to time, be adjusted at the discretion of the City to reflect the then current, generally acceptable policy limits.

20.1.2. Builder's Risk. TBIC shall require Builders Risk insurance from contractor. The policy shall insure the contractors work at the site to its full insurable value. The Policy shall insure the interests of the City, TBIC, the Contractors and subcontractors.

- 20.2. **TBIC Obligation as of the Commencement Date of this Lease.** TBIC, shall, from the Commencement Date of this Lease until the expiration or earlier termination of this Lease or any Renewal Term hereof, maintain at TBIC's cost, the following insurance:
- 20.2.1. **Worker's Compensation.** Workers' Compensation Insurance in compliance with the laws of the State of Florida. Employers Liability coverage with minimum limits of \$100,000 each accident, \$100,000 each employee and \$500,000 policy limit for disease.
- 20.2.2. **Personal Property.** Any insurance coverage it may desire on the contents of the Premises.
- 20.2.3. **Business Interruption Insurance.** Business Interruption Insurance insuring that all sums payable under this Lease, including but not limited to Rent, Additional Rent, and maintenance charges shall be paid to City if the Premises are destroyed by a risk which is insurable under a standard policy of fire and extended coverage insurance with vandalism and malicious mischief endorsements.
- 20.2.4. **Real Property.** TBIC shall keep in force fire and casualty insurance on a replacement cost basis with respect to the Building and betterments with companies licensed to do business in the State of Florida and rated A- (A minus) or better in the then most current issue of Best's Insurance Report.
- 20.2.5. **City as Additional Insured.** All of the insurance required under paragraph 20 of this Lease, shall be effected under enforceable policies issued by insurers licensed to do business in the State of Florida and be rated "A-" or better by a rating agency such as A.M. Best or its equivalent. All policies except Worker's Compensation policies, shall name the City as additional insured, be in occurrence form, provide contractual liability covering the liability assumed in this Lease and shall not exclude any activity that would normally be associated with use of the Premises without the prior written consent of the City which may be withheld by the City at its sole discretion. All policies shall provide that they shall not be subject to cancellation or material change, which affect City, except upon at least thirty (30) days prior written notice to City at the address set forth in paragraph 52 of this Lease.
- 20.2.6. **TBIC Reporting Requirement.** TBIC shall provide City, without notice or demand, duly executed certificates of all insurance required by this Lease, any endorsements, enhancements and exclusions, together with satisfactory evidence of the payment of the premiums thereon prior to the Commencement Date and TBIC shall maintain current certificates of insurance on file with City at all times during the Term, or any Renewal Term hereof. Not less than thirty (30) days prior to expiration of the term of such policies, a certificate showing the renewal coverage

shall be delivered to City. The TBIC shall provide copies of any of the required policies to the City on demand.

20.2.7. Failure of TBIC to Provide Insurance. If TBIC fails to furnish certificates showing policies paid in full as provided in this Lease, the City may, after written notice to TBIC and failure of TBIC to provide the certificate within ten (10) days of such notice, obtain the insurance, and the premiums on that insurance shall be deemed Additional Rent to be paid by the TBIC.

20.3. Continuing Coverage. The insurance coverage and limits required by paragraph 20 of this Lease are subject to change or revision during the Term. Required insurance coverages and limits may be modified at that time to reflect the then current commercially reasonable coverages and limits. In the event the new coverages and limits are not more than twenty-five percent (25%) in cost than the then current coverages and limits required by paragraph 20 of this Lease, then the coverages and limits required by paragraph 20 of this Lease shall change so that they are equal to the then current commercially reasonable coverages and limits. If the cost of coverages and limits is twenty-five percent (25%) or more, then coverages and limits required by paragraph 20 of this Lease shall be increased to an amount that could be acquired for the twenty-five percent (25%) increase in cost. The City shall provide TBIC thirty (30) days written notice of the then current commercially reasonable coverages and limits together with supporting documentation. Failure of TBIC to comply with such changes shall be considered a Default of this Lease and a request to terminate this Lease.

21. INDEMNIFICATION; DISCLAIMERS.

21.1. TBIC Indemnification. Except for incidents occurring on the Trail, TBIC shall defend at its expense, pay on behalf of, hold harmless and indemnify City, its officers, employees, agents, invitees, elected and appointed officials and volunteers (collectively, "**Indemnified Parties**") from and against any and all claims, demands, liens, liabilities, penalties, fines, fees, judgments, losses and damages (whether or not a lawsuit is filed) including, but not limited to, costs, expenses and attorneys' fees at trial and on appeal (collectively, "**Claims**") for damage to property or bodily or personal injuries, including death at any time resulting therefrom, sustained by any person or persons, which damage or injuries are alleged or claimed to have arisen out of or in connection with, in whole or in part, directly or indirectly:

21.1.1. Ownership, Occupancy or Use. The ownership, occupancy or use of the Premises by City or TBIC;

21.1.2. Performance of this Lease. The performance of this Lease (including future changes and amendments thereto) by TBIC, its employees, agents, representatives,

contractors, subcontractors or volunteers, including but not limited to the TBIC's duty to maintain and warn of dangerous conditions;

21.1.3. Compliance and Conformity. The failure of TBIC, its employees, agents, representatives, contractors, subcontractors or volunteers to comply and conform with any applicable law, statute, ordinance or regulation now or hereinafter in force, including, but not limited to violations of the Americans with Disabilities Act of 1990 ("ADA") and any current or future amendments thereto; or

21.1.4. Negligent, Reckless or Intentional Act or Omission. Any negligent, reckless or intentional act or omission of the TBIC, its employees, agents, representatives, contractors, subcontractors or volunteers, whether or not such negligence is claimed to be either solely that of the TBIC, its employees, agents, representatives, contractors, subcontractors or volunteers or to be in conjunction with the claimed negligence of others, including that of any of the Indemnified Parties.

21.2. Insurance Obligations. The provisions of paragraph 21 of this Lease, are independent of, and shall not be limited by, any insurance obligations in this Lease, and shall survive the expiration or earlier termination of this Lease with respect to any claims or liability arising in connection with any event occurring prior to such expiration or termination. The purchase of insurance coverage required by this Lease, or otherwise, shall not relieve TBIC of any duties set forth in paragraph 21 of this Lease.

21.3. TBIC's Business or Property Damage. City shall not be responsible or liable at any time for any damage to the Premises or to TBIC's business regardless of the cause, unless such damage is due to City's negligence or wrongful act.

21.4. Acts or Omissions of Third Parties. City shall not be responsible or liable to TBIC for any damage to either person or property that may be occasioned by or through the acts or omissions of third parties.

21.5. Property Defects. Unless due to City's negligence, wrongful act, or failure to comply with this Lease, City shall not be responsible or liable for any defect in the Building or Premises or any of the equipment, machinery, utilities, appliances or apparatus therein, nor shall it be responsible or liable for any damage to any person or to any property of TBIC or other person caused by or resulting from burst, broken or leaking pipes or by or from, steam or the running, backing up, seepage, or overflow of water or sewage in any part of the Building or Premises or for any damage caused by or resulting from acts of God or the elements, the failure of any public utility in supplying utilities to the Building or Premises or for any damage caused by or resulting from any defect or negligence in the occupancy, construction, operation or use of any of the Building or Premises, machinery, apparatus or equipment by any other person or by or from the acts of negligence of any occupant of the Building or Premises.

21.6. Notice. TBIC shall give prompt notice to City in case of fire or accidents or other casualties on or about the Building or Premises.

21.7. Risk of Loss. TBIC shall store its property in and shall occupy the Premises at its own risk.

22. **WAIVER OF SUBROGATION.** City and TBIC hereby waive any rights each may have against the other on account of any loss or damage incurred by City or TBIC, as the case may be, to their respective property, the Premises, or its contents arising from any risk generally covered by fire and extended coverage insurance policies. The Parties each, on behalf of their respective insurance companies insuring the property of either City or TBIC against any such loss or damage, waive any right of subrogation that such companies may have against City or TBIC, as the case may be. Each party covenants with each other that, to the extent such insurance endorsement is available; they shall each obtain for the benefit of the other, a waiver of any right of subrogation from their respective insurance companies, if such endorsement is requested.

23. **ASSIGNMENT AND SUBLEASE.**

23.1. Consent Required. Except as set forth in paragraph 23.3 of this Lease, TBIC may not delegate performance nor assign nor sublease this Lease or any of its rights under this Lease, without City's prior written consent, set forth in paragraph 51 of this Lease, which shall be granted or withheld in the City's sole discretion. Any such purported delegation or assignment shall be null and void and shall constitute a material default of this Lease and cause for immediate termination. Any purported involuntary assignment of this Lease or assignment by operation of law, whether by bankruptcy or insolvency, merger (whether as the surviving or disappearing corporation), consolidation, dissolution, reorganization, transfer of the TBIC or controlling interest in the TBIC, or court order effectuating such assignment or any other method, shall be null and void and shall constitute a material default of this Lease and cause for immediate termination, unless such underlying transaction is approved by the City Council which approval shall be in the sole discretion of the City Council.

23.2. Assumption. Upon an approved Assignment of this Lease, the assignee shall assume all rights and obligations of TBIC under this Lease. Any assignee of TBIC shall deliver to City an assumption agreement in a form reasonably satisfactory to City not less ninety (90) days prior to the effective date of such Assignment. Notwithstanding anything to the contrary contained in this Lease, upon receipt of a satisfactory assumption agreement, TBIC's liability shall not terminate under this Lease, and thereafter TBIC, and any guarantor of TBIC's obligations hereunder, shall have the same liability as if there had been no Assignment.

23.3. Sublease. TBIC may sublease space in the Building to subtenant(s) that comply with, advance or complement the Permitted Use. However, no single subtenant may sublease more than 15,000 square feet.

24. DEFAULT.

24.1. Default by TBIC.

24.1.1. Events of Default. Subject to TBIC's right to notice and opportunity to cure, set forth below, TBIC shall be deemed to be in default of its obligations under this Lease upon the occurrence of any of the following:

24.1.1.1. TBIC's failure to pay sums due under this Lease;

24.1.1.2. TBIC's failure to perform any material covenant, promise or obligation contained in this Lease;

24.1.1.3. The appointment of a receiver or trustee for all or substantially all of TBIC's assets;

24.1.1.4. TBIC's voluntarily petition for relief under, any bankruptcy or insolvency law, or the filing of an involuntary bankruptcy petition which is not dismissed within sixty (60) days;

24.1.1.5. The sale of TBIC's interest under this Lease by execution or other legal process;

24.1.1.6. The seizure, sequestration or impounding by virtue of or under authority of any legal proceeding of all, or substantially all, of the personal property or fixtures of TBIC used in or incident to the operation of the Premises;

24.1.1.7. TBIC making an assignment of all, or substantially all, of the personal property or fixtures of TBIC used in or incident to the operation of the Premises for the benefit of creditors;

24.1.1.8. Any sale, transfer, assignment, subleasing, concession, license, or other disposition prohibited under this Lease, except as provided for in paragraph 23 of this Lease;

24.1.1.9. TBIC doing or permitting to be done anything that creates a lien upon the Premises and shall fail to obtain the release of any such lien or bond off any such lien as required herein.

24.1.2. Notice; Right to Cure. TBIC shall only be deemed in default of this Lease upon the continued occurrence of:

24.1.2.1. TBIC's failure to pay any monetary sum for a period of ten (10) days after written notice from City to TBIC that such sums are due, or

24.1.2.2. The occurrence of any other event specified in paragraph 24.1 of this Lease that is not cured by TBIC within thirty (30) days from TBIC's receipt of written notice from City, provided this thirty (30) day cure period shall be extended for such reasonable period of time as is necessary to cure the default, if the default is not reasonably capable of cure within said thirty (30) day period and TBIC commences and continues to diligently cure the default.

24.1.3. City's Remedies. Upon TBIC's default hereunder, City may exercise all remedies available at law or in equity. All such remedies shall be cumulative and non-exclusive.

24.2. Default by City.

24.2.1. Events of Default; Right to Cure. City shall be in default under this Lease if City fails to perform any of its obligations or breaches any of its covenants contained in this Lease and said failure or breach continues for a period of thirty (30) days after written notice from TBIC to City, provided this thirty (30) day cure period shall be extended for such reasonable period of time as is necessary to cure the default, if the default is not reasonably capable of cure within said thirty (30) day period and City commences and continues to diligently cure the default.

24.2.2. TBIC's Remedies. Upon City's default hereunder TBIC may exercise all remedies available at law or in equity. All such remedies shall be cumulative and non-exclusive.

25. CONDEMNATION.

25.1. Condemnation. If during the Term, or any Renewal Term hereof, the whole of the Premises are condemned or taken in any manner for public use, or if a portion of the Premises are condemned or taken in any manner or degree to an extent that the Premises are not suitable, as determined by TBIC in its reasonable discretion, for the Intended Use, then in either event TBIC or City may elect to terminate this Lease as of the date of the vesting of title in the condemning authority. As used in this paragraph, a condemnation or taking includes a deed given or transfer made in lieu thereof.

25.2. Award. City shall be entitled to that portion of the condemnation award attributable to City's interest in the Premises, which includes the Building and the land. TBIC shall be entitled to that portion of the condemnation award attributable to the loss of TBIC's leasehold in the Premises, TBIC's improvements and fixtures on the Premises, its operating losses and its relocation costs.

26. DESTRUCTION OF BUILDING.

26.1. Restoration. If the Building is totally destroyed by fire or other casualty or if the Building is partially destroyed in an insured event then TBIC shall use the proceeds from its property insurance to rebuild the Building to a condition similar to the Building's pre-event condition, or

26.2. Termination. If within the last two (2) years of any Lease Term then in effect, TBIC may deliver the non-personal property insurance proceeds without offset to the City as reimbursement for loss of the Building and terminate this Lease within sixty (60) days after such casualty loss, in which event all obligations herein shall cease as of the date of such delivery, and neither City nor TBIC shall have any further obligations or rights hereunder except for any obligations existing at the time of termination.

27. **REPLACEMENT PREMISES.** City is under no obligation to locate or provide a replacement Premises or facilities under any circumstances, including but not limited to, substantial damage to the existing improvements by fire, flood, hurricane, tornado, earthquake or other form of natural disaster, or termination of this Lease.

28. REPRESENTATIONS AND WARRANTIES.

28.1. TBIC's Representations and Warranties. TBIC hereby represents and warrants to City that:

28.1.1. TBIC is a duly authorized and valid Florida non-profit corporation registered to do business in the State of Florida.

28.1.2. TBIC has the full right and authority to enter into this Lease;

28.1.3. each of the persons executing this Lease on behalf of TBIC is authorized to do so;

28.1.4. this Lease constitutes a valid and legally binding obligation of TBIC, enforceable in accordance with its terms and conditions.

28.2. City's Representations and Warranties. City hereby represents and warrants to TBIC that:

28.2.1. City is the fee simple owner of the Premises;

28.2.2. there are no agreements, contracts, covenants, conditions or exclusions which would, if enforced, prohibit or restrict the operation of the Premises for the Intended Use;

28.2.3. City is a duly authorized and existing municipal corporation under the laws of the State of Florida and is qualified to operate in the State of Florida;

28.2.4. City has the full right and authority to enter into this Lease;

28.2.5. each of the persons executing this Lease on behalf of City is authorized to do so;

28.2.6. this Lease constitutes a valid and legally binding obligation on City, enforceable in accordance with its terms.

29. **ENVIRONMENTAL.** As of the Effective Date, the City is unaware of any violation of any Environmental Laws concerning the City Property.

29.1. **Definitions.** For purposes of this Lease, the following words and phrases shall have the following meaning except where the text clearly indicates a contrary intention:

29.1.1. "**Environment**" shall mean soil, surface waters, groundwater, land, stream and sediments, surface or subsurface strata, ambient air, interior and/or exterior of any building or improvement and any environmental medium.

29.1.2. "**Environmental Condition**" shall mean any condition of the environment with respect to the Premises that results from TBIC's possession, use, occupation, construction and/or improvement to or operation of TBIC's business on the Premises.

29.1.3. "**Environmental Law**" shall mean the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., as amended ("**RCRA**"); the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., as amended (original act known as "**CERCLA**" or "**Superfund**", the amendments are known as "**SARA**"); the HSWA amendments to RCRA regulating Underground Storage Tanks ("**UST's**"), 42 U.S.C. Sections 6991-6991(I), as amended; the Clean Air Act of 1963 42 U.S.C. Sections 7401, et seq., as amended ("**Clean Air Act**"); the Federal Water Pollution Control Act of 1977 and 1987, 33 U.S.C. Sections 1251, et seq., as amended ("**Clean Water Act**"); the Toxic Substances Control Act of 1976, 15 U.S.C. Sections 2601, et seq., as amended ("**TSCA**"); the Hazardous Materials Transportation Act, 49 U.S.C. Sections 1801, et seq., as amended ("**HMTA**"); the Occupational Safety and Health Act, as amended ("**OSHA**"), 29 U.S.C. Sections 651, et seq., the Florida Resource Recovery and Management Act, Section 403.701, et seq., Florida Statutes; the Pollutant Spill Prevention and Control Act, Section 376.011-376.17 and 376.19-376.21, Florida Statutes, and Chapters 373, 376 and 403, Florida Statutes; and any other present or future federal, state, or local law, regulation, rule or ordinance implementing or otherwise dealing with the subject matter of the preceding federal and state statutes, together, in each case, with any amendment thereto.

29.1.4. "**Hazardous Material**" shall mean without limitation (i) those substances included within the definitions of "**Hazardous Substances**", "**Hazardous Materials**", "**Toxic**

Substance", or "Solid Waste" in any Environmental Law; (ii) those substances listed in the United States Department of Transportation Table (49 CFR 172.101 and amendments thereto) or by the Environmental Protection Agency (or any successor agency) as hazardous substances (40 CFR Part 302 and amendments thereto); (iii) any materials, waste, or substance which is (A) petroleum, petroleum by-products, residuals and petroleum degradation by-products; (B) asbestos; (C) polychlorinated biphenyl's; (D) flammable explosives; or (E) radioactive materials; and (iv) such other substances, materials, and wastes which are or become regulated or controlled under any Environmental Law, or which would trigger any employee or community "right-to-know" requirements adopted by any federal, state or local governing body, or for which such body has adopted any requirements for the preparation of distribution of a hazard communication safety data sheet ("SDS").

29.1.5. "Release" shall mean any releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing, or dumping into the environment.

29.2. **TBIC's Obligation.** TBIC shall not use, store, generate, transport, dispose, nor cause the release or discharge any Hazardous Materials in or upon the Premises, including but not limited to into any ditch, stream, conduit, storm sewer or sanitary sewer connected thereto or located thereon or knowingly permit any subtenants or other persons or entities occupying the Premises to engage in such activities in or upon the Premises. However, the foregoing provision shall not prohibit the use, storage, maintenance, transportation to and from or handling within the Premises of substances customarily used in the operation of the Premises, provided: (i) such substances shall be used, stored, maintained, transported, handled and disposed of only in accordance with Environmental Laws, (ii) such substances shall not be released or discharged in or upon the Premises in violation of Environmental Laws and the National Fire Protection Association ("NFPA") Code and local fire codes as they may be amended from time to time, and (iii) for purposes of removal and disposal of any such substances, TBIC shall be named as the owner and generator, obtain a waste generator identification number, and execute all permit applications, manifests, waste characterization documents and any other required forms required by the appropriate state or federal environmental authority and hold City harmless.

29.3. **City Notification.** TBIC shall promptly notify City of: (i) any enforcement, cleanup or other regulatory action taken or threatened by any governmental or regulatory authority with respect to the presence of any Hazardous Materials in or upon the Premises or the migration thereof from or to other property, (ii) any demands or claims made or threatened by any party relating to any loss or injury resulting from any Hazardous Materials in or upon the Premises, and (iii) any matters where City is required by Environmental Laws to give a notice to any governmental or regulatory authority respecting any Hazardous Materials in or upon the Premises.

- 29.4. Clean up and Remediation. If any Hazardous Materials are released, discharged, or disposed of by TBIC or any other occupant of the Premises in violation of Environmental Laws, TBIC shall immediately, properly and in compliance with Environmental Laws clean up and remove the Hazardous Materials from the Premises and any other affected property. Such cleanup and removal shall be at the TBIC's sole expense.
- 29.5. TBIC Indemnity. Except for incidents occurring on the Trail, TBIC shall defend, pay on behalf of, indemnify and hold harmless City, its officers, directors, agents, or employees from and against all claims, damages, expenses (including reasonable attorneys' fees), liabilities and all other obligations including, without limitation, third party claims for personal injury or real or personal property damage (collectively, "Environmental Claims") arising from or connected with the violation of any Environmental Laws by TBIC or other occupants of the Premises except to the extent any of the foregoing Environmental Claims are attributable to the violation of Environmental Laws by City, its officers, directors, agents or employees. The City shall have control over the City's and TBIC's involvement in legal proceedings resulting from an environmental violation and covered by the indemnification agreement contained in this Lease. TBIC's duty to indemnify shall survive the expiration or earlier termination of this Lease.
- 29.6. Access to Premises. TBIC shall allow authorized representatives of the City or state and federal environmental personnel, at a reasonable time, access to the Premises for the following purposes:
- 29.6.1. Conducting an environmental audit or other inspections of the Premises.
 - 29.6.2. Reviewing and copying of any records that must be kept under any environmental permit.
 - 29.6.3. Viewing the facility, equipment, practices, or operations regulated or required under such permit.
 - 29.6.4. Sampling or monitoring any substances or parameters at any location subject to any environmental permit or federal, state or municipal environmental law or regulation.
- 29.7. Termination by City. The City may unilaterally terminate this Lease immediately and without notice for any violation of paragraph 29 of this Lease.
- 29.8. Survivability. The provisions of paragraph 29 of this Lease shall survive the expiration or earlier termination of this Lease.

- 29.9. **No Limitation.** Nothing in this lease shall be interpreted as limiting the City's ability to seek contribution from any potentially responsible parties for any environmental violation.
30. **RELATIONSHIP BETWEEN PARTIES.** The relationship between the Parties is that of landlord and tenant.
31. **PARAGRAPH NUMBERS AND CAPTIONS.** The paragraph numbers and captions appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections. All references to paragraph numbers in this Lease shall include any subparagraphs.
32. **ENTIRE AGREEMENT.** This Lease and any attachments hereto and forming a part hereof set forth all the covenants, promises, agreements, conditions, and understandings between City and TBIC concerning the Premises and there are no covenants, promises, agreements, conditions or understandings, either oral or written, other than as herein set forth. No subsequent alteration, amendment, change or addition to this Lease shall be binding upon City or TBIC until reduced to writing, authorized by the City Council, and signed by City and TBIC.
33. **SEVERABILITY.** If any term, covenant or condition of this Lease, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Lease or the application of such term, covenant, or condition to persons or circumstances other than those as to which it was held invalid or unenforceable, shall not be affected thereby and each term, covenant, or condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.
34. **APPLICABLE LAW, VENUE AND JURISDICTION.** This Lease shall be governed by and interpreted in accordance with the laws of the State of Florida. Venue for any action brought in state court shall be in Pinellas County, St. Petersburg Division. Venue for any action brought in federal court shall be in the Middle District of Florida, Tampa Division, unless a division shall be created in St. Petersburg or Pinellas County, in which case the action shall be brought in that division. Each party waives any defense of improper or inconvenient venue as to either court and consents to personal jurisdiction in either court.
35. **RECORDING.** This Lease or a memorandum of this Lease, may be recorded in the public records at the expense of the party so recording.
36. **SUCCESSORS.** The provisions of this Lease shall inure to the benefit of and be binding upon the respective successors, and assigns of City and TBIC.
37. **FORCE MAJEURE.** In the event that either party hereto shall be delayed or hindered in or prevented from the performance required hereunder by reason of strikes, lockouts, labor troubles, failure of power, riots, insurrection, war, acts of God, or other reason not the fault

of the party delayed in performing work or doing acts ("**Permitted Delay**"), such party shall be excused for the period of time equivalent to the delay caused by such Permitted Delay. Notwithstanding the foregoing, any extension of time for a Permitted Delay shall be conditioned upon the party seeking an extension of time delivering written notice of such Permitted Delay to the other party within ten (10) days of the event causing the Permitted Delay, and the maximum period of time which a party may delay any act or performance of work due to a Permitted Delay shall be sixty (60) days.

38. **BROKERAGE FEES.** TBIC and City warrant to each other that there is no broker or other individual entitled to any commission by reason of this Lease. TBIC shall defend, indemnify, pay on behalf of and hold City harmless from any and all loss, damage, cost and expense, including reasonable attorney's fees, which City may sustain or incur by reason of any real estate commission or fee claimed to be due by, through or under TBIC. City, to the extent permitted by law, shall indemnify, pay on behalf of and hold TBIC harmless from any and all loss, damage, cost and expense, including reasonable attorney's fees, which TBIC may sustain or incur by reason of any real estate commission or fee claimed to be due by, through or under the City.
39. **CITY'S RIGHTS UNDER LEASE.** All rights reserved to City under this Lease shall be exercised in a reasonable manner and in a manner so as to minimize any adverse impact to TBIC's operations, use or enjoyment of the Premises.
40. **TIME PERIODS.** Time is of the essence. Time periods herein shall include Saturdays, Sundays, and state and national legal holidays and shall end at 5:00PM local time.
41. **CITY CONSENT AND ACTION.**
- 41.1. For the purposes of this Lease, any required written consent, permission, approval or agreement ("**Approval**") by the City means the Approval of the Mayor or his designee unless otherwise set forth herein and such Approval shall be in addition to any and all regulatory approvals for permits and/or other licenses required by law or this Lease.
- 41.2. For the purposes of this Lease any right of the City to take any action permitted, allowed or required by this Lease, may be exercised by the Mayor or his designee, unless otherwise set forth herein.
42. **NON-APPROPRIATION.** The obligations of the City as to any funding required pursuant to this Lease, shall be limited to an obligation in any given year to budget and appropriate from legally available funds, after monies for essential services have been budgeted and appropriated, sufficient monies for the funding that is required during that year. Notwithstanding the foregoing, the City shall not be prohibited from pledging any legally available non-ad valorem revenues for any obligations heretofore or hereafter incurred, which pledge shall be prior and superior to any obligation of the City pursuant to this Lease.

43. **NON-DISCRIMINATION.** TBIC for itself and its successors and approved assigns, as a part of the consideration hereof, does hereby covenant that TBIC shall not Tenant shall not discriminate against anyone in the use of the Premises on the basis of race, color, religion, gender, national origin, marital status, age, disability, sexual orientation, genetic information or other protected category..
44. **CITY AS A MUNICIPAL CORPORATION.** Nothing contained herein shall be interpreted to require the City to take any action or refrain from taking any action that would be adverse to its status as a municipal corporation.
45. **QUIET ENJOYMENT.** Subject to the terms, covenants and conditions of this Lease, City warrants and covenants that TBIC shall peacefully and quietly have, hold and enjoy the Premises for the entire Term, or any Renewal Term hereof.
46. **CONDITION OF PREMISES.** TBIC has inspected the Premises and accepts the Premises in AS IS condition.
47. **ESTOPPEL CERTIFICATE.** Either party, upon request of the other party, shall execute, acknowledge and deliver an instrument, stating, if the same be true, that this Lease is a true and exact copy of the Lease between the Parties, that there are no amendments hereto (or stating what amendments there may be), that the same is then in full force and effect and that, to the best of its knowledge, there are no offsets, defenses or counterclaims with respect to the payment of Rent hereunder or in the performance of the other terms, covenants and conditions hereof on the part of TBIC or City, as the case may be, to be performed, and that as of such date no default has been declared hereunder by either party or if so, specifying the same. Such instrument shall be executed by the other party and delivered to the requesting party within sixty (60) days of receipt of a request therefore.
48. **NO WAIVER.** The exercise by the City of any right or remedy to enforce its rights under this Lease shall not constitute a waiver of, or preclude the exercise of, any other right or remedy afforded the City by this Lease or by statute or law; nor shall the acceptance of Rent or other payment be deemed to be a waiver of any such default. The failure of the City in one or more instances to insist on strict performance or observations of one or more of the covenants or conditions of this Lease, or to exercise any remedy, privilege or option conferred by this Lease on or reserved to the City, will not operate or be construed as a relinquishment or future waiver of the covenant or condition or the right to enforce it or to exercise that privilege, option or remedy, but that right will continue in full force and effect. No term, covenant or condition of this Lease shall be deemed to have been waived by City, unless such waiver is in writing.
49. **RADON GAS DISCLOSURE.** Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of Radon that exceed federal and state guidelines

have been found in buildings in Florida. Additional information regarding Radon and Radon testing may be obtained from your county public health unit.

50. **NO CONSTRUCTION AGAINST PREPARER OF LEASE.** This Lease has been prepared by the City and reviewed by TBIC and its professional advisors. The City, TBIC and TBIC's professional advisors believe that this Lease expresses their agreement and that it should not be interpreted in favor of either the City or TBIC or against the City or TBIC merely because of its efforts in preparing it.
51. **CITY COUNCIL APPROVAL.** This Lease and any amendments thereto, are subject to approval by the City Council, and execution by its Mayor or his designee.
52. **NOTICES.** Any notice, demand, request or other instrument which may be or is required to be given or delivered under this Lease shall be deemed to be delivered (i) whether or not actually received, five (5) days after deposited in the United States mail, postage prepaid, certified or registered mail, return receipt requested, or (ii) when received (or when receipt is refused) if delivered personally or sent by a nationally recognized overnight courier, all charges prepaid, at the addresses of City and TBIC set forth in this paragraph. Such address may be changed by written notice to the other party in accordance with this paragraph. The Parties acknowledge that copies of any notice sent by facsimile or e-mail are for convenience only, and shall not be deemed to be proper notice required hereunder.

TO CITY
City of St. Petersburg
Real Estate & Property Management
1 – 4th Street North
St. Petersburg, Florida 33701
727.893.7500
FAX 727.893.4134

TO TBIC
Tampa Bay Innovation Center
7887 Bryan Dairy Road, Suite 220
Largo, Florida 33777
727.547.7340
FAX 727.547.7350

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGES FOLLOW THIS PAGE

IN WITNESS WHEREOF the Parties hereto have caused this Lease to be executed by their duly authorized representatives on the day and date first written above.

WITNESSES

Sign: [Signature]
Print: Gilman Moore

Sign: [Signature]
Print: Joan M. Sacco

Star-Tec Enterprises, Inc., a Florida non-profit corporation d/b/a Tampa Bay Innovation Center

By: [Signature]
Tonya Elmore, President and CEO

ATTEST
[Signature]
Print: Suzanne L. Boland
Corporate Secretary

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 3rd day of October 2014, by Tonya Elmore and Suzanne Boland as President/CEO and Secretary of Star-Tec Enterprises, Inc., a Florida non-profit corporation d/b/a Tampa Bay Innovation Center, respectively, on behalf of the corporation. They are personally known to me and appeared before me at the time of notarization.

Notary Public - State of Florida
[Signature]
Notary Signature


Commission Expires

WITNESSES

Sign: _____
Print: _____

Sign: _____
Print: _____

Reviewed by:

Bruce Grimes, Director
Real Estate & Property Management

CITY OF ST. PETERSBURG, FLORIDA,
a Florida municipal corporation

By: _____
Rick Kriseman, as Mayor

ATTEST

By: _____
Chandrahasa Srinivasa, City Clerk

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this ____ day of _____ 2014, by Rick Kriseman and Chandrahasa Srinivasa, as Mayor and City Clerk, respectively, of the City of St. Petersburg, Florida, a Florida municipal corporation, existing under the laws of the State of Florida, on behalf of the corporation. They are personally known to me and appeared before me at the time of notarization.

Notary Public - State of Florida

Notary Signature

Commission Expires

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

City Attorney (Designee)

City Attorney (Designee)

By: _____
Assistant City Attorney

By: _____
Assistant City Attorney

Legal: 00199853.doc v.7

EXHIBIT "A" Premises Legal Description

Lot 1, ROYAL POINCIANA SUBDIVISION — KAMMAN PARTIAL REPLAT a subdivision according to the plat thereof recorded at Plat Book 61, Page 91, in the Public Records of Pinellas County Florida (30/31/17/77418/000/0010)

AND

Lots 1, 2, 3, 4, 5, and 6, ROYAL POINCIANA SUBDIVISION, a subdivision according to the plat thereof recorded at Plat Book H-7, Pages 8 and 9, in the Public Records of Hillsborough County, Florida, of which Pinellas County Florida was formerly a part (30/31/17/77400/000/0010).

EXHIBIT "B" – Permitted Use

INCUBATOR SERVICES

- Building a technology idea into a successful business takes subject matter experts, experienced mentors, and trained professionals - all working collaboratively to help you form a business strategy.
- The Incubator program provides clients with an assigned mentor, educational opportunities, networking and resources to help develop an executable business plan.

The Incubator program focuses on helping to build business by providing:

- Business coaching from an experienced mentor we hand-pick from our extensive partner list and in-house staff.
- On-going cooperative marketing
- Continuous networking and training opportunities
- On-site amenities, including conference rooms, a training facility and cafeteria
- Free wi-fi access
- A furnished office
- Office equipment, including projectors, binding machines, etc.
- Fax machine service
- Access to partner organizations
- Invitations to the Innovation Center networking and training events
- Business resource and reference library
- Companies interested in becoming an Incubator client must meet the following criteria:
- A researched, viable technology
- Located in the Tampa Bay region
- Interest in growing their business
- Review by Tampa Bay Innovation Center Client Services Team

EXHIBIT "B" – Permitted Use *(continued)*

ACCELERATOR SERVICES

The Accelerator program provides access to networks, experts, international markets, dedicated space, like-minded individuals and peers, market research, service providers, university support systems and funding.

The Accelerator program focuses on helping to grow business by providing:

- Business coaching from a team of experienced mentors hand-picked from our extensive partner list and in-house staff
- Opportunities to access business expansion and funding partners
- On-going cooperative marketing
- Continuous networking and training opportunities
- Receptionist services
- Fax machine service
- On-site amenities including conference rooms, a training facility, free parking and a full-service cafeteria
- Office equipment, including projectors, binding machines and more
- Access to the Microsoft Bizspark Program
- Free wi-fi access
- A dedicated furnished office

Admission Criteria

Companies interested in becoming an Accelerator client are reviewed by a vetting committee and must meet the following criteria:

- Company headquartered in Tampa Bay
- Full-time commitment of operating executive
- Operating history of at least six months

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

TO: The Honorable William H. Dudley, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his Designee, to execute a License Agreement and all other necessary documents with Advantage Village Academy, Inc., a Florida non-profit corporation, for use of the City-owned block of unimproved parcels located between 22nd Street South and 23rd Street South bounded by 7th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, to provide staging and parking for the public while hosting a charitable community event for a nominal use fee of \$10.00; and providing an effective date.

EXPLANATION: Real Estate and Property Management received a request from Advantage Village Academy, Inc., a Florida non-profit corporation ("Licensee"), to use of the City-owned block of unimproved parcels located between 22nd Street South and 23rd Street South bounded by 7th Avenue South and Fairfield Avenue South to provide staging and parking while hosting a charitable community event, *2nd Annual Southside Fall Festival*, within the 22nd Street South Business District on November 22, 2014.

The Licensee has collaborated with several sponsors including the Flynn Law Firm and Larocca Injury Center who took part in hosting the first Southside Fall Festival that was held around the same time in 2013. The community event will include activities such as ±1,000 turkey giveaway, a host of games, a bounce house, wall climbing, a petting zoo, free food and other various activities.

The Property has dimensions of approximately 383 ft. x 281 ft. (±107,623 sq. ft., or ±2.5 acres), is zoned CCT-1 (Corridor Commercial Traditional-1) and IT (Industrial Traditional) and legally described as follows:

Lots 1 thru 16, Block 4, HIGHLAND CREST SUBDIVISION

Pinellas County Parcel I. D. Nos.: 23/31/16/38628/004/0010,
23/31/16/38628/004/0030, 23/31/16/38628/004/0090, 23/31/16/38628/004/0100,
23/31/16/38628/004/0110, 23/31/16/38628/004/0130, 23/31/16/38628/004/0140,
23/31/16/38628/004/0141, & 23/31/16/38628/004/0142

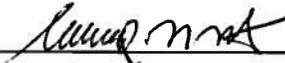
The Licensee has executed a License Agreement ("Agreement") for a term of one (1) day between the hours of 7:00 a.m. and 7:00 p.m., subject to City Council approval. The Agreement provides that the Licensee shall be responsible for all applicable costs (including installation, deposits, and usage) for utilities and restroom facilities associated with the Licensee's use of the Property. The Licensee shall pay a nominal use fee of \$10.00 to the City for the term. 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 all goods and effects used during the event, and deliver up the Property in good condition clean and clear of trash and other debris upon expiration of this Agreement.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a License Agreement and all other necessary documents with Advantage Village Academy, Inc., a Florida for non-profit corporation, for use of the City-owned block of unimproved parcels located between 22nd Street South and 23rd Street South bounded by 7th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, to provide staging and parking for the public while hosting a charitable community event for a nominal use fee of \$10.00; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Illustration and Resolution

APPROVALS: Administration: _____  
Budget: _____ N/A
Legal: _____ 

(As to consistency w/attached legal documents)

Legal: 00205479.doc V. 1

ILLUSTRATION



LEGAL DESCRIPTION

Lots 1 thru 16, Block 4, HIGHLAND CREST SUBDIVISION

PINELLAS COUNTY PARCEL I.D. NOS.

23/31/16/38628/004/0010
23/31/16/38628/004/0030
23/31/16/38628/004/0090
23/31/16/38628/004/0100
23/31/16/38628/004/0110
23/31/16/38628/004/0130
23/31/16/38628/004/0140
23/31/16/38628/004/0141
23/31/16/38628/004/0142

Resolution No. 2014 - _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS WITH ADVANTAGE VILLAGE ACADEMY, INC., A FLORIDA NON-PROFIT CORPORATION, FOR USE OF THE CITY-OWNED BLOCK OF UNIMPROVED PARCELS LOCATED BETWEEN 22ND STREET SOUTH AND 23RD STREET SOUTH BOUNDED BY 7TH AVENUE SOUTH AND FAIRFIELD AVENUE SOUTH, ST. PETERSBURG, FLORIDA, TO PROVIDE STAGING AND PARKING FOR THE PUBLIC WHILE HOSTING A CHARITABLE COMMUNITY EVENT FOR A NOMINAL USE FEE OF \$10.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management received a request from Advantage Village Academy, Inc., a Florida non-profit corporation ("Licensee"), to use of the City-owned block of unimproved parcels located between 22nd Street South and 23rd Street South bounded by 7th Avenue South and Fairfield Avenue South to provide staging and parking while hosting a charitable community event, *2nd Annual Southside Fall Festival*, within the 22nd Street South Business District on November 22, 2014; and

WHEREAS, the Licensee has collaborated with several sponsors who took part in hosting the first *Southside Fall Festival* that was held around the same time in 2013; and

WHEREAS, the Property has dimensions of approximately 383 ft. x 281 ft. ($\pm 107,623$ sq. ft., or ± 2.5 acres), is zoned CCT-1 (Corridor Commercial Traditional-1) and IT (Industrial Traditional) and legally described as follows:

Lots 1 thru 16, Block 4, HIGHLAND CREST SUBDIVISION
Pinellas County Parcel I. D. Nos.: 23/31/16/38628/004/0010,
23/31/16/38628/004/0030, 23/31/16/38628/004/0090, 23/31/16/38628/004/0100,
23/31/16/38628/004/0110, 23/31/16/38628/004/0130, 23/31/16/38628/004/0140,
23/31/16/38628/004/0141, & 23/31/16/38628/004/0142; and

WHEREAS, the Licensee has executed a License Agreement ("Agreement") for a term of one (1) day between the hours of 7:00 a.m. and 7:00 p.m., wherein the Licensee is responsible for all applicable costs (including installation, deposits, and usage) for utilities restroom facilities associated with the Licensee's use of the Property, subject to City Council approval; and

WHEREAS, the Licensee shall pay a nominal use fee of \$10.00 to the City; and

WHEREAS, the Agreement requires the Licensee to maintain the Property at its own cost and expense, remove all goods and effects used during the event, and deliver up the Property in good condition clean and clear of trash and other debris upon expiration of this Agreement; 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.

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 License Agreement and all other necessary documents with Advantage Village Academy, Inc., a Florida non-profit corporation, for use of the City-owned block of unimproved parcels located between 22nd Street South and 23rd Street South bounded by 7th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, as legally described above, to provide staging and parking for the public while hosting a charitable community event for a nominal use fee of \$10.00.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (Designee)
Legal: 00205479.doc V. 1

APPROVED BY:



David S. Goodwin, Director
Planning and Economic Development

APPROVED BY:



Bruce E. Grimes, Director
Real Estate & Property Management

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

To: The Honorable Bill Dudley, Chair, and Members of City Council

Subject: A resolution authorizing the Mayor or his designee to accept an Assistance Funding Purchase Order ("Order") from the Florida Fish and Wildlife Conservation Commission ("FFWCC") Gopher Tortoise Habitat Management Program for a Gopher Tortoise Habitat Management Plan Phase III Project at Boyd Hill Nature Preserve at a maximum reimbursement amount of \$15,000; and to execute all other documents necessary to effectuate the Order; approving a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund (0001), resulting from these additional revenues, to the Parks & Recreation Boyd Hill Nature Trail (1902389) Gopher Tortoise Habitat Management Plan Phase III Project (TBD); and providing an effective date.

Explanation: The FFWCC Gopher Tortoise Habitat Management Program has awarded the City an Assistance Funding Purchase Order ("Order") in the amount of \$15,000 for a Gopher Tortoise Habitat Management Plan Phase III Project on 115 acres at Boyd Hill Nature Preserve ("Preserve"). The Preserve has a large population of gopher tortoises and burrows; however, vegetation is becoming too dense to sustain the foraging and burrowing needs of the tortoises. The proposed management activities will create forest openings to increase suitable habitat at the site for the tortoises. Work under this Order includes a prescribed burn, hardwood reduction, and herbicide treatment to reduce the vegetation at the site. In Florida, the gopher tortoise is listed as a "threatened" species, and therefore, the tortoise and its burrow are protected under state law.

Recommendation: Administration recommends adoption of the attached resolution authorizing the Mayor or his designee to accept an Assistance Funding Purchase Order ("Order") from the Florida Fish and Wildlife Conservation Commission ("FFWCC") Gopher Tortoise Habitat Management Program for a Gopher Tortoise Habitat Management Plan Phase III Project at Boyd Hill Nature Preserve at a maximum reimbursement amount of \$15,000; and to execute all other documents necessary to effectuate the Order; approving a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund (0001), resulting from these additional revenues, to the Parks & Recreation Boyd Hill Nature Trail (1902389) Gopher Tortoise Habitat Management Plan Phase III Project (TBD); and providing an effective date.

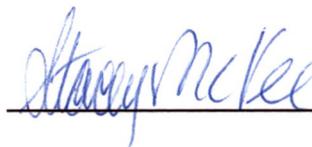
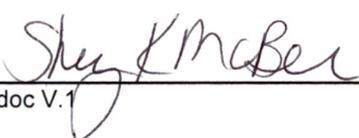
Cost/Funding/Assessment Information: Revenues of up to \$15,000 are to be received from this Order. A supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund (0001) resulting from these additional revenues, to the Parks & Recreation Boyd Hill Nature Trail (1902389) Gopher Tortoise Habitat Management Plan Phase III Project (TBD) will be necessary.

Attachment: Resolution

Approvals:

Administration: _____
Legal: 00205159.doc V.1

Budget: _____



Resolution No. 2014-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT AN ASSISTANCE FUNDING PURCHASE ORDER ("ORDER") FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("FFWCC") GOPHER TORTOISE HABITAT MANAGEMENT PROGRAM FOR A GOPHER TORTOISE HABITAT MANAGEMENT PLAN PHASE III PROJECT AT BOYD HILL NATURE PRESERVE AT A MAXIMUM REIMBURSEMENT AMOUNT OF \$15,000; AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE ORDER; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$15,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND (0001), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE PARKS & RECREATION BOYD HILL NATURE TRAIL (1902389) GOPHER TORTOISE HABITAT MANAGEMENT PLAN PHASE III PROJECT (TBD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the FFWCC Gopher Tortoise Habitat Management Program has awarded the City an Assistance Funding Purchase Order ("Order") in the amount of \$15,000 for a Gopher Tortoise Habitat Management Plan Phase III Project on 115 acres at Boyd Hill Nature Preserve ("Preserve"); and

WHEREAS, the Preserve has a large population of gopher tortoises and burrows; however, vegetation is becoming too dense to sustain the foraging and burrowing needs of the tortoises; and

WHEREAS, the proposed management activities will create forest openings to increase suitable habitat at the site for the tortoises; and

WHEREAS, the work under this Order includes a prescribed burn, hardwood reduction, and herbicide treatment to reduce the vegetation at the site; and

WHEREAS, in Florida, the gopher tortoise is listed as a "threatened" species, therefore, the tortoise and its burrow are protected under state law.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to accept an Assistance Funding Purchase Order ("Order") from the Florida Fish and Wildlife Conservation Commission ("FFWCC") Gopher Tortoise Habitat Management Program for a Gopher Tortoise Habitat Management Plan Phase III Project at Boyd Hill Nature Preserve, at a maximum reimbursement amount of \$15,000; and to execute all other documents necessary to effectuate the Order; and

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

TO: The Honorable William "Bill" Dudley, Chair, and Members of City Council

SUBJECT: APPROVING A TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG ("CITY") AND THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") TO PROVIDE FOR FDOT ANNUAL REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE CITY'S OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AND TRAFFIC SIGNAL SYSTEMS SERVING STATE ROUTES WITHIN THE CITY LIMITS; AND PROVIDING AN EFFECTIVE DATE.

EXPLANATION:

FDOT has a program for reimbursement of expenses associated with the operation and maintenance of traffic signals serving state routes.

The terms and conditions of this Traffic Signal Maintenance and Compensation Agreement ("Agreement") require the City to continue maintenance and operation of its Traffic Signal System with FDOT reimbursement of related expenses, on an annual basis. Annual reimbursement of expenses for FY14/15 will be \$168,679.

Administration has determined that the City will recognize significant benefits from the reimbursement we would receive if we enter into this Agreement. However, FDOT does not permit changes to the Agreement. Therefore, the City is unable to change provisions in the Agreement that are contrary to the City's standard terms and conditions. Most notably, the Agreement does not have a termination provision or a non-appropriation clause for the City. The Agreement does, however, provide that it shall be construed in accordance with Florida law. Section 166.241, Florida Statutes prohibits municipalities from contracting for expenditures in any fiscal year outside of their adopted budget. Further, the City has indicated in the signature line that the City is signing the Agreement subject to the City's annual appropriations pursuant to Section 166.241, Florida Statutes.

RECOMMENDATION: Administration recommends approval of a Traffic Signal Maintenance and Compensation Agreement between the City of St. Petersburg ("City") and the Florida Department of Transportation ("FDOT") to provide for FDOT annual reimbursement of related expenses associated with the City's operation and maintenance of traffic signals and traffic signal systems serving state routes within the City limits.

COST/FUNDING/ASSESSMENT INFORMATION: Revenue received from FDOT will be deposited into the Stormwater, Pavement and Traffic Signals Fund 0001 400 1281, and will be used to offset the operating and maintenance costs.

ATTACHMENT: Resolution

APPROVALS: Administration: Michael Russo
Budget: A Ramirez

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG ("CITY") AND THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") TO PROVIDE FOR FDOT ANNUAL REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE CITY'S OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AND TRAFFIC SIGNAL SYSTEMS SERVING STATE ROUTES WITHIN THE CITY LIMITS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation has initiated a program for reimbursement to local governments of expenses associated with the operation and maintenance of traffic signals and traffic signal systems serving state routes; and

WHEREAS, the City will continue maintenance and operation of its traffic signal system serving state routes with FDOT reimbursement of related expenses on an annual basis,

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 this Traffic Signal Maintenance and Compensation Agreement with Florida Department of Transportation, which is subject to the City's annual appropriations in accordance with Florida law.

This resolution shall become effective immediately upon its adoption.

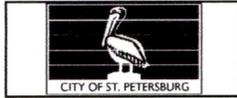
Adopted at a regular session of the City Council held on the 6th day of November, 2014.

APPROVALS:

Administration: _____

Legal: _____

00205385



MEMORANDUM

Council Meeting of November 6, 2014

TO: Members of City Council

FROM: Mayor Rick Kriseman 

RE: Confirmation of Reappointment to the Health Facilities Authority

I respectfully request that Council confirm the reappointment of John L. Green, Jr., as a regular member to the Health Facilities Authority to serve a four-year term ending December 31, 2018.

A copy of Mr. Green's resume has been provided to the Council office for your information.

RK/cs

Attachments

cc: M. Winn, Chief Assistant City Attorney
J. Kovilaritch, Assistant City Attorney

A RESOLUTION CONFIRMING THE
REAPPOINTMENT OF A REGULAR MEMBER
TO THE HEALTH FACILITIES AUTHORITY;
AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the reappointment of John L. Green, Jr., as a regular member to the Health Facilities Authority to serve a four-year term ending December 31, 2018.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney or (Designee)



MEMORANDUM

Council Meeting of November 6, 2014

TO: Members of City Council
FROM: Mayor Rick Kriseman 
RE: Confirmation of Reappointment to the Nuisance Abatement Board

I respectfully request that Council confirm the reappointment of Sadie W. Camon as a regular member to the Nuisance Abatement Board to serve three-year terms ending December 31, 2017.

A copy of Ms. Camon's has been provided to the Council office for your information.

RK/cs

Attachment

cc: A. Luce, Assistant Police Legal Advisor
E. Ledbetter, Nuisance Abatement Coordinator

A RESOLUTION CONFIRMING THE
REAPPOINTMENT OF A REGULAR MEMBER
TO THE NUISANCE ABATEMENT BOARD;
AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the reappointment of Sadie W. Camon as a regular member to the Nuisance Abatement Board to serve a three-year term ending December 31, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:

City Attorney or (Designee)



MEMORANDUM

Council Meeting of November 6, 2014

TO: Members of City Council

FROM: Mayor Rick Kriseman 

RE: Confirmation of Reappointment to the City Beautiful Commission

I respectfully request that Council confirm the reappointment of M. Lee Gunter as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.

A copy of Mr. Gunter's resume has been provided to the Council office for your information.

RK/cs

Attachments

cc: M. Jefferies, Parks and Recreation Director
L. Seufert, Park Operations Manager

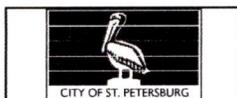
A RESOLUTION CONFIRMING THE
REAPPOINTMENT OF A REGULAR MEMBER
TO THE CITY BEAUTIFUL COMMISSION; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the reappointment of M. Lee Gunter as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney or (Designee)



MEMORANDUM

Council Meeting of November 6, 2014

TO: Members of City Council

FROM: Mayor Rick Kriseman 

RE: Confirmation of Reappointment to the City Beautiful Commission

I respectfully request that Council confirm the reappointment of Doris Heitzmann as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.

A copy of Ms. Heitzmann's resume has been provided to the Council office for your information.

RK/cs

Attachments

cc: M. Jefferies, Parks and Recreation Director
L. Seufert, Park Operations Manager

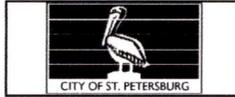
A RESOLUTION CONFIRMING THE
REAPPOINTMENT OF A REGULAR MEMBER
TO THE CITY BEAUTIFUL COMMISSION; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the appointment of Doris Heitzmann as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney or (Designee)



MEMORANDUM

Council Meeting of November 6, 2014

TO: Members of City Council
FROM: Mayor Rick Kriseman 
RE: Confirmation of Appointment to the City Beautiful Commission

I respectfully request that Council confirm the appointment of Carol Moore as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.

A copy of Ms. Moore's resume has been provided to the Council office for your information.

RK/cs

Attachments

cc: M. Jefferies, Parks and Recreation Director
L. Seufert, Park Operations Manager

A RESOLUTION CONFIRMING THE
APPOINTMENT OF A REGULAR MEMBER TO
THE CITY BEAUTIFUL COMMISSION; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the appointment of Carol Moore as a regular member to the City Beautiful Commission to serve a three-year term ending December 31, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney or (Designee)



MEMORANDUM

Council Meeting of November 6, 2014

TO: Members of City Council

FROM: Mayor Rick Kriseman 

RE: Confirmation of Appointment to the Nuisance Abatement Board

I respectfully request that Council confirm the appointment of Peter J. Ford as an alternate member to the Nuisance Abatement Board to serve a two-year term ending August 31, 2016.

A copy of Mr. Ford's resume has been provided to the Council office for your information.

RK/cs

Attachment

cc: A. Luce, Assistant Police Legal Advisor
E. Ledbetter, Nuisance Abatement Coordinator

A RESOLUTION CONFIRMING THE
APPOINTMENT OF AN ALTERNATE MEMBER
TO THE NUISANCE ABATEMENT BOARD;
AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the appointment of Peter J. Ford as an alternate member to the Nuisance Abatement Board to serve a two-year term ending August 31, 2016.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:

City Attorney or (Designee)

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 6, 2014

TO: City Council Chair & Members of City Council

SUBJECT: City Council Minutes

EXPLANATION: City Council minutes of June 5, June 12, and June 19, 2014 City Council meetings.

**A RESOLUTION APPROVING THE MINUTES OF THE
CITY COUNCIL MEETINGS HELD ON JUNE 5, JUNE
12, AND JUNE 19, 2014; 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 June 5, June 12, and June 19, 2014 are hereby approved.

This resolution shall become effective immediately upon its adoption.

**APPROVED AS TO FORM
AND SUBSTANCE:**

City Attorney or Designee

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JUNE 5, 2014, AT 8:41 A.M.

Chair William H. Dudley called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, Darden Rice, Steven Kornell, Karl Nurse, Wengay M. Newton, Sr. and Amy Foster. Mayor Rick Kriseman, City Administrator Gary Cornwell, Chief of Staff Kevin King, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn, Leisure Services Administrator Sherry McBee, Assistant City Attorneys Michael Dema, Joseph Patner, Jacqueline Kovilaritch and Macall Dyer, City Clerk Eva Andujar and Deputy City Clerk Pat Beneby were also in attendance.

Councilmember Nurse 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 delete Consent Item CB-12 which had been moved to Reports as Item E-13, add Council Committee Report Item H-5(d) and approve the agenda with the following changes as amended:

- INFO CA-1 Awarding a three-year blanket purchase agreement to Palmdale Oil Company, Inc. for marine grade gasoline, diesel fuel and motor oil for the Downtown Enterprise Facilities Department at an estimated annual cost of \$694,290. *(Bid Tabulation)*
- REVISE CA-2b ~~Awarding a contract to Augustine Construction, Inc. in the amount of \$181,131.10 for roadway modifications at 38th Avenue North between 4th Street North and 1st Street North Northeast Shopping Center. (Engineering Project No. 11069-212; Oracle Nos. 13766 and 13288) Resolution finding that the expenditure of the funds authorized herein for improvements on private land are for paramount public safety purposes; accepting the bid and approving the award of an agreement to Augustine Construction, Inc. in an amount not to exceed \$181,131.10 for completion of the roadway modifications at 38th Avenue North between 4th Street North and 1st Street North Northeast Shopping Center project (11069-212); and authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate this transaction. [Revised Resolution and language]~~
- MOVE CB-4 Approving the purchase of replacement vehicles from Garber, Chevrolet-Buick-Pontiac-GMC Truck, Inc. for the Police Department at a total cost of \$165,483.90. *[MOVED to reports as E-10]*

6/5/14

- MOVE CB-5 Renewing a blanket purchase agreement with Times Publishing Company dba Tampa Bay Times for newspaper advertisements at an estimated annual cost of \$150,000. [*MOVED to reports as E-11*]
- DELETE CB-6 Approving an Invitation for Bids ("IFB") for the processing and marketing of single stream, collected recyclable materials and requesting Administration to issue said IFB, and providing that this Resolution shall supersede Resolution 2014-75.
- MOVE CB-9 Authorizing the Mayor or his designee to implement a Median Sponsorship Program through the Parks and Recreation Department at designated medians citywide. (*MOVED to reports as E-12*)
- REVISE CB-13 Resolution setting the Public Hearing date for June 19, 2014 to adopt a 201 Facility Plan Document entitled "2014 Supplement to the 201 Facilities Plan Update" dated April 2014 as the planning document for the City's wastewater management system to be eligible for State Revolving Fund (SRF) low interest loans. (*Revised language*)
- MOVE CB-12 Resolution finding that \$67,700 is an amount sufficient to pay for trail maintenance of the SR 682 (Pinellas Bayway) Trail North Project ("Project") along the south side of 54th Avenue South from Pinellas Bayway Toll Plaza to the intersection of Pinellas Bayway (State Road 682) and the new Pinellas Bayway Bridge, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$67,700 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 \$1,121,674; authorizing a supplemental appropriation in the amount of \$1,121,674 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the Bayway Trail North - Phase II Project (13639. (FDOT Financial Project No. 424532 5 58/68 01) (Engineering Project No. 13018-112; Oracle No. 13639) (*MOVED to Reports as E-13 and subsequently deleted.*)
- ADD CB-15 Requesting City Council reschedule Item D-3, Ordinance 110-H (City File LDR 2014-02) for July 10, 2014.

- DEFER D-1 Ordinance 1058-V approving a vacation of 7th Avenue South between 3rd Street South and 4th Street South; vacation of a 20-foot wide utility easement running north-south on the south side of 7th Avenue South between 3rd and 4th Streets South and a 30-foot wide utility easement running north-south on the north side of 7th Avenue South between 3rd Street South and 4th Street South. (City File 13-33000014) (*Continuance of Public Hearing to June 19, 2014*)
- REVISE D-4 Consumption of certain alcoholic beverages by passengers on pedal buses:
- (a) Ordinance 113-H amending Chapter 28 of the City Code to allow for the consumption of certain alcoholic beverages by passengers on pedal buses; and adding additional requirements. (*Revised Ordinance*)
 - (b) Ordinance 114-H amending Chapter 3 of the City Code to create an exemption for consumption of alcoholic beverages by passengers on pedal buses.
- INFO D-5 Ordinance 091-HL approving the designation of the Lang's Bungalow Court Historic District, located between 4th Avenue North, Calla Terrace North, and the east and west alleys of Lang Court North, as a local historic landmark. (City File HPC 14-90300002)
- INFO D-6 Appeal of the Development Review Commission (DRC) approval of a site plan with variances and bonuses to construct a 150,000 square foot, 72-unit, multi-family residential development located at 145 - 4th Avenue North (City File 13-31000018 Appeal).
- REVISE E-6 ~~Resolution approving a consulting agreement with AECOM for a Downtown Waterfront Master plan and authorizing the Mayor or his designee to execute the consulting agreement and all other documents necessary to effectuate this transaction.~~ Resolution approving the Professional Services Agreement between the City and AECOM Technical Services Inc. for the development of the Downtown Waterfront Master Plan, authorizing the City Attorney to make non-substantive changes; and authorizing the Mayor or his designee to execute the Agreement. [Revised language]
- ADD E-9 Al Lang Stadium Turf Project.
- INFO H-4 Emergency Medical Services Committee. (5/29/14) (Oral)

6/5/14

INFO H-5 Co-Sponsored Events Committee. (5/29/14)

- (a) Ordinance providing for the sale and consumption of alcoholic beverages in Lake Maggiore Park on October 4, 2014 and Elva Rouse Park on March 7, 2015.
- (b) Resolution in accordance with City Code Section 21-38(d) exempting Extreme Mud Wars (Spa Beach Park) from the beer and wine only restrictions 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 event as set forth herein.
- (c) Resolution in accordance with City Code Section 21-38(d) exempting Ribfest (Vinoy Park) Festivals of Speed (Vinoy Park), Tampa Bay Blues Festival (Vinoy Park), Sunshine Music Festival (Vinoy Park), 97x Next Big Thing (Vinoy Park) and Chillounge Night (South Straub Park) from the beer and wine only restrictions 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 their events as set forth herein.
- (d) Resolution approving events for Co-Sponsorship in name only by the City for Fiscal Year 2015; waiving the non-profit requirement Resolution approving events for Co-Sponsorship in name only by the City for Fiscal Year 2015; waiving the non-profit requirement of Resolution No. 2000-562(a)8 for the Co-Sponsored events to be presented by Times Publishing Company, Design Ofresco Corp., Blue Ocean Film Festival, LLC, Brides Against Breast Cancer, LLC, Big City Events, LLC, Festivals of Speed, LLC, Green Savoree St. Petersburg, LLC, Mixon & Wiggins, LLC; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.

INFO H-6 Youth Services Committee. (5/29/14)

ADD I-2 Announcement of an Attorney/Client Session, pursuant to Florida Statute 286.011 (8), to be held on Thursday, June 12, 2014, at 4:00 p.m., or as soon thereafter as the same may be heard, in the case of Lauren Payton v. City of St. Petersburg and State Farm Mutual Automobile Insurance Company - Case No. 13-5963-CI-11.

Roll call. Ayes. Nurse. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Newton.

Councilmember Nurse moved with the second of Councilmember Kornell that the following resolutions be adopted:

- 14-215 Awarding a three-year blanket purchase agreement to Palmdale Oil Company, Inc. for marine grade gasoline, diesel fuel and motor oil for the Downtown Enterprise Facilities Department at an estimated annual cost of \$694,290.
- 14-216 Awarding a contract to Augustine Construction, Inc. in the amount of \$562,850.40 for roadway modifications at 38th Avenue North between 4th Street North and 1st Street North. (Engineering Project No. 11069-112; FPN 433786-1-58-01; Oracle Nos. 13288, 10613, 13766, 14462)
- 14-217 Resolution finding that the expenditure of the funds authorized herein for improvements on private land are for paramount public safety purposes; accepting the bid and approving the award of an agreement to Augustine Construction, Inc. in an amount not to exceed \$181,131.10 for completion of the roadway modifications at 38th Avenue North between 4th Street North and 1st Street North Northeast Shopping Center project (11069-212); and authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate this transaction.
- 14-218 Resolution approving Supplement No. 1 to the Local Agency Program Agreement dated January 8, 2014 ("Agreement") between the City of St. Petersburg, Florida ("City") and the State of Florida Department of Transportation ("FDOT") to increase the funding for the construction activities of the 38th/40th Avenue Continuous Median Project ("Project") in the amount not to exceed \$182,208 for a total project cost not to exceed \$620,208; authorizing the Mayor or his designee to execute Supplement No. 1 to the Agreement; authorizing a supplemental appropriation in the amount of \$182,208 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from these additional revenues, to the 38th/40th Avenue Median Project (14462); finding that \$11,325 is an amount sufficient to pay for the maintenance of Project over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$11,325 from the unappropriated balance of the General Fund to fund future Project maintenance; 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 improvements; and finding neither the Agreement nor Supplement No. 1 thereto shall be considered an unlawful act under Florida Statute §166.241. (Engineering Project No. 11069-112; Oracle No. 14462) (FDOT Financial Project No. 433786 1 58/68 01)
- 14-219 Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 08-7-KHA/T with Kimley-Horn and Associates, Inc. in the amount not to exceed \$33,500 for professional engineering construction phase services related to roadway modifications of the 38th Avenue North between 4th Street North and 1st Street North Project, for a total amount of Task Order No. 08-7-KHA/T (as revised and amended) not to exceed \$133,450. FPN 433786-1-58-01. (Engineering Project No. 11069-112; Oracle Nos. 13288, 10613, 13766, 14462)

- 14-220 Approving the purchase of an excavator from GS Equipment, Inc. for the Fleet Management Department at a total cost of \$391,459.80.
- 14-221 Renewing blanket purchase agreements with Cross Construction Services, Inc., Cross Environmental Services, Inc., EnviroRem, Inc. and three other contractors for asbestos abatement services for the Codes Compliance Department at an estimated annual cost of \$280,000.
- 14-222 Renewing a blanket purchase agreement with Home Depot U.S.A., Inc. for maintenance, repair and operating supplies at an estimated annual cost of \$215,000.
- 14-223 Resolution finding that due to the scope and purpose of the acquisition of real property described herein, that the payment of all closing related costs, including documentary stamps, serves a public purpose and that the City should pay such costs; authorizing the Mayor, or his designee, to accept a deed for an improved parcel located at 4119 - 13th Avenue South, St. Petersburg ("Property") from Homes for Independence, Inc., a Florida not-for-profit corporation ("HFI") subject to special assessment liens that existed on the Property prior to the acquisition by HFI and an existing City-held mortgage recorded on June 28, 2013 at O. R. Book 18063, Pages 2109-2122, in the Public Records of Pinellas County, Florida; to release HFI from any remaining debt between HFI and the City for the Property; and to pay appropriate closing related costs including the documentary stamps on the deed from funds provided by Neighborhood Stabilization Program 3 ("NSP-3").
- 14-224 Accepting a grant from the Coordinated Child Care of Pinellas, Inc. ("CCC") in the amount of \$7,390 to provide overlay programs entitled Command the Camera Video, Audio Destination One DJ and Teen Fashion Photographer; 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 \$7,390 from the increase in the unappropriated balance of the General Fund resulting from these additional revenues to the Parks and Recreation Department TASCO DPOTG FY14 Project.
- 14-225 Authorizing the Mayor or his designee to execute Supplement No. 1 to the Local Agency Program Agreement ("Agreement") between the City of St. Petersburg, Florida ("City") and the State of Florida Department of Transportation ("FDOT") dated January 8, 2014, for the construction activities of the 54th Avenue South at 31st Street Right Turn Lane Project ("Project") to revise Exhibit B to identify the City's appropriated funds and the funds being provided by FDOT to this project for a total project cost not to exceed \$591,165. (Engineering Project No. 12027-212; Oracle Nos. 12104, 14463, 14153, 13760) (FDOT Financial Project No. 433787 1 58/68 01)

- 14-226 Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-01-BV/W, to the Agreement between the City of St. Petersburg and Black and Veatch Corporation in the amount not to exceed \$83,917, for professional engineering construction phase services for the Southwest Water Reclamation Facility (WRF) Electrical Distribution Infrastructure Replacement Project. (Engineering Project No. 13036-111; Oracle No. 12970)
- 14-227 Resolution setting the Public Hearing date for June 19, 2014 to adopt a 201 Facility Plan Document entitled "2014 Supplement to the 201 Facilities Plan Update" dated April 2014 as the planning document for the City's wastewater management system to be eligible for State Revolving Fund (SRF) low interest loans.
- 14-228 Approving the minutes of March 6, March 13, and March 20, 2014 City Council meetings.
- 14-229 Requesting City Council reschedule Item D-3, Ordinance 110-H (City File LDR 2014-02) for July 10, 2014.

Roll call. Ayes. Nurse. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Newton.

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

1. Kristy Newenschwander, 316 36th Avenue NE, spoke concerning the benefits of medical marijuana and the states that have legalized its recreational use.
2. Frank McKinney, 3928 46th Avenue South, urged the City to acquire the Rahall property.

Councilmember Newton was reported present.

3. Rebecca Skelton, 506 13th Avenue NE, spoke concerning the need to adequately fund the arts and commented on the benefits provided by the arts to the City.
4. Deborah Kelley, 116 20th Avenue NE, commented on funding for the arts and the Office of Cultural Affairs.
5. Tom Lalley, 6748 31st Way South, spoke concerning the Rahall property and urged Council to approve its purchase.

In connection with a Budget, Finance & Taxation Committee report, Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

- 14-230 Approving the addition of the Twin Brooks Golf Course Renovation Project, at an estimated cost of \$1,464 million, to the Weeki Wachee Project List.

6/5/14

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

14-231 Approving the addition of the construction of a Skateboard Park Project to the Weeki Wachee Project List.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None. Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

14-232 Approving the addition of the upgrade to the beach volleyball equipment at North Shore Park to the Weeki Wachee Project List.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None. 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 add the Twin Brooks Golf Course Renovation Project to the June 12, 2014 Committee of the Whole agenda.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None. 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 receive and file the May 22, 2014 Budget, Finance & Taxation Committee report presented by Councilmember Kennedy.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with two public hearings, Councilmember Nurse moved with the second of Councilmember Gerdes that the following resolution be adopted:

14-233 Continuing the public hearing for proposed Ordinance 1058-V (City File 13-33000014) to June 19, 2014 and rescheduling the public hearing for proposed Ordinance 110-H (City File LDR-2014-02) to July 10, 2014.

Roll call. Ayes. Nurse. Newton. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Foster.

6/5/14

The Clerk read the title of proposed Ordinance 1059-V and Urban Design & Historic Preservation Manager Derek Kilborn made a presentation. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Kennedy moved with the second of Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 1059-V, entitled:

PROPOSED ORDINANCE NO. 1059-V

AN ORDINANCE APPROVING THE VACATIONS OF A PORTION OF 5TH STREET NORTH LYING SOUTH OF 54TH AVENUE NORTH, A PORTION OF 53RD AVENUE NORTH LYING EAST OF 5TH STREET NORTH, A 10-FOOT WIDE SANITARY SEWER EASEMENT AND A 15-FOOT WIDE PUBLIC UTILITY EASEMENT; 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. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None

In connection with a report item concerning the 2014 Legislative Session, Representative Kathleen Peters made an oral presentation to City Council. She commented on the high number of bills passed unanimously in Tallahassee, efforts made in an attempt to secure funding for Agenda 2020 (we will try again next year), talked about City priorities, the Legislature's focus on the Foster Care System (changing policy, staffing and education requirements, training, etc.), funding to address homelessness, Medicaid, etc. Representative Peters also commented on the numerous bills that are chipping away on home rule and gave an example of local ordinances which do not allow for business expansion (this is a perception the City needs to address with the business community). She also recommended the City get involved in the League of Cities and educate the Legislature as to why home rule is important. She discussed the Safe Manatee Plan and expressed concern with eliminating areas of recreational boating; she asked the public to call the Advisory Committee concerning proposed changes to the intercoastal waterway.

The Clerk read the titles of proposed Ordinances 113-H and 114-H. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

6/5/14

1. Krista Bertelson, 2225 11th Avenue West, Bradenton, Pedal Pub Manager, passed out copies of her earlier e-mail to Council expressing concern with the City's request that we purchase full liquor liability insurance which is available to businesses that sell and/or serve alcohol. She stated her liability insurance policy, when renewed on July 26, will have a new endorsement clearly stating that customers are allowed to bring their own alcohol on board.

Councilmember Kennedy moved with the second of Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 113-H, entitled:

PROPOSED ORDINANCE NO. 113-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING CHAPTER 28 OF THE CITY CODE TO ALLOW FOR THE CONSUMPTION OF CERTAIN ALCOHOLIC BEVERAGES BY PASSENGERS ON PEDAL BUSES; ADDING ADDITIONAL REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading as amended.

Councilmember Newton moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 113-H be amended to add the following language to Section One (g) (1) "and (iv) including coverage for customers who bring alcohol on the pedal bus."

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None. Roll call on the original motion to approve Ordinance 113-H as amended. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None. Councilmember Nurse 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 114-H, entitled:

PROPOSED ORDINANCE NO. 114-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING CHAPTER 3 OF THE CITY CODE TO CREATE AN EXEMPTION FOR CONSUMPTION OF ALCOHOLIC BEVERAGES BY PASSENGERS ON PEDAL BUSES; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

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 091-HL (City File HPC 14-90300002). Presentations were made by Historic Preservationist III Kim Hinder, representing the City, Mr. Peter Belmont and Ms. Lori Price (a property owner), representing St. Petersburg Preservation, Inc., and Mr. Cesar Morales, representing the Lang Court Homeowners. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Howard Hensen, 3810 20th Avenue North, representing St. Petersburg Preservation, spoke in support of the designation.
2. Tom Lally, 6748 31st Way South, spoke in support of the designation and urged Council's approval.
3. Jose Felgueirhs, 334 Lang Court North, spoke in support of the designation. He asked Council to approve the designation.
4. Danielle Letendre, 370 Lang Court North, spoke in support of the designation.
5. Monica Kile, 5879 27th Avenue South, made a brief PowerPoint presentation. Indicated she received 173 public comments in support and read several into the record. She stated that historic preservation makes economic sense.
6. Richard Aitunes, 245 Lang Court North, spoke in support of the designation.
7. Robin Reed, 705 16th Avenue NE, spoke in support of the designation.
8. Amy Kedron, 330 Lang Court North, Apt. 1, spoke in support of the designation.

6/5/14

Cross examination was waived by Ms. Hinder and Mr. Belmont. Rebuttal was waived by Ms. Hinder and provided by Mr. Belmont. Following Council discussion, Chief Assistant City Attorney Mark Winn stated he spoke with the Building Official who inspected the house at 335 Lang Court North, confirmed it is in poor condition and recommends the building be condemned. Mr. Winn explained the demolition process. Councilmember Kennedy moved with the second of Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 091-HL, entitled:

PROPOSED ORDINANCE NO. 091-HL

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING THE LANG'S BUNGALOW COURT HISTORIC DISTRICT (LOCATED BETWEEN 4TH AVENUE NORTH, CALLA TERRACE NORTH, AND THE EAST AND WEST ALLEYS OF LANG COURT 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 and final reading

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a Legal item, Assistant City Attorney Jacqueline Kovilaritch made an oral presentation. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

- 14-234 Approving for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, an interlocal agreement among the City of St. Petersburg Health Facilities Authority, the Orange County Health Facilities Authority, the Board of County Commissioners of Leon County, Florida, the City of Bradenton, Florida and the St. Johns County Industrial Development Authority with respect to the issuance by the Orange County Health Facilities Authority of not to exceed \$70,000,000 in aggregate principal amount of its Revenue Bonds (Presbyterian Retirement Communities Project), Series 2014.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

6/5/14

In connection with a Legal item, City Attorney John Wolfe announced the scheduling of an Attorney/Client Session, pursuant to Florida Statute 286.011 (8), to be held on Thursday, June 12, 2014, at 4:00 p.m., or as soon thereafter as the same may be heard, in the case of Lauren Payton v. City of St. Petersburg and State Farm Mutual Automobile Insurance Company - Case No. 13-5963-CI-11.

In connection with an appeal of the Development Review Commission's (DRC) approval of a site plan with variances and bonuses to construct a 150,000 square foot, 72-unit, multi-family residential development located at 145 4th Avenue North. (City File 13-31000018 Appeal), presentations were made by Urban Design & Development Coordinator Corey Malyszka, representing the City, Mr. Peter Belmont and Ms. Lori Price, representing the Appellant, and Mr. Don Mastry, representing the applicant Shineco. The Chair asked if there were any persons present wishing to be heard and there was no response. Cross examination was waived by Messrs. Malyszka and Mastry and provided by Mr. Belmont. Mr. Shine, 131 4th Avenue North, commented on the demand for new condos. Rebuttal was waived by Mr. Malyszka and provided by Messrs. Belmont and Mastry. Councilmember Gerdes 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 resolution "A" denying the appeal and upholding the Development Review Commission's approval of a site plan with variances and floor area ratio bonus.

Roll call. Ayes. Newton. Foster. Gerdes. Dudley. Nays. Nurse. Kennedy. Rice. Kornell. Absent. None. (Motion failed.) Councilmember Nurse 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 resolution "B" approving the appeal and overturning the Development Review Commission's approval of a site plan with variances and floor area ratio bonus.

Roll call. Ayes. Nurse. Kennedy. Rice. Kornell. Nays. Newton. Foster. Gerdes. Dudley. Absent. None. (Motion failed, the Development Review Commission's approval is upheld.)

In connection with a quasi judicial hearing concerning the historic designation of the Lang's Bungalow Court Historic District, Ordinance 091-HL, the Clerk announced that due to a misunderstanding in communication Mr. Russo left Council Chamber before the hearing began and returned after the hearing concluded. He asked to be heard and Council allowed him to speak to the issue. City Attorney John Wolfe reviewed the process we think should be followed – allow him to be heard at this time, if any Council Member feels that the information deserves that a rehearing should be held then that motion should be made and we will schedule a rehearing.

9. Joseph Russo, 142-15 Thacher Avenue, stated his wife has power of attorney for her brother Paul Vogel, owner of the property located at 335 Lang Court North, and they are not opposed to the designation, but want this property excluded from the historic

6/5/14

designation. He commented on the timing of this issue and impact it has had on the sale of the property (which he sold prior to this designation).

Based on the information provided by Mr. Russo, Council took no action concerning their earlier motion approving the historic designation of Lang's Bungalow Court Historic District. (Councilmember Newton moved to reconsider, but there was no second to his motion.)

The meeting was recessed at 12:49 p.m.

The meeting was reconvened at 1:19 p.m. with the following members present: Chair Dudley and Councilmembers Nurse, Newton, Foster, Gerdes, Rice, and Kornell. Absent: Councilmember Kennedy.

In connection with a report concerning the Strategic Action Plan to Reduce Homelessness, Dr. Robert Marbut, Jr. made an oral presentation. He reported that the number of homeless, during the day, has gone up and are isolated in four places – Unity Park, Williams Park, Mirror Lake and St. Vincent de Paul. Councilmember Kennedy was reported present. When the Sheriff Department's Diversion Program ended because of budget cuts, the City's number of homeless, during the day, increased. Dr. Marbut reported that the families and children population is still in a crisis countywide. He made the following recommendations: 1) the City recommit to Pinellas Harbor, ¼ of funding was to come from all cities in the county (never materialized) with the City providing \$100,000 the first year and \$150,000 thereafter, 2) ask the Sheriff to reinstate the Homeless Diversion Program, 3) recommit PD to former levels, 1-2 day tactical program, 4) role of Hot Team needs to be redefined, 5) St. Vincent DePaul program needs to be 24/7 to cover the 6-11 a.m. and weekend gap, and 6) family and children needs must be added. Dr. Marbut stated he will have a written report to Council shortly. Following Council discussion, St. Vincent de Paul Executive Director Michael Roposa stated that \$200,000 is needed to run their program 24/7. Mr. Cliff Smith indicated that the cost to run the St. Vincent de Paul program 24/7 is \$75,000 factoring in the monies the City already provides. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Jeff Schorr, 2945 Central Avenue, representing Craftsman House, stated a holistic approach is needed to address homelessness.
2. Leslie Curran, 3510 Locust Street NE, thanked Mayor and Council for bringing Dr. Marbut back. She stated that when the Intervention Program ended, we saw a difference especially along Central Avenue; we need to do whatever we can for small business.

Mayor Kriseman stated the City will live up to its commitments and we will work with other communities to step up. We need to get the entire Police Department trained to deal with the homeless population, have a second team to deal with families and children and need to start looking at funding for St. Vincent de Paul.

In connection with a report item concerning a Police Quarterly Update, Interim Police Chief David Dekay commented on the armored security/surveillance vehicle donated to the City by Brinks. Councilmember Nurse moved with the second of Councilmember Rice that the following resolution be adopted:

- 14-235 Approving a supplemental appropriation in the amount of \$30,000 from the unappropriated balance of the Law Enforcement Fund (1023), to the Police Department, Treasury Fund (140-2859) to outfit an armored surveillance vehicle; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Interim Police Chief Dekay introduced Messrs. Tony Curts and Dwayne Meyers, Brinks representatives, and presented them with a plaque and Certificate of Appreciation for the donation of an armored vehicle to the City. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

- 14-236 Approving the purchase of replacement vehicles from Garber, Chevrolet-Buick-Pontiac-GMC Truck, Inc. for the Police Department at a total cost of \$165,483.90.

Roll call. Ayes. Nurse. Newton. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Foster. Interim Police Chief Dekay updated Council on the Fallen Officer Program to start in August of this year, commented on the appointment of Ms. Fernandez who will be a great addition to our department and reviewed the Uniform Crime Reports (UCR) for the City and Midtown. Council provided comments concerning the definition of forcible rape, St. Charles Row, number of homicides and pursuits, etc. City Attorney John Wolfe commented on potential liability to the City for monitoring cameras on private property. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Harvey William Hugunin, 1029 Burlington Avenue North, Apt. A02, proposed the City be the first city to try Maximum Democracy which provides citizens the ability to vote on new laws from the comfort of their home.

In connection with a report item concerning a Tampa Bay Water Update, Tampa Bay Water General Manager Matt Jordan made a PowerPoint presentation and introduced staff. He reviewed current water sources use (desalinated seawater 8%, surface water 32% and ground water 60%), regional and local water demand changes have declined, updated population projections by County, FY 2015 proposed water rate is \$2.559 per 1,000 gallons (no rate increase), highlights for the past 12 months (completed long term master water plan, completed the new hydrogen sulfide removal facility in Hillsborough County, began construction on the Reservoir Renovation Project), etc.

In connection with a report item concerning a request from St. Petersburg Baseball Commission, Inc. to extend the Al Lang Term and the Walter Fuller Term, Administration & Finance Director Joe Zeoli made an oral presentation (requires affirmative vote of six City Council members). Mr. Bill Edwards made an oral presentation; he stated he believes it is in the City's best interest to bid out Walter Fuller. St. Petersburg Baseball Commission Director Steve

6/5/14

Nadel presented a short video and stated that 300 teams come into our City yearly. He provided Council with a handout concerning booked/projected baseball events from October 2014 through September 2015 and requested an extension on Walter Fuller through September 2016. Councilmember Gerdes stated that prior to being elected he set up the 501(C) (3) for Tampa Bay Spring Training and has not done any other work for them. Councilmember Gerdes moved with the second of Councilmember Kennedy that the following resolution be adopted:

- 14-237 Approving an amendment to the request from St. Petersburg Baseball Commission, Inc. to only permit the Walter Fuller term to be extended until July 31, 2015 and requesting Administration initiate the appropriate procurement process for the management and operation of the Walter Fuller Complex with a commencement date of August 1, 2015.

Councilmember Newton moved with the second of Councilmember Rice that the following substitute resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve Option 3 (rejecting the request from St. Petersburg Baseball Commission, Inc. to extend the Al Lang term and the Walter Fuller term; requesting Administration to initiate the appropriate procurement process for the management and operation of the Walter Fuller Complex).

Roll call. Ayes. Newton. Foster. Rice. Nays. Nurse. Gerdes. Kennedy. Dudley. Kornell. Absent. None. Roll call on Resolution 14-237. Ayes. Nurse. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. Newton. Rice. Absent. None.

In connection with a report item concerning the Al Lang Stadium Turf Project, Councilmember Nurse moved with the second of Councilmember Kornell that the following resolution be adopted:

- 14-238 Approving a transfer of \$250,000 from the unappropriated balance of the Downtown Redevelopment Fund (1105) to the General Capital Improvement Fund (3001); authorizing a supplemental appropriation in the amount of \$250,000 from the increase in the unappropriated balance of the General Capital Improvement Fund, resulting from the above transfer, to the Al Lang Turf Project (TBD); approving entering into an agreement with St. Petersburg Baseball Commission, Inc. ("SPBC") in an amount not to exceed \$250,000 for the Al Lang Stadium turf restoration work that contains terms and conditions acceptable to the City Attorney or his design and authorizing the Mayor or his designee to execute the agreement with SPBC and all other documents necessary to effectuate this transaction with SPBC.

Administration & Finance Director Joe Zeoli made an oral presentation and reviewed planned improvements to Al Lang Stadium. Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

The meeting was recessed at 5:00 p.m.

6/5/14

The meeting was reconvened at 5:10 p.m. with all members present.

In connection with a report item approving a Professional Services Agreement with AECOM Technical Services, Inc., Planning & Economic Development Director David Goodwin made an oral presentation. Mr. Goodwin reviewed the four primary parts of the project (Understanding, Exploring, Deciding and Documenting) and the \$495,000 cost which was previously discussed by Council at its April 24 workshop. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

14-239 Approving the Professional Services Agreement between the City and AECOM Technical Services Inc. for the development of the Downtown Waterfront Master Plan, authorizing the City Attorney to make non-substantive changes; and authorizing the Mayor or his designee to execute the Agreement.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Nays. Kornell. Absent. None.

In connection with a report item concerning a Qualified Target Industry, Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

14-240 Recommending that Project B4030352160 ("Project"), a confidential project, pursuant to 288.075 F.S. be approved as a Qualified Target Industry Business pursuant to Section 288.106, Florida Statutes; finding that the commitments of local financial support necessary for the Project exist; and committing \$182,500 as the City's share of the local financial support for the Project.

Economic Development Manager Sophia Sorolis made an oral presentation. Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with an oral report item concerning the Tampa Bay Estuary Program, Councilmember Kornell moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the Tampa Bay Estuary Program oral report presented by Councilmember Kornell.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a report item concerning a purchase agreement with the Times Publishing Company, Purchasing Director Louis Moore made an oral presentation. Councilmember Nurse moved with the second of Councilmember Kornell that the following resolution be adopted:

6/5/14

- 14-241 Renewing a blanket purchase agreement with Times Publishing Company dba Tampa Bay Times for newspaper advertisements at an estimated annual cost of \$150,000.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a report item concerning a Median Sponsorship Program, Parks & Recreation Director Mike Jefferies made an oral presentation. Councilmember Kennedy moved with the second of Councilmember Nurse that the following resolution be adopted:

- 14-242 Approving a Median Sponsorship Program and providing certain provisions related to such Program.

Roll call. Ayes. Nurse. Gerdes. Kennedy. Dudley. Kornell. Nays. Newton. Foster. Rice. Absent. None.

The Clerk read the title of proposed Ordinance 116-H. Councilmember Newton moved with the second of Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, June 19, 2014, 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 116-H, entitled:

PROPOSED ORDINANCE NO. 116-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CITY CODE TO REPEAL THE CURRENT SECTION 16.50.440.; ADOPTING A NEW SECTION 16.50.440. TO REGULATE MOBILE FOOD TRUCKS; AMENDING 16.70. TO CREATE NEW REGULATIONS FOR MOBILE FOOD ESTABLISHMENT PERMITS AND FOOD TRUCK RALLY PERMIT; LIMITING HOURS AND LOCATIONS OF OPERATION OF MOBILE FOOD TRUCKS; PROVIDING FOR SUSPENSIONS AND APPEALS; ESTABLISHING FEES IN CHAPTER 12 AND PROVIDING FOR AN EFFECTIVE DATE.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a new business item, Councilmember Rice moved with the second of Councilmember Nurse that the following resolution be adopted:

6/5/14

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council schedule a Committee of the Whole to consider limiting candidate contributions to \$500 per individual and business per election cycle.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None. Councilmember Kennedy requested a presentation on the entire array of ways to raise monies for political campaigns.

In connection with a new business item, Councilmember Kennedy moved with the second of Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council request Administration provide a cost estimate for an off-road bicycle trail in north St. Petersburg.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a new business item, Councilmember Kornell moved with the second of Councilmember Nurse 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 Investment Oversight Committee consideration of the City's Environmental Fund investment policy to mirror the investment policy of the Weeki Wachee Fund and that they submit a report to Council.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a new business item, Councilmember Kornell moved with the second of Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to a Committee of the Whole a discussion concerning purchase of the Rahall Estate for use as a neighborhood park and requesting the meeting be scheduled on June 12, 2014.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

The meeting was recessed at 6:17 p.m.

The meeting was reconvened at 6:44 p.m. with the following members present: Chair Dudley and Councilmembers Nurse, Newton, Foster, Gerdes, Rice, Kornell. Absent. Councilmember Kennedy.

6/5/14

In connection with a Public Services & Infrastructure Committee report, Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 22, 2014 Public Services & Infrastructure Committee report presented by Chair Dudley.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy.

In connection with a Housing Services Committee report, Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 22, 2014 Housing Services Committee report presented by Councilmember Nurse.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy.

In connection with an Emergency Medical Services (EMS) Committee report, Fire Chief James Large made an oral presentation and stated we have a tentative agreement with Pinellas County for EMS. The City will maintain the current level of service and we will be funded for three years. Chief Large requested the agreement be approved at the June 12, 2014 Council meeting. The Legal Department will prepare the agreement for delivery to Council on June 6.

In connection with a Co-Sponsored Events Committee report, Councilmember Gerdes moved with the second of Councilmember Newton that the following resolution be adopted:

14-243 Resolution approving events for Co-Sponsorship in name only by the City for Fiscal Year 2015; waiving the non-profit requirement of Resolution No. 2000-562(a)8 for the Co-Sponsored events to be presented by Times Publishing Company, Design Ofresco Corp., Blue Ocean Film Festival, LLC, Brides Against Breast Cancer, LLC, Big City Events, LLC, Festivals of Speed, LLC, Green Savoree St. Petersburg, LLC, Mixon & Wiggins, LLC; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy. 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 Thursday, June 19, 2014, 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 115-H, entitled:

PROPOSED ORDINANCE NO. 115-H

AN ORDINANCE PROVIDING FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN LAKE MAGGIORE PARK ON OCTOBER 4, 2014 AND ELVA ROUSE PARK ON MARCH 7, 2015; AND PROVIDING AN EFFECTIVE DATE.

The Chair read the title of proposed Ordinance 115-H. Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy. Councilmember Gerdes moved with the second of Councilmember Foster that the following resolution be adopted:

14-244 Resolution in accordance with City Code Section 21-38(d) exempting Extreme Mud Wars (Spa Beach Park) from the beer and wine only restrictions 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 event as set forth herein.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy. Councilmember Kornell moved with the second of Councilmember Rice that the following resolution be adopted:

14-245 Resolution in accordance with City Code Section 21-38(d) exempting Ribfest (Vinoy Park) Festivals of Speed (Vinoy Park), Tampa Bay Blues Festival (Vinoy Park), Sunshine Music Festival (Vinoy Park), 97x Next Big Thing (Vinoy Park) and Chillounge Night (South Straub Park) from the beer and wine only restrictions 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 their events as set forth herein.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy. Councilmember Gerdes moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 29, 2014 Co-Sponsored Events Committee report presented by Councilmember Gerdes.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy.

In connection with a Youth Services Committee report, Councilmember Foster moved with the second of Councilmember Newton that the following resolution be adopted:

6/5/14

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 29, 2014 Youth Services Committee report presented by Councilmember Foster.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. Kennedy.

There being no further business the meeting was adjourned at 7:23 p.m.

William H. Dudley, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JUNE 12, 2014, AT 3:01 P.M.

Chair William Dudley, called the meeting to order with the following members present: Karl Nurse, Wengay M. Newton Sr., Amy Foster, Charles Gerdes, James Kennedy, Darden Rice, and Steve Kornell. Also present: Mayor Rick Kriseman, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn, City Administrator Gary Cornwell, Acting City Clerk Cathy E. Davis and Deputy City Clerk Patricia Beneby.

In connection with presentation of the 2014 Senior Hall of Fame Inductees, Michael Jefferis, Parks & Recreation Director, stated this is the 31st Annual Award to honor volunteers over the age of 65, and commented briefly regarding nomination qualifications. Ms. Sally Marvin, Supervisor of Sunshine Center, introduced the following award recipients: Mary Andrews, Joyce Feininger, Bobbie Mosher and Maya, Barbara Paonessa, Janet Schwebel, and Yvonne Scruggs-Leftwich. Mayor Kriseman presented each recipient with a key to the City. Mayor and Council congratulated each recipient on their many accomplishments and volunteer hours to the City of St. Petersburg.

In connection with a presentation recognizing the Sunshine Center for accreditation by the National Council on Aging/National Institute of Senior Centers (NCOA/NISC), Michael Jefferis, Parks & Recreation Director, introduced the following staff and volunteer: Sally Marvin, Carol Radin, Gerald Buchert, and Sherri McBee, Parks & Recreation Administrator. Ms. Marvin then introduced board member Lindy Jennings. Ms. Marvin commented that by achieving national accreditation status through NCOA/NISC, the Sunshine Center has demonstrated it is able to meet the new challenges of a quickly growing aging population. The Sunshine Center was recognized for its outstanding leadership and commitment to quality programs and services. Mayor and Council congratulated staff on their accreditation.

In connection with the Freedom to Marry Proclamation, Mayor Kriseman read the Proclamation proclaiming June 12, 2014 as Freedom to Marry Day in St. Petersburg.

In connection with the presentation regarding the Mayor's Points of Pride and Proclamation recognizing LGBTQ Pride Month in St. Petersburg, Mayor Kriseman read the proclamation acknowledging points of pride and recognizing June 2014 as LGBTQ Pride Month in St. Petersburg. The proclamation acknowledged that St. Petersburg passed its Human Rights Ordinance (#517-G) in January 2002 which added sexual orientation as a protected status in housing, public accommodations and employment, and that St. Petersburg has had a Domestic Partnership Registry in place since 2012. Mayor Kriseman named Marketing Director Robert Danielson to serve as LBGT Liaison and Markus Hughes, as LBGT Liaison to the Police Department. Mr. Eric Skains, Executive Director, St. Pete Pride, commented that this is a great day for the community and provided a brief history of how Pride got started.

6/12/14

In connection with the presentation recognizing the Juvenile Welfare Board (JWB) for their National Accreditation Achievement, Councilmember Steve Kornell introduced Marcie Biddleman, Executive Director, Board Members and staff of Juvenile Welfare Board. Councilmember Kornell commented that JWB had recently received accreditation from the Council of Accreditation, one of the most prestigious accrediting Council in the country, and that this accreditation has only been granted to five other organizations. Ms. Biddleman thanked Council for understanding the importance of accreditation and for their support.

In connection with the presentation of a proclamation recognizing Interfaith Week, Mayor Kriseman read the proclamation proclaiming the week of July 13-20, 2014 as Interfaith Week.

Chair Dudley announced the commencement of an Attorney/Client session, pursuant to Florida Statute 286.011(8), held in conjunction with the lawsuit styled Lauren Payton v. City of St. Petersburg and State Farm Mutual Automobile Insurance Company – Case No. 13-5963-CI-11 and announced those individuals who will be in attendance.

The meeting was closed at 4:08 p.m.

The meeting was reopened at 4:19 p.m. and the Attorney/Client session was terminated with the following members present: Chair Dudley and Councilmembers Nurse, Newton, Foster, Gerdes, Kennedy, Rice, Kornell. Councilmember Kennedy moved with the second of Councilmember Nurse that the following resolution be adopted:

2014-246 Approving settlement of the lawsuit of Lauren Payton v. City of St. Petersburg and State Farm Mutual Automobile Insurance Company, Circuit Civil Case No. 13-5963-CI-11

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with the Legal item, Emergency Medical Services (EMS) Agreement, City Attorney John Wolfe and Assistant City Attorney Jane Wallace commented regarding the terms of the proposed agreement with Pinellas County. City Attorney John Wolfe indicated the agreement is for 3 years with two one-year options and it provides numbers that our Fire Department can live with. Fire Chief James Large spoke in support of the agreement. Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be adopted:

2014-247 Approving the 2014 Emergency Medical Services ALS First Responder Agreement between the City of St. Petersburg and The Pinellas County Emergency Medical Services Authority for Fiscal Years 2014/2015, 2015/2016 and 2016/2017; and authorizing execution of the 2014 Emergency Medical Services ALS First Responder Agreement.

6/12/14

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None.
Absent. None.

There being no further business, the meeting was adjourned at 4:59 p.m.

William H. Dudley, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Patricia Beneby, Deputy City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JUNE 19, 2014, AT 3:04 P.M.

Chair William H. Dudley called the meeting to order with the following members present: Nurse, Newton, Foster, Gerdes, Kennedy, Rice and Kornell. City Administrator Gary Cornwell, City Attorney John Wolfe, Assistant City Attorneys Jackie Kovilaritch, Joseph Patner, Michael Dema and Macall Dyer, Deputy City Clerks Cathy E. Davis and Patricia Beneby were also in attendance.

Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the agenda be approved as submitted. Councilmember Nurse moved with the second of Councilmember Newton that the following substitute motion be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the agenda be approved with the addition of a New Business item concerning a discussion regarding the New Police Chief and that the agenda be approved with the following changes as amended:

MOVE CA-5 Resolution finding that \$142,000 is an amount sufficient to pay for the maintenance of the trail improvements of the SR 682 (Pinellas Bayway) Trail North Project ("Project") along the south side of 54th Avenue South from Pinellas Bayway Toll Plaza to the intersection of Pinellas Bayway (State Road 682) and the new Pinellas Bayway Bridge, over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$142,000 from the unappropriated balance of the General Fund to fund future maintenance of the trail improvements 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 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; 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 \$1,121,674; authorizing a supplemental appropriation in the amount of \$1,121,674 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety

Grants Capital Projects Fund (3004), resulting from these additional revenues, to the Bayway Trail North – Phase II Project (13639; approving a district seven Highway Maintenance Memorandum of Agreement (“MOA”) between the City and FDOT for mowing and other landscape maintenance with six feet of each side of the paved portion of this Trail Project at a cost to the City not to exceed \$15,067 annually for the term of the MOA which is fifteen (15) years; authorizing the Mayor or his designee to execute the MOA; and provide an effective date. (FDOT Financial Project No. 424532 5 58/68 01) (Engineering Project No. 13018-112; Oracle No. 13639)

- ADD CB-15 Rescinding the award of a contract to B.L. Smith General Contractors Inc. in the amount of \$125,395.12 for the Jordan School Classroom Building 2, Renovations project; and awarding a contract to Certus Builders, Inc. in the amount of \$128,350. (Engineering Project No. 11232-019; Oracle No.10960)
- ADD CB-16 Approving a resolution authorizing the Mayor or his designee to execute Amendment Number 4 to Florida Department of Transportation (“FDOT”) SMOA #01-06: Streetscape; and Amendment Number 5 to FDOT MOA #23-06: Landscape for Urban Edge Apartments, Ltd. for the installation of landscape, irrigation and streetscape improvements on 3rd Street South and 4th Street South between 4th Avenue South and Delmar Terrace South and the subsequent maintenance of the installed landscape, irrigation and streetscape improvements by the City at the City’s expense, subject to appropriation, and to execute all other documents necessary to effectuate these transactions.
- ADD CB-17 Confirming the appointment of Ya La’Ford as a regular member to the Arts Advisory Committee to serve an unexpired three-year term ending September 30, 2016.
- REVISE E-1 Land Use & Transportation: (Councilmember Kennedy) (Oral)
- (a) Pinellas Planning Council (PPC)
 - (b) Metropolitan Planning Organization (MPO) & Advisory Committee for Pinellas Transportation (ACPT); TBTMA (Tampa Bay Transportation Management Area); and MPO Action Committee
 - (c) Greenlight Pinellas
- ADD F-2 Referring to the Public Services & Infrastructure Committee to work with Staff to create an ordinance that strengthens the LDRs to limit business encroachment into neighborhoods. (Councilmember Rice)
- ADD F-3 Referring to the Public Services & Infrastructure Committee to request Administration to provide an easily searchable update on the City’s website that informs the public of upcoming and pending fireworks events locations and times. (Councilmember Rice)

- ADD F-4 Referring to the Budget, Finance & Taxation Committee to use approximately \$75,000 of Weeki Wachee funds to purchase property adjacent to Pinellas Point Park. (Councilmember Kornell)
- ADD F-5 Referring to the Budget, Finance & Taxation Committee to add a "Rubber Track Project" at Gibbs High School to the Weeki Wachee Project List. (Councilmember Newton)
- ADD F-6 Referring to the Budget, Finance & Taxation Committee for discussion Dome Industrial Pilot Project Area. (Councilmember Nurse)
- ADD F-7 Discussion New Chief of Police. (Councilmember Nurse)
- INFO G-1 Budget, Finance & Taxation Committee. (6/12/14)
(a) Resolution authorizing the Mayor or his designee to advertise the City's draft FY 2014/15 Annual Action Plan and to execute all other documents necessary to effectuate this Resolution.
- INFO G-2 Public Services & Infrastructure Committee. (6/12/14)
- INFO G-3 Committee of the Whole. (6/12/14)

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Rice. Kornell. Nays. Kennedy. Dudley. Absent. None.

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

1. Joseph Russo, 335 Lang Court North, commented briefly and stated he is representing his brother-in-law Mr. Paul Vogel who is the owner of property at 335 Lang Court North. Mr. Russo stated the matter was previously addressed by the City Council at their June 5th meeting and he did not get an opportunity to address Mayor and Council during the hearing for the Lang Court Historic District due to receiving incorrect information by city staff as to when he would be granted an opportunity to address the Mayor and Council. Mr. Russo further commented briefly regarding the property and the possibility of buyers interested in purchasing the property and stated he is requesting a rehearing to allow him an opportunity to address the Council concerning the Lang Court Historic District. Chair Dudley informed Mr. Russo that his request would be discussed in connection legal items on the agenda and he would be given an opportunity to address the council.
2. Ruth Bartlett, 8680 34th Avenue North, stated she was both a resident of Pinellas Safe Harbor and Pinellas Hope and commented regarding the harsh treatment of residents by facility staff at Pinellas Safe Harbor and asked that the Mayor and Council look into her concerns.

3. Harvey William Hugunin, commented briefly and requested that a constitutional convention be held at Tropicana Field.
4. Lucy Trimarco, representing the Sustainability Council, spoke regarding the Rahall Property and commented regarding its beauty and habitat for wildlife and encouraged the council to find a way to purchase the property.
5. Allan Sherman, commented regarding issues concerning noise coming from downtown bars and asked for an update regarding the concerns of downtown residents. City Administrator Gary Cornwell stated he would consult with staff and report back to Mr. Sherman.
6. Albert Scafati, stated he is a resident of One Beach Drive and is a Board Member of the Downtown Neighborhood Association, commented regarding his disappointment concerning the lack of action by the council in connection with resident concerns relating to noise from downtown bars and recommended that the noise ordinance be amended to (1) Raise Fines for noise ordinance violations from \$200 to \$500, (2) Bars in violation of ordinance two or more times should have their special permit to operate taken away, (3) Require bars to have a second set of doors to prevent the emittance of noise. Mr. Scafati concluded his comments and offered his time to work with the City Attorney and city staff to work the recommendations.
7. Rebecca Falkenberry, commented regarding the expenditure of the Weeki Wachee funds and the Rahall Estate and commented that the matter was time sensitive and the city should act quickly on obtaining the property.
8. Cathy Harrelson, commented regarding the Rahall property and cool roofs and hiring of the new police chief.
9. Beth Connor, commented regarding the Rahall property and the importance of buying and preserving the land and trees.
10. Bill Bucolo, commented regarding the purchase of the Rahall Estate.
11. Tom Lally, commented regarding the purchase of the Rahall Estate and purchase price to obtain the property and suggested that the community come together to determine alternate ways to fund the purchase of the property.

Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolutions be adopted:

- 14-248 Approving the purchase of replacement dump trucks, and water tankers for the Fleet Management Department from Navistar, Inc at a total cost of \$1,212,109.
- 14-249 Awarding a contract to TruStar Energy, LLC in the amount of \$816,099.70 for the Sanitation Department Compressed Natural Gas Fueling Station; approving a supplemental appropriation in the amount of \$816,100 from the unappropriated

- balance of the Sanitation Equipment Replacement Fund (4027). (Engineering Project No.12066-114; Oracle Project No.13809)
- 14-250 (a) Resolution extending the rental term of a portable self-contained CNG fueling station with TruStar Energy, LLC for the Sanitation Department at an estimated amount of \$228,000.
- 14-251 Approving a resolution rescinding \$1,400,000 representing an unencumbered appropriation in the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027) for the Central Ave Bridge/Booker Creek Project (13720); approving a supplemental appropriation in the amount of \$100,000 from the unappropriated balance of the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027), resulting from this rescission, to the 11th Ave South Bridge over Booker Creek Project (TBD); and approving a supplemental appropriation in the amount of \$1,300,000 from the unappropriated balance of the Neighborhood and Citywide Infrastructure Capital Improvement Fund (3027), resulting from this rescission, to the M.L. King Street South Bridge over Booker Creek Project (TBD).
- 14-252 Authorizing the Mayor or his designee to execute a Utility Work Agreement (“UWA”) between the City of St. Petersburg and Condotte/De Moya JV, LLC (“FIRM”), who is under contract with the Florida Department of Transportation (“FDOT”) to design and build the Gandy Boulevard Limited Access Road Improvements, at an estimated cost of \$1,700,000 for the required relocation of the City’s utilities in conflict with the FDOT’s Limited Access roadway, bridge and drainage improvements to Gandy Boulevard (SR 694) from I-275 to east of 4th Street North. FPID # 256931-2-52-01. (Engineering Project No. 14069-111; Oracle Nos. 13853, 13854)
- 14-253 Approving the purchase of replacement sport utility vehicles from Don Reid Ford, Inc. for the Fleet Management Department at a total cost of \$421,760.
- 14-254 Approving the purchase of replacement pumps from Thompson Pump and Manufacturing Company, Inc., for the Fleet Management Department at a total cost of \$289,664.
- 14-255 Awarding blanket purchase agreements to Jim and Slims Tool Supply, Inc., MGA Engineering Corp., Fastenal Company and Bert Lowe Supply Company for industrial supplies in an amount not to exceed \$135,000.
- 14-256 Renewing blanket purchase agreements to Alba Cleaning, Inc. for custodial services at an estimated annual cost of \$115,000.
- 14-257 Approving an Invitation for Bids (“IFB”) for the processing and marketing of single-stream, collected recyclable materials and requesting Administration to issue said IFB, and providing that this Resolution shall supersede Resolution 2014-75.
- 14-258 Authorizing the Mayor or his designee, to execute a First Amendment to License Agreement with Beach Drive Banquet, LLC, a Florida limited liability company, to extend its use of the North Yacht Basin and the surrounding areas known as Space No. EX500 (“Premises”) to rent and operate vessels 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 an

- additional term of one (1) year. (Requires affirmative vote of at least six (6) members of City Council.)
- 14-259 Authorizing the Mayor or his designee to execute a License Agreement with Pinellas Opportunity Council, Inc., a not-for-profit corporation, for use of ±512 sq. ft. of office space and classroom/lobby areas within City-owned Enoch Davis Center located at 1111 — 18th Avenue South, St. Petersburg, for a period of three (3) years, at a rental fee of \$102.40 per month, plus \$20.00 per month for telephone line access.
- 14-260 Approving the School Board of Pinellas County's ("School Board") request to add additional fencing to a portion of Parcel 1 of the Joint Operating Agreement between the City of St. Petersburg and the School Board for the use of a portion of City-owned Campbell Park.
- 14-261 Authorizing the Mayor or his designee to execute an Agreement To Terminate Lease for the existing lease agreement dated December 24, 2008 between the City of St. Petersburg ("City") and VK, Inc., a Florida profit corporation, for the use of facilities located at 421 Eighth Avenue S.E., St. Petersburg ("Premises"), within Albert Whitted Airport; to execute a five (5) year Lease Agreement between the City and Aristiz, Inc. for use of the Premises to operate an aircraft upholstery fabrication and repair service. (Requires affirmative vote of at least six (6) members of City Council.)
- 14-262 Authorizing the Mayor or his designee to execute an annual Master Agreement and up to three one-year renewal options between the City of St. Petersburg and Booth Design Group, Genesis, and URS Corporation Southern for Miscellaneous Landscape Architectural Services for roadway, parks, engineering, and other Capital Improvement Projects.
- 14-263 Confirming the appointment of Dale J. Turk as a regular member to the Commission on Aging to fill an unexpired three-year ending December 31, 2016.
- 14-264 Reappointing Brian Wilder, Donald B. Keller and Jenny Armstrong as regular members to the Civil Service Board to serve three-year terms ending June 30, 2017.
- 14-265 Approving an Amendment ("Plan Amendment") to the City's Local Housing Assistance Plan under the State Housing Initiatives Partnership ("SHIP") Program for FY 2012-2015 ("Current Plan"); authorizing the Mayor or his designee to accept a grant of \$1,143,819 from the Florida Housing Finance Corporation ("FHFC") for FY 2014-2015 to fund the State Housing Initiatives Partnership ("SHIP") Program for the purpose of providing affordable housing opportunities for low- and moderate-income persons; to submit the 2014-2015 SHIP Funding Strategies Summary Certification form to FHFC; and to expend funds in accordance with the current Plan, as amended, upon approval by FHFC; finding that five percent (5%) of the City's SHIP allocation plus five (5%) percent of Program Income is insufficient to pay the administrative costs of the City's SHIP Program; authorizing the use of up to ten percent (10%) of the City's SHIP allocation plus ten (10%) of the City's SHIP Program Income for administrative costs of the SHIP Program; authorizing the Mayor or his designee to execute a grant agreement with the FHFC and all other documents necessary to effectuate this transaction; approving a supplemental

appropriation in the amount of \$1,143,819 from the increase in the unappropriated balance of the SHIP Fund (1019), resulting in these additional revenues to the SHIP Program, Housing and Community Development Department (082) Housing Administration Division (1089).

- 14-266 Approving the minutes of April 3, April 10, and April 17, 2014 City Council meetings.
- 14-267 Rescinding the award of a contract to B.L. Smith General Contractors Inc. in the amount of \$125,395.12 for the Jordan School Classroom Building 2, Renovations project; and awarding a contract to Certus Builders, Inc. in the amount of \$128,350. (Engineering Project No. 11232-019; Oracle No.10960)
- 14-268 Approving a resolution authorizing the Mayor or his designee to execute Amendment Number 4 to Florida Department of Transportation ("FDOT") SMOA #01-06: Streetscape; and Amendment Number 5 to FDOT MOA #23-06: Landscape for Urban Edge Apartments, Ltd. for the installation of landscape, irrigation and streetscape improvements on 3rd Street South and 4th Street South between 4th Avenue South and Delmar Terrace South and the subsequent maintenance of the installed landscape, irrigation and streetscape improvements by the City at the City's expense, subject to appropriation, and to execute all other documents necessary to effectuate these transactions.
- 14-269 Confirming the appointment of Ya La'Ford as a regular member to the Arts Advisory Committee to serve an unexpired three-year term ending September 30, 2016.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a report item concerning Greenlight Pinellas, Councilmember Kennedy introduced Brad Miller, Chairman Pinellas Suncoast Transit Authority (PSTA) who gave presentation. Following presentation Councilmember Rice asked that PSTA consider offering free bus rides to disadvantaged youth within the city. Councilmember Newton commented regarding property taxes. Chair Dudley commented it was important that citizens knew the referendum was not only for the rail and suggested that bus service be offered to youth wishing to participate in after school extracurricular activities.

In connection with oral reports regarding the Pinellas Planning Council (PPC), Metropolitan Planning Organization (MPO) & Advisory Committee for Pinellas Transportation (ACPT); TBTMA (Tampa Bay Transportation Management Area); and MPO Action Committee, Councilmember Kennedy provided a brief report. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive report concerning the Pinellas Planning Council (PPC) and Metropolitan Planning Organization (MPO) & Advisory Committee for Pinellas Transportation (ACPT); TBTMA (Tampa Bay Transportation

6/19/14

Management Area); and MPO Action Committee as presented by Councilmember Kennedy.

Roll call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a public hearing item concerning the Lease and Development Agreement with the Tampa Bay Innovation Center, operated by STAR-TEC Enterprises, Inc., a Florida non-profit corporation, Real Estate and Property Management Director Bruce Grimes, Planning & Economic Director Dave Good and Transportation & Parking Director Evan Mory commented and made presentation. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Tonya Elmore, President & CEO Tampa Bay Innovation Center, thanked the Council and city staff for their service to the city. Ms. Elmore then introduced Rob Kupusta, Chairman of the Planning Committee and Chair of the Downtown Partnership commented briefly and provided an overview of the plan and commented regarding study results and survey responses received.
2. Mike Meidel, Director Pinellas County Economic Development, commented regarding the County's 11 year partnership with the Tampa Bay Innovative Center as well as the county's role as an extension of economic development efforts.
3. Andy Hayes, Hayes/Cummings Architects commented regarding the project and concerns of the Roser Park Neighborhood Association Board.

The meeting was recessed at 5:28 p.m.

The Community Redevelopment Agency was convened at 5:30 p.m.

The City Council was reconvened at 5:31p.m.

Councilmember Kennedy moved with the second of Councilmember Rice that the following resolution be adopted:

- 14-270 Resolution Finding That 1) The Disposition Of Lot 1, Royal Poinciana Subdivision Kamman Partial Replat And Lots 1, 2, 3, 4, 5, And 6. Royal Poinciana Subdivision ("Disposition") At Less Than Fair Value Will Enable The Expansion And Support For Business Incubator Facilities And Other Job Creating, Employment Oriented Uses And Further The Development Of The Innovation District By Providing Space For Research, Including But Not Limited To, Health Sciences And Marine Research 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 Tampa Bay Innovation Center, Operated By Star-Tec Enterprises, Inc., A Florida Non-Profit Corporation ("Tbic");

6/19/14

Authorizing Administration To Negotiate A Lease And Development Agreement With Tbic That Will Be Brought To City Council For Approval.

Roll. Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a report item concerning the Pinellas Bayway Trail North Project Engineering Director Thomas Gibson commented briefly regarding the project. Councilmember Nurse moved with the second of Councilmember Kornell that the following resolution be adopted:

14-271 Approving \$142,000 to pay for the maintenance of the trail improvements of the SR 682 (Pinellas Bayway) Trail North Project along the south side of 54th Avenue South.

Roll. Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a legal item, City Attorney John Wolfe commented briefly regarding License Agreement with Deborah Clark, Pinellas County Supervisor of Elections, establishing a Supervisor of Elections branch office in the James Weldon Johnson Community Library for an absentee ballot drop off site for the County's Primary and General Elections. Councilmember Newton moved with the second of Councilmember Nurse that the following resolution be adopted:

14-272 Approving a License Agreement with Deborah Clark, Pinellas County Supervisor of Elections, establishing a Supervisor of Elections branch office in the James Weldon Johnson Community Library for a absentee ballot drop off site for the County's Primary and General Elections.

Roll. Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a legal item, Setting July 10th as the rehearing date for Ordinance No. 091-HL Lang Court Historic District, Assistant City Attorney Michael Dema and Manager Urban Design & Historic Preservation Derek Kilborn reported briefly regarding the request for re-hearing.

Councilmember Nurse motioned with the second of Councilmember Newton that the following resolution be approved:

14-273 Approving request for rehearing of designation of Lang Court as a historic district.

In connection with the public hearing Chair Dudley asked if there were persons wishing to be heard. The following persons came forward:

1. Mr. Russo, commented regarding the property and noted he was representing his brother-in-law owner of the property who has lived in the property and attempted to sell with no success.

Roll. Call. Ayes. Nurse. Newton. Foster. Kennedy. Dudley. Nays. Gerdes. Rice. Kornell. Absent. None. Councilmember Kennedy motioned with the second of Councilmember Newton that the following resolution be approved:

14-273a Setting the Re-hearing date for Ordinance No. 091-HL; for Thursday, July 10, 2014.

Roll. Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

The meeting was recessed at 6:24 p.m.

The meeting was reconvened at 7:00 p.m.

In connection with an item of new business, requesting City Council to request Staff to include cool roof replacements in the new round of Land Development Regulation updates, Councilmember Kennedy motioned with the second of Councilmember Kornell that the following resolution be approved:

14-274 Requesting City Council request staff to include cool roof replacements in the new round of Land Development Regulation updates.

Roll. Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice.

In connection with an item of new business, referring to the Budget, Finance & Taxation Committee to add a "Rubber Track Project" at Gibbs High School to the Weekie Wachee Project List, Councilmember Kornell motioned with the second of Councilmember Newton that the following resolution be approved:

14-275 Referring to the Budget, Finance & Taxation Committee Weekie Wachee Project List "Rubber Track Project" at Gibbs High School.

Roll. Call Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent.

In connection with an item of new business, referring to the Public Services & Infrastructure Committee to work with Staff to create an ordinance that strengthens the LDRs to limit business encroachment into neighborhoods, Councilmember Rice motioned with the second of Councilmember Kennedy that the following resolution be approved:

14-276 Referring to the Public Services & Infrastructure Committee to work with Staff to create an ordinance that strengthens the LDRs to limit business encroachment into neighborhoods.

Roll. Call Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with an item of new business, referring to the Public Services & Infrastructure Committee to request Administration to provide an easily searchable update on the City's website that informs the public of upcoming and pending fireworks events locations and time. Councilmember Rice commented briefly concerning a request from residents of the Historic Old Northeast Neighborhood who asked that there be a way to search the city's website to obtain information regarding pending and scheduled firework events within the city. Councilmember Rice motioned with the second of Councilmember Nurse that the following resolution be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, Referring to the Public Services & Infrastructure committee to request Administration to provide an easily searchable update to the City's website that informs the public of upcoming and pending fireworks events locations and times.

Councilmember Foster moved with the second of Councilmember Rice the following substitute motion be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, Referring to Administration a request to provide an easily searchable update to the City's website that informs the public of All upcoming and pending fireworks events locations and times within the city with report back to the Council.

In connection with an item of new business, referring to the Budget, Finance & Taxation Committee for discussion Dome Industrial Pilot Project Area, Councilmember Nurse motioned with the second of Councilmember Kennedy that the following resolution be approved:

14-277 Referring to the Budget, Finance & Taxation Committee for discussion Dome Industrial Pilot Project Area.

Roll. Call Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

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 Newton moved with the second of Councilmember Nurse that the following resolutions be adopted:

6/19/14

- 14-211 Confirming the preliminary assessment for Lot Clearing Number 1534.
- 14-212 Confirming the preliminary assessment for Building Securing Number 1189.
- 14-213 Confirming the preliminary assessment for Building Demolition Number 416.

Roll. Call Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None.
Absent. None.

In connection with public hearings Resolution adopting a 201 Facility Plan Document, Steve Leavitt , Water Resources Director gave a brief presentation. Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Newton moved with the second of Councilmember Nurse that the following resolution be adopted:

- 14-281 Adopting a 201 Facility Plan Document entitled “2014 Supplement to the 201 Facilities Plan Update” dated April 2014 as the Planning document for the City’s wastewater management system to be eligible for State Revolving Fund (SRF) low interest loans.

Roll. Call Ayes. Nurse. Newton. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None.
Absent. Foster. Councilmember Newton moved with the second of Councilmember Kornell that the following resolution be adopted:

- 14-282 Authorizing the Mayor or his designee to apply for assistance from the State of Florida, State Revolving Fund (SRF) loan program to water reclamation facility improvements identified in the “2014 Supplement to the 201 Facilities Plan Update” dated April 2014 and to execute the requested loan agreement documents for an amount not to exceed \$50 million as provided for by the SRF, for projects estimated to cost \$45.05 million and subject to the approval of the City Attorney and Director of Finance.

Roll. Call Ayes. Nurse. Newton. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None.
Absent. Foster.

The Clerk read the title of Proposed Ordinance 1058-Vand Zoning Official Philip Lazar made a brief PowerPoint presentation. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Nurse moved with the second of Councilmember Newton that the following resolutions be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 1058-V, entitled:

PROPOSED ORDINANCE NO. 1058-V

APPROVING A VACATION OF 7TH AVENUE
SOUTH BETWEEN 3RD STREET SOUTH AND

4TH STREET SOUTH; VACATION OF A 20-FOOT WIDE UTILITY EASEMENT RUNNING NORTH-SOUTH ON THE SOUTH SIDE OF 7TH AVENUE SOUTH BETWEEN 3RD AND 4TH STREETS SOUTH AND 30-FOOT WIDE UTILITY EASEMENT RUNNING NORTH-SOUTH OF 7TH AVENUE SOUTH BETWEEN 3RD STREET SOUTH AND 4TH STREET SOUTH.

be adopted on second and final reading.

Roll. Call Ayes. Nurse. Newton. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Foster.

The Clerk read the title of Proposed Ordinance 115-H and Councilmember Gerdes Chairman of the Cosponsored Events Subcommittee commented briefly regarding the proposed ordinance. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolutions be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 115-H, entitled:

PROPOSED ORDINANCE NO. 115-H

PROVIDING FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN LAKE MAGGIORE PARK ON OCTOBER 4, 2014 AND ELVA ROUSE PARK ON MARCH 7, 2015.

be adopted on second and final reading.

Roll. Call Ayes. Nurse. Newton. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Foster.

The Clerk read the title of Proposed Ordinance 116-H_ and Manager of Urban Planning & Historic Preservation Derek Kilborn gave a brief presentation and stated staff recommends the approval of the ordinance as revised with sections 16.50.440.2.2 (d) No Tables and Chairs in r-o-w and Section 16.50.440.43(c) Locations/Parking Spaces. Councilmember Nurse moved with the second of Councilmember Newton that the ordinance be approved. The Chair asked if there were any persons present wishing to be heard and the follow persons came forward:

1. Chef Christine Austin - spoke in support of the ordinance and stated food trucks enhanced the city, bring money to the city while offering good quality food.

6/19/14

2. Maggie Loflin - spoke in support of the ordinance and thanked staff on working together with the mobile vendors with drafting of the ordinance.

Councilmember Kennedy moved with the second of Councilmember Gerdes that the following substitute motion be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 116-H, entitled:

PROPOSED ORDINANCE NO. 116-H

AMENDING THE TEXT TO ST. PETERSBURGF
CITY CODE, CHAPTER 16, LAND
DEVELOPMET RRGULTIONS (LDRs)
SECTION 16.50.440 "VENDING, MOBILE
FOOD TRUCKS" TO FORMALLY RECOGNIZE,
CLASSIFY AND REGULATE MOBILR FOOD
TRUCKS WITHIN THE CITY CODE.

be adopted on second and final reading as revised and amended.

In connection with council discussion Councilmember Foster asked that each proposed amendment be voted upon separately.

Councilmember Kennedy moved with the second of Councilmember Gerdes that the following amendment be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 116-H, be amended as follows: Section 16.50.440.2.2 (d) No tables, chairs, furniture or equipment shall be placed in the r-o-w.

Roll. Call Ayes. Nurse. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. Newton. Absent. None.

Councilmember Kennedy moved with the second of Councilmember Gerdes that the following amendment be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 116-H, be amended as follows: Section 16.50.440.4.3 (a) Prohibition that food trucks are not allowed within 500ft of restaurant establishments.

Roll. Call Ayes. Kennedy. Rice. Nays. Nurse. Newton. Foster. Gerdes. Dudley. Kornell. Absent. None. (Motion Failed)

Councilmember Kennedy moved with the second of Councilmember Gerdes that the following amendment be approved:

6/19/14

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 116-H, be amended as follows: Section 16.50.440.4.3 (c) Location: Clarification of parking spaces on site as recommended by Administration.

Roll. Call Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Nays. None. Absent. None.

Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 116-H, be approved as amended and that Administration come back in (6) six months with status of any unintended consequences.

Councilmember Rice moved with the second of Councilmember Kennedy that the following substitute motion be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg that Ordinance No. 116-H, Section 16.50.440.4.3 (a) Prohibition that food trucks are not allowed within 300ft of restaurant establishments.

Roll. Call Ayes. Kennedy. Rice. Nays. Nurse. Newton. Foster. Gerdes. Dudley. Kornell. Absent. None. (Motion Failed).

Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 116-H, be approved as amended and that Administration come back in (6) six months with status of any unintended consequences.

Roll. Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent.

In connection with a Budget, Finance & Taxation Committee report Councilmember Kennedy gave a brief report. Councilmember Foster reported briefly regarding the Pinellas County Grant Program and moved that the Council send a resolution of support of the City's Arts Advisory Committee's letter to Pinellas County stating that the City Arts Advisory Committee is in favor of serving as the Grant Panel instrument for the County Grant Program provided that an agreement would be reached between the city and County. Councilmember Foster moved with the second of Councilmember Kennedy that the following resolution be adopted:

14-284 Resolution in support of the Arts Advisory Committees decision to serve as a grant panel to review County Arts Grants.

Roll. Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

Councilmember Kennedy reported briefly regarding a report concerning the advertising of the City's draft FY2014/15 Annual Action Plan and moved with the second of Councilmember Foster that the following resolution be adopted:

14-283 Authorizing the Mayor or his designee to advertise the City's draft FY2014/15 Annual Action Plan.

Roll. Call. Ayes. Nurse. Newton.Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

Councilmember Foster moved with the second of Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg Florida, that Council receive and file the June 12, 2014 Budget Finance & Taxation Committee report as presented by Councilmember Kennedy.

Roll. Call. Ayes. Nurse. Newton.Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a Public Services & Infrastructure Committee report, Councilmember Dudley gave a brief report. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg Florida, that Council receive and file the June 12, 2014 Public Services & Infrastructure Committee report as presented by Councilmember Dudley.

Roll. Call. Ayes. Nurse. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. Newton.

In connection with a Committee of the Whole report, Chair Dudley gave a brief report. Councilmember Kennedy moved with the second of Councilmember Nurse that the following resolution be adopted:

14-285 Approving the Twin Brooks Golf Course Rehabilitation Project.

Roll. Call. Ayes. Nurse. Newton.Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with report regarding the Rahall Property Councilmember Kornell moved with the second of Councilmember Gerdes that the following resolution be adopted:

6/19/14

14-286 Directing Real Estate staff to make an inquiry regarding the purchase of undeveloped land (1.75 acres) for a cost of \$1.2 Million.

Roll. Call. Ayes. Nurse. Newton.Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

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 receive and file the June 12, 2014 Committee of the Whole report as presented by Councilmember Dudley.

Roll. Call. Ayes. Nurse. Newton.Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with a new business item regarding discussion regarding the hiring of the new Police Chief, Councilmember Nurse commented briefly regarding the positive impact public safety has had in neighborhoods and the construction of new housing within neighborhoods that are turning around in the city and expressed concern regarding the potential delay in hiring a new Police Chief. Councilmembers Foster, Newton and Kornell also commented regarding the number of sworn staff, enforcement of the law and leadership within the department.

There being no further business, the meeting was adjourned at 9:52 p.m.

William H. Dudley, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Cathy E. Davis, Deputy City Clerk

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 6, 2014

TO: City Council Chair & Members of City Council

SUBJECT: City Council Minutes

EXPLANATION: City Council minutes of July 10, July 17, and July 24, 2014 City Council meetings.

**A RESOLUTION APPROVING THE MINUTES OF THE
CITY COUNCIL MEETINGS HELD ON JULY 10,
JULY 17, AND JULY 24, 2014; AND PROVIDING AN
EFFECTIVE DATE.**

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the minutes of the City Council meetings held on July 10, July 17, and July 24, 2014 are hereby approved.

This resolution shall become effective immediately upon its adoption.

**APPROVED AS TO FORM
AND SUBSTANCE:**

City Attorney or Designee

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JULY 10, 2014, AT 8:31 A.M.

Chair William H. Dudley called the meeting to order with the following members present: Wengay M. Newton, Sr., Amy Foster, Charles Gerdes, James R. Kennedy, Steve Kornell, and Karl Nurse. Absent: Darden Rice. Mayor Rick Kriseman, City Administrator Gary Cornwell, Assistant City Attorney Mark Winn, Assistant City Attorney Jeannine Williams, Acting City Clerk Patricia Beneby and Deputy City Clerk Cathy Davis were also in attendance.

Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes as amended:

- ADD Resolution of Bereavement to the family of former Councilmember Martha C. Maddux.
- MOVE CA-1 Lake Vista Recreation Center Renovation Project: *[MOVED to Reports as E-5]*
- (a) Awarding a contract to Eveland Brothers, Inc. in the amount of \$1,450,483 for additions and renovations at Lake Vista Recreation Center. (Engineering Project No. 13211-017; Oracle No. 13753)
 - (b) Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. CID-11-02-MEA with Mesh Architecture in the amount not to exceed \$26,000 for professional engineering design services related to the Lake Vista Center Renovations/Improvements Project, for a total amount of Task Order CID-11-02-MEA not to exceed \$116,360. (Engineering Project No.13211-017; Oracle No. 13753)
- ADD CA-4 Awarding a contract to Layne Inliner, LLC in the amount of \$1,891,155 for 34th Street South Sanitary Sewer Improvements FY13. (Engineering Project No. 13055-111; Oracle No. 13818)
- DELETE CB-8 Authorizing the Mayor or his designee to execute a Memorandum of Understanding between the City of St. Petersburg and the Tampa Port Authority for the purpose of exploring the benefits of a strategic partnership to enhance economic development, marketing, and information sharing for new business opportunities; and to execute all documents necessary to effectuate this transaction.

7/10/14

- INFO D-2 Ordinance 091-HL approving the designation of the Lang's Bungalow Court Historic District, located between 4th Avenue North, Calla Terrace North, and the east and west alleys of Lang Court North, as a local historic landmark. (City File HPC 14-90300002) [*Rehearing of Designation*]
- DELETE E-3 Museum of History Report/Update, Rui Farias, Executive Director [*Moved to the July 24, 2014 Council meeting*]
- DELETE E-4 Edge Business District, Lea Ann Varlas, Executive Director [*Moved to the July 17, 2014 Council meeting*]
- ADD G-2 Proposed Charter Amendment. (Councilmember Nurse)

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice.

In connection with a presentation, Mayor Kriseman presented the following Resolution of Bereavement to the family of Former Councilmember Martha C. Maddux, July 10, 2014:

Whereas, our Lord in His infinite wisdom has called home a beloved wife, mother, grandmother, daughter, sister and loving friend; and

Whereas, Martha Maddux was actively involved in several local, state and national campaigns, including President Jimmy Carter's 1976 campaign, Governor Lawton Chiles' 1990 campaign and Florida House Speaker Peter Wallace's first legislative race; and

Whereas, Martha Maddux had been actively involved with many community and charitable organizations throughout the years. She served on the St. Petersburg City Council from 1983 – 1989 where she was a deciding vote to finance and construct what is now Tropicana Field. She was also instrumental in helping make City Council meetings more transparent through the implementation of television coverage; and

Whereas, Martha Maddux took on leadership roles with the Juvenile Welfare Board, the Florida League of Cities, Leadership Florida, Leadership St. Petersburg and CASA. She instilled a sense of service in her children and in those around her; and

Whereas, Martha Maddux was further known for her commitment to making St. Petersburg a most livable city and for her countless acts of kindness toward others;

Now, Therefore, Be It Resolved, that I, Mayor Rick Kriseman has asked to join in with members of St. Petersburg City Council to express to the family of Martha Maddux our heartfelt condolences in this deep hour of grief, with the hope that they will take some measure of consolation in the knowledge that she gave

herself wholeheartedly to making our community a better place to live, work, and play.

Be It Further Resolved that a copy of this Resolution is spread upon the minutes of the St. Petersburg City Council, and a copy thereof, properly embossed, inscribed, and transmitted to the family of Martha Maddux this 10th day of July, 2014.

In connection with the Open Forum portion of the agenda, the following person came forward:

1. Debra Kelley, 116 20th Avenue NE, commented regarding the support of arts.

Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolutions be adopted:

- 14-287 Awarding a two-year blanket purchase agreement for Motorola public and non-public safety mobile and portable radios from Motorola Solutions for the ICS Department at a cost not to exceed \$655,000.
- 14-288 Renewing a blanket purchase agreement with the School Board of Pinellas County, a sole source supplier, to provide school buses and drivers for the Parks and Recreation Department at an estimated annual cost of \$600,000.
- 14-289 Awarding a contract to Layne Inliner, LLC in the amount of \$1,891,155 for 34th Street South Sanitary Sewer Improvements FY13. (Engineering Project No. 13055-111; Oracle No. 13818)
- 14-290 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 \$160,000 for purchased transportation services for the baseball shuttle and other City co-sponsored events. These additional funds will increase the total contract amount to \$285,000.
- 14-291 Awarding three-year blanket purchase agreements to Tri-City Electrical Contractors, Inc. and Riley Electric Company, Inc. for electrical maintenance and repairs at an estimated annual amount of \$200,000.
- 14-292 Awarding a blanket purchase agreement with Pinellas County Schools Food Service for the after school snack program for the Parks & Recreation Department at an estimated annual cost of \$160,400.
- 14-293 Renewing a Blanket Purchase Agreement with Ameron International Corporation for street lighting poles for the Public Works Administration at an estimated annual cost of \$125,000.

- 14-294 Renewing a blanket purchase agreement with Boley Centers, Inc. for After School Youth Employment Program management services for the Community Services Department at an estimated annual cost of \$100,000.
- 14-295 Renewing an agreement with Bank of America, N.A. ("Bank of America") through its subsidiary FIA Card Services, N.A. for purchasing card services.
- 14-296 Resolution by City Council accepting certain redevelopment powers delegated by the Pinellas County Board of County Commissioners for the Southside St. Petersburg Community Redevelopment Area and declaring City Council the Community Redevelopment Agency.
- 14-297 Authorizing the Mayor or his designee to execute a License Agreement with Pinellas Studio of Dance, Inc., a Florida Profit corporation, for use of ±6,140 sq. ft. within the St. Petersburg Shuffleboard Club building located at 559 Mirror Lake Drive North, St. Petersburg, for a period of twelve (12) months at rental rate of \$300.00 per month. (Requires an affirmative vote of at least six (6) members of City Council)
- 14-298 Authorizing the Mayor or his designee to sell the surplus, unimproved City-owned parcel located at approximately 6801 Onyx Drive North, St. Petersburg, to Ryan Coley for \$35,000.
- 14-299 Resolution authorizing the Mayor or his designee to execute an agreement between the City of St. Petersburg, Florida and the School Board of Pinellas County, Florida, to provide school buses and drivers for City-sponsored field trips and Before and After School Programs from August 24, 2014 through August 23, 2015, and all other documents necessary to effectuate this transaction.
- 14-300 Authorizing the Mayor or his designee to execute a Cooperative Agreement ("Agreement") between the City of St. Petersburg ("City") and Pinellas County ("County") to develop a Comprehensive Watershed Management Plan for Joe's Creek and Miles Creek, and authorizing cooperative funding from the City not to exceed \$125,000. (Engineering Project No. 14042-120; Oracle No. 14406)
- 14-301 Authorizing the release of the lien of the City's HOME Acquisition and Development Program Mortgage to Secure a Loan, and the Declaration of Restrictions, on Lot 3, Boley's Broadwater Place a/k/a/ 3611 37th Street South ("Property"), recorded at O.R. Book 17800, Page(s) 607-621, and O.R. Book 17800, Pages(s) 602-606, respectively, in the Public Records of Pinellas County, Florida as to the southern portion of the property in conjunction with the funding of the Broadwater IV development which includes a \$110,000 subordinate, forgiven loan from the City to Pinellas Affordable Living, Inc. ("PAL, Inc.") authorized by City Council Resolution No. 2013-421; and authorizing the Mayor or his Designee to execute all documents necessary to effectuate this transaction.
- 14-302 Approving the minutes of the City Council meetings held on May 1, May 8, and May 15, 2014.

7/10/14

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice.

In connection with a Youth Services Committee report, Councilmember Foster moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the June 19, 2014 Youth Services Committee report presented by Councilmember Foster.

Roll call. Ayes. Newton. Foster. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice. Gerdes.

The Clerk read the title of proposed Ordinance 110-H. Councilmember Gerdes moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 110-H, entitled:

PROPOSED ORDINANCE NO. 110-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE; PROVIDING FOR THE USE OF ELECTRICALLY-CHARGED FENCING ON PROPERTY DESIGNATED WITH IT (INDUSTRIAL TRADITIONAL) AND IS (INDUSTRIAL SUBURBAN) ZONING; PROVINDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Urban Planning & Historic Preservation Manager Derek Kilborn made an oral presentation and responded to questions by Councilmembers. Ms. Cindy Gsell, Electric Guard Dog, LLC, commented regarding the safety of the electric fence. Discussion was held and concerns were expressed regarding allowing electrically charge fence in a residential district, next to a school, and the proximity to sidewalks. The Chair asked if there were any persons present wishing to be heard and there was no response.

Roll call. Ayes. Gerdes. Kennedy. Dudley. Nays. Newton, Foster, Kornell. Nurse. Absent. Rice. (Motion FAILED.)

Councilmember Foster moved with the second of Councilmember Kornell to refer electric fencing to the Public Services & Infrastructure Committee.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice.

The meeting was recessed at 10:09 a.m.

7/10/14

The meeting was reconvened at 10:16 a.m. with the following members present: Chair Dudley and Councilmembers Newton, Foster, Gerdes, Kennedy, Kornell, Nurse. Absent. Rice.

The Clerk read the title of proposed Ordinance 091-HL. Councilmember Kennedy moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 091-HL, entitled:

PROPOSED ORDINANCE NO. 091-HL

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING THE LANG'S BUNGALOW COURT HISTORIC DISTRICT (LOCATED BETWEEN 4TH AVENUE NORTH, CALLA TERRACE NORTH, AND THE EAST AND WEST ALLEYS OF LANG COURT 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.

The Chair reviewed the quasi-judicial process. Chief Assistant City Attorney, Mark Winn, reviewed the reason that this application was being reheard. The application was presented and approved by City Council on June 19, 2014; however, due to miscommunication by the City Clerk to the abutting property owner, Mr. Russo, he was not able to speak regarding his property. Mr. Russo requested this application be reheard. Because of the miscommunication, Council voted to rehear the application.

Historic Preservation Planner Kim Hinder presented the proposed application. The applicant, Mr. Joseph Russo, provided photos and spoke in opposition of his property being included in the designation. Mr. Ceasar Marales, Ms. Monica Kyle, and Mr. Jeff Danner spoke on behalf of St. Petersburg Preservation & Home Ownership, in support of the application as submitted. The City's Building Official Rick Dunn discussed his findings regarding the Russo's house on Lang Court. The Chair asked if there were any persons present wishing to be heard. The following persons came forward:

1. Paula Clair Smith, Merritt Realty, 333 Third Avenue North, spoke regarding working with the Russo family concerning the Free Clinics interest in obtaining land.
2. Beth Houghton, Executive Director, St. Petersburg Free Clinic, 180 Beach Drive NE #1701, commented regarding the need for parking for the clinic and discussed working with the Russo's regarding their property.
3. Danni LeTendre, 370 Lang Court North, spoke in support of the designation as proposed by the neighborhood.

7/10/14

4. Jose Felgueiraz, 334 Lang Court, spoke in opposition to any modification to the proposed designation.
5. Dr. Amy Kedron, 330 Lange Court, spoke in opposition to modification of the proposed boundary of the designation.
6. Emily Elwyn, 836 16th Avenue NE, spoke in support of the designation as proposed.
7. Ron Bott, 858 4th Avenue North, spoke in support of the designation as proposed.
8. Beth Connor, 636 64th Avenue South, spoke in support of the designation of the original proposal.

The Public Hearing was closed by the Chair.

Cross Examination was waived by City staff, Mr. Russo requested his property not be included in the historic designation, and St. Petersburg Preservation representative, Jeff Danner, requested the original boundary by approved.

Rebuttal was waived by City staff, Mr. Russo, and St Petersburg Preservation.

Councilmember Kennedy moved with the second of Councilmember Gerdes approval of designating the historic designation for the entire boundary of Lang Court as presented by staff.

Roll call. Ayes. Foster. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. Newton. Absent. Rice.

The meeting recessed at 11:57 a.m.

The meeting was reconvened at 12:36 a.m. with the following members present: Chair Dudley and Councilmembers Newton, Foster, Gerdes, Kennedy, Kornell, Nurse. Absent. Rice.

In connection with a report item concerning the FY15 Mayor's Recommended Budget, City Administrator Gary Cornwell discussed the budget process; opening remarks were made by Deputy Mayor Kanika Tomalin; and presentation was made by Budget Director, Tom Greene.

In connection with a Fire Quarterly Update, Fire Chief James Large provided a PowerPoint presentation giving an update for the months of January, February, and March 2014. He reviewed the number of inspections, hydrant tests, hours of training, number of emergency calls, and meetings regarding emergency management.

7/10/14

In connection with a report item concerning awarding a contract to Eveland Brothers, Inc. in the amount of \$1,450,483 for additions and renovations at Lake Vista Recreation Center, and authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. CID-11-02-MEA with Mesh Architecture LLC in the amount not to exceed \$26,000 for professional engineering design services related to the Lake Vista Center Renovations/Improvements Project, City Architect Raul Quintana made a presentation. Councilmember Kornell moved with the second of Councilmember Nurse that the following resolutions be adopted:

- 14-304 Accepting the bid and approving the award of an agreement to Eveland Brothers, Inc. in an amount not to exceed \$1,450,483 for completion of the Lake Vista Recreation Center additions and renovations project (Oracle No. 13753); and authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate this transaction.
- 14-305 Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. CID-11-02-MEA with Mesh Architecture LLC in the amount not to exceed \$26,000 for professional engineering design services related to the Lake Vista Center Renovations/Improvements Project, for a total amount of task order CID-11-02-MEA not to exceed \$116,360.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice.

The Clerk read the title of proposed Ordinance 117-H. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, July 24, 2014, 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 117-H, entitled:

PROPOSED ORDINANCE NO. 117-H

AN ORDINANCE AMENDING CITY CODE SECTION 16.40.120.15.B REGARDING DIGITAL OR ELECTRONIC MESSAGE CENTERS BY REGULATING THE DWELL TIME FOR MESSAGES; PROVIDING FOR PURPOSES AND FINDINGS FOR DIFFERENT DWELL TIMES AND FOR SIGN REGULATIONS IN GENERAL; PROVIDING FOR ADDITIONAL CLARIFYING LANGUAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice.

7/10/14

In connection with a New Business item concerning Proposed Charter Amendment, Councilmember Karl Nurse provided comments regarding his proposed amendment. Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be adopted:

14-306 Resolution of the City Council requesting the City Attorney's Office to draft proposed City Charter amendments relating to Article IV. Administrative to 1) clarify that the Mayor has the power to hire and fire City employees; 2) allow City Council Members to add their opinions concerning potential hires of senior management level employees; and 3) remove the penalties in the current Charter for acting on Item No. 2 herein.

It was recommended that Legal draft proposed Ordinance for further discussion at Council Agenda Review to be held on July 12, 2014 at 1:00 p.m.

Councilmember Gerdes left meeting at 2:11 p.m.

Roll call. Ayes. Newton. Foster. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice. Gerdes.

In connection with a New Business item concerning renaming the Wildwood Recreation Center, Councilmember Newton announced that State Representative Darryl Rouse requested the renaming of the Wildwood Recreation Center to the Thomas "Jet" Jackson Recreation Center. Comments in support of the recommendation were made by Councilmembers Newton, Kornell, Foster, Nurse, Kennedy, and Chair Dudley. Councilmember Newton moved with the second of Councilmember Foster for Legal to prepare an Ordinance renaming the Wildwood Recreation Center to the Thomas "Jet" Jackson Recreation Center.

14-307 Resolution requesting the City Attorney's Office to draft an Ordinance renaming the Wildwood Recreation Center to the Thomas "Jet" Jackson Recreation Center.

Roll call. Ayes. Newton. Foster. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Rice. Gerdes.

There being no further business the meeting was adjourned at 2:39 p.m.

William H. Dudley, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Patricia Beneby, Deputy City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JULY 17, 2014, AT 3:02 P.M.

Chair William H. Dudley called the meeting to order with the following members present: Wengay M. Newton, Sr., Amy Foster, James R. Kennedy, Steve Kornell, and Karl Nurse. Absent: Charles Gerdes and Darden Rice. Mayor Rick Kriseman, City Administrator Gary Cornwell, City Attorney John Wolfe, Assistant City Attorney Jane Wallace and Joe Patner, Acting City Clerk Patricia Beneby and Deputy City Clerk Cathy Davis were also in attendance.

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 approve the agenda with the following changes as amended:

ADD Resolution of the City Council confirming the appointment of Chandrasah Srinivasa as City Clerk.

Roll call. Ayes. Newton. Foster. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Gerdes. Rice.

In connection with presentation recognizing the City of St. Petersburg's efforts to support the Pinellas County Safe Routes to School Program and Pinellas Safe Kids Coalition, Mary Decker Mahoney, All Children's Hospital, presented four awards recognizing City departments that had a major impact on injury prevention. The City's Parking & Transportation Department and St. Pete Fire Rescue was recognized for their support of the bike safety program. Ms. Anita Westmoreland, Aquatics Director, City's Parks & Recreation Department, was recognized for providing water safety and swimming lessons to more than 300 financially disadvantaged young children through scholarships. The Safe Kids Coalition and All Children's Hospital thanked the City for their support of safe routes to school program. Mayor Kriseman thanked All Children's for the recognition of the efforts of City staff and the different departments and thanked them for the work that they do for the kids in our community.

In connection with presentation recognizing HCA West Florida Pinellas County Hospitals, Lynn Gordon, City's Parks & Recreation Department, recognized HCA West Florida Pinellas County Hospitals for their generous contribution in the amount of \$18,000 for the fireworks at the City's 4th of July celebration. The CEO of Northside Hospital, Amy Bennett and Carrie Johnston were present for the recognition. Councilmembers thanked HCA for all they do in the community. Mayor Rick Kriseman thanked HCA for their generous

7/17/14

contribution of \$18,000 for the 4th of July Fireworks and for partnering with the City to move forward with the City's Healthy City Initiatives.

In connection with the Proclamation recognizing National Parents Day Weekend, Mayor Rick Kriseman presented Proclamation to Pastor Martin Rainey recognizing the weekend of July 26-27, 2014 National Parents Day Weekend in St. Petersburg and urge citizens to motivate and encourage children to achieve high levels of academic performance while creating a solid foundation to build upon for the future. Pastor Rainey, on behalf of the Parents Board of Education Council Ministry, thanked Mayor and Council for the recognition. Council thanked Pastor Rainey for all they are doing and discussed the importance of working together.

In connection with the EDGE Business District presentation, Ms. Lea Ann Barlas, provided a PowerPoint presentation regarding the EDGE District of St. Petersburg. Also present was Mr. Shawn Carter, Board President. They reported that the Edge District is an eclectic mix of businesses - dining establishments, galleries, artists' places, as well as boutiques. They have thus far amended their Bylaws and Articles of Incorporation, and filed for nonprofit status with the IRS. So far they have 32 active businesses including individual land owners, an active Board of Directors who meets monthly and have developed four main street committees which include design, organization, economic development, and promotion. One of the most exciting things happening right now is their Florida Main Street Application. They are using the Main Street Model and are basically one step away from approval. During that process the City added the Edge District to their budget and gave a three-year commitment to help with the operation. Council commended them on their efforts and advised them to keep up the good work.

In connection with the Proclamation declaring July 27, 2014 as "Venture House Day," Mayor Kriseman presented Proclamation to Mr. Frank Wells proclaiming July 27, 2014 as "Venture House Day" in St. Petersburg. Mr. Wells thanked Councilmember Karl Nurse, Mayor, City Staff, Board at Venture House, Community Partners and the Chamber of Commerce, and invited everyone to come out for a celebration of Venture House Day in St. Petersburg.

In connection with the Proclamation recognizing Interfaith Week, Mayor Kriseman presented Proclamation to Integral Church recognizing July 13-20, 2014 as Interfaith Week, and encourage all Bay area residents to recognize the importance of respect, dialogue, and religious literacy in safeguarding the American values of freedom and democracy.

In connection with Legal item, Appointment of City Clerk, Mayor Kriseman introduced the new selected City Clerk, Chandrasa Srinivasa. Councilmember Kornell moved with the second of Councilmember Newton that the following resolution be adopted:

2014-308 Resolution of the City Council confirming the appointment of Chandrasa Srinivasa as City Clerk.

7/17/14.

Roll call. Ayes. Newton. Foster. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Gerdes. Rice.

Mayor Kriseman and Council thanked Eva Andujar for her exceptional services as City Clerk.

In connection with Legal item, authorizing the Mayor or his designee to execute the Settlement Agreement and the Agreement for Wastewater services with City of Treasure Island, Assistant City Attorney, Jane Wallace discussed that in 2008 Treasure Island filed lawsuit against the City and lost. Ms. Wallace reported that the Administration and the City's Legal Department have negotiated a Settlement Agreement and Agreement for wastewater services, as well as all other claims by City of Treasure Island related to wastewater rates charged to City of Treasure Island, and recommend approval of the Agreements. Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be adopted:

2014-309 Resolution approving the Settlement Agreement between the City of St. Petersburg and the City of Treasure Island; authorizing the Mayor or his designee to execute the Settlement Agreement between the City of St. Petersburg and the City of Treasure Island; approving the Agreement for wastewater services between the City of St. Petersburg and the City of Treasure Island; and authorizing the Mayor or his designee to execute the Agreement for wastewater services between the City of St. Petersburg and the City of Treasure Island.

Roll call. Ayes. Newton. Foster. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Gerdes. Rice.

There being no further business, the meeting was adjourned at 5:35 p.m.

William H. Dudley, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Patricia Beneby, Deputy City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JULY 24, 2014, AT 3:04 P.M.

Chair William H. Dudley called the meeting to order with the following members present: Newton, Foster, Gerdes, Kennedy, and Kornell. Absent: Nurse, Rice. City Administrator Gary Cornwell, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn, Assistant City Attorney Jackie Kovilaritch, City Clerk Chan Srinivasa, Deputy City Clerks Cathy E. Davis and Patricia Beneby were also in attendance.

Councilmember Kornell moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the agenda be approved as submitted.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

In connection with the Open Forum portion of the agenda, Chair Dudley asked if there were persons wishing to be heard and there was no response.

Councilmember Kornell moved with the second of Councilmember Newton that the following resolutions be adopted:

- 2014-310 Approving the purchase of diesel fuel from James River Solutions, LLC and Arnold, Truman Companies; and unleaded gasoline from J.H. Williams Oil Company, Inc. for the Fleet Management Department at an estimated annual cost of \$5,637,930.
- 2014-11 Awarding a contract to T.L.C. Diversified, Inc. in the amount of \$1,341,487 for the Northeast Water Reclamation Facility Disinfection Improvements project (Engineering Project No. 13072-112; Oracle No. 13379) and rescinding unencumbered appropriations from the Sanitary Sewer Collection System¹⁴ project (14166) in the amount of \$720,000 in the Water Resources Capital Project Fund (4003) and appropriating \$720,000 resulting from this rescission and appropriating an additional \$59,000 from the unappropriated balance of the Water Resources Capital Project Fund (4003) to the WRF NE Disinfection Imp FY12 Project (13379).
- 2014-312 Approving the assumption of the Family Resources, Inc. 0% Interest Neighborhood Stabilization Program -1 ("NSP -1") mortgage securing a Promissory Note to the City in the amount of \$870,073, by Boley Centers, Inc. ("Boley") as part of Boley's acquisition of the Fountain View Apartments located at 430 13th Avenue South ("Development"), subject to the existing Declaration of Restrictions that will continue through May 31, 2042; providing a onetime waiver of provisions in the Declaration of Restrictions and loan documents that require Family Resources to

follow a First Right of Refusal Procedure set forth therein; authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.

- 2014-313 Approving the purchase of Avaya telephony equipment hardware and software from North American Communication Resource, Inc. for the ICS Department at a total cost of \$378,934.03.
- 2014-314 Renewing blanket purchase agreements with All About Hauling, Inc., Angelo's Aggregate Materials, LLC d/b/a Angelo's Recycled Materials and Florida Dirt Source, LLC for road and landscape materials at an estimated annual cost of \$150,000.
- 2014-315 Awarding a contract to Tagarelli Construction, Inc. in the amount of \$120,977 for interior and exterior renovations at the Clam Bayou House (Engineering Project No. 12205-017; Oracle No. 13246).
- 2014-316 Renewing a blanket purchase agreement with St. Petersburg College, a sole source supplier, for cadet training for the Police Department at an amount not to exceed \$120,000.
- 2014-317 Authorizing the Mayor or his designee to execute Amendment Number 2 to Florida Department of Transportation ("FDOT") SMOA #01-06: Streetscape; and Amendment Number 3 to FDOT MOA #23-06: Landscape for 4th Avenue South Residences, LLC for the installation of landscape, irrigation and streetscape improvements on 4th Street South between 3rd Avenue South and 4th Avenue South and the subsequent maintenance of the installed landscape, irrigation and streetscape improvements by the City at the City's expense, subject to appropriation, and to execute all other documents necessary to effectuate these transactions.
- 2014-318 Authorizing the Mayor or his designee to execute a Memorandum of Understanding between the City of St. Petersburg and the Tampa Port Authority for the purpose of exploring the benefits of a strategic partnership to enhance economic development, marketing and information sharing for new business opportunities; and to execute all documents necessary to effectuate this transaction.
- 2014-319 Authorizing the Mayor or his designee to execute an Agreement with the School Board of Pinellas County to continue to allow joint use of playground equipment and other related improvements constructed by the City of St. Petersburg at the Lakewood Elementary School site located at 4161 – 6th Street South, St. Petersburg, for a term of five (5) years; to execute subsequent renewals of this Agreement under the same basic terms and conditions; and to execute all documents necessary to effectuate the same.
- 2014-320 Authorizing the Mayor or his designee to execute an Agreement with the School Board of Pinellas County to continue to allow joint use of playground equipment and other related improvements constructed by the City of St. Petersburg at the Maximo Elementary School site located at 4850 - 31st Street South, St. Petersburg,

for a term of five (5) years; to execute subsequent renewals of this Agreement under the same basic terms and conditions; and to execute all documents necessary to effectuate the same.

- 2014-321 Authorizing the Mayor or his designee to execute a License Agreement with the University of South Florida, a public body corporate, for its College of Marine Science, for the use of a ±100 square foot area in Campbell Park on the bank of Booker Creek for the operation of a weather and water monitoring station, for a term of three (3) years, at a rent of \$36.00 for the term; and to execute all documents necessary to effectuate the same. ***(Requires affirmative vote of at least six (6) members of City Council.)***
- 2014-322 Resolution waiving the requirements of paragraph 5 of Resolution No. 2010-430; and authorizing the Mayor, or his Designee, to execute a twenty-four (24) month License Agreement with the Arts Center Association, Inc. d/b/a Morean Arts Center, to display the glass artwork titled “Carnival Persian Set, 2000” within the Mayor’s Office reception area located in City Hall, for a use fee of \$100.00 for the entire term.
- 2014-323 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.
- 2014-324 Confirm the appointments of Frank (Skip) Tylman and Julia C. Lewis as regular members to the Commission on Aging to fill unexpired three-year terms ending December 31, 2016.
- 2014-325 Confirm the appointment of Kimberly E. Ritrievi as a regular member to the Investment Oversight Committee to fill an unexpired two-year term ending March 31, 2016.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

In connection with presentation regarding the 2014 Takamatsu Student Ambassador Program, Elizabeth Brincklow Manager Cultural Relations, commented briefly regarding the program and introduced student ambassadors Malak Mahjoubi and Maya Berrios who gave a brief presentation regarding their visit to Takamatsu Japan.

In connection with proclamation recognizing Retiring City Clerk Eva Andujar, Mayor Kriseman commented briefly and thanked Ms. Andujar for her service to the city and residents of St. Petersburg.

In connection with a Budget, Finance & Taxation Committee report, Councilmember Kennedy commented briefly and introduced Finance Director Anne Fritz who also gave a brief presentation. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

2014-326 Authorizing the issuance of not to exceed \$17,000,000 in principle amount of Professional Sports Facility Sales Tax Refunding Revenue Bond, Series 2014 (Tropicana Field) for the purpose of refunding certain outstanding debt of the City and paying the costs related thereto; and providing for certain other matters in connection therewith.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice. Councilmember Kennedy moved with the second of Councilmember Gerdes that the following resolution be adopted:

2014-327 Supplemental resolution of the City of St. Petersburg, Florida authorizing the issuance of not to exceed \$17,000,000 in principal amount of Professional Sports Facility Sales Tax Refunding Revenue Bond, Series 2014 (Tropicana Field) for the purpose of refunding certain outstanding debt of the City and paying the costs related thereto; authorizing the private negotiated sale of such bond to STI Institutional & Government, Inc. (an affiliate of Sun Trust); and providing for certain other matters in connection therewith.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice. Councilmember Kennedy moved with the second of Councilmember Gerdes that the following resolution be adopted:

2014-328 Establishing its intent to reimburse certain capital expenditures incurred with proceeds of a future tax-exempt financing; and providing certain other matters in connection therewith.

Roll call. Ayes. Newton. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Foster. Rice. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the July 17, 2014 Budget, Finance & Taxation Committee report as presented by Councilmember Kennedy.

Councilmember Foster was reported present at 4:12 p.m.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

In connection with a Public Services & Infrastructure Committee report, Councilmember Dudley gave a brief presentation. Chief Assistant City Attorney Mark Winn commented briefly regarding the proposed ordinance. In connection with discussion regarding the number of pets allowed Councilmember Kennedy asked that legal also come up with limiting factors as to the number of fowl, goats, horses cattle and Vietnamese potbellied pigs allowed within the city and that the proposed public hearing date be scheduled for

7/24/14

August 28, 2014. 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 Thursday, August 28, 2014, 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 No. 118-H entitled:

PROPOSED ORDINANCE NO. 118-H

AMENDING SECTIONS 4-31 THROUGH 4-33 OF THE ST. PETERSBURG CITY CODE WHICH PROVIDE FOR THE REGULATION OF FOWL, GOATS, HORSES, CATTLE AND VIETNAMESE POT BELLED PIGS; AND CREATING NEW SECTIONS 4-34 AND 4-35 TO PROVIDE FOR THE REGULATION OF MINIATURE SHEEP AND MINIATURE GOATS.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse.

Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the July 17, 2014 Public Services & Infrastructure Committee report as presented by Councilmember Dudley.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

The Clerk read the title of proposed Ordinance 706-L and 735-Z. Derek Kilborn Manager Historic Preservation gave a brief presentation and Assistant City Attorney Michael Demas commented briefly in connection with the proposed ordinances. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 7, 2014, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance Nos. 706-L and 735-Z entitled:

PROPOSED ORDINANCE NO. 706-L

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP DESIGNATIONS FROM: INDUSTRIAL LIMITED (ACTIVITY CENTER) TO PLANNED REDEVELOPMENT – COMMERCIAL (ACTIVITY CENTER); INDUSTRIAL LIMITED (ACTIVITY CENTER) TO PRESERVATION; AND PRESERVATION TO PLANNED REDEVELOPMENT – COMMERCIAL (ACTIVITY CENTER) AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 735-Z

AN ORDINANCE REZONING THE ABOVE DESCRIBED PROPERTY FROM: EC (EMPLOYMENT CENTER) TO PRES (PRESERVATIONM); AND PRES (PRESERVATIONM) TO CCS-2 (C ORRIDOR COMMERCIAL SUBURBANM), OR OTHER LESS INTENSIVE USE AND PROVIDING FOR AN EFFECTIVE DATE.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Rice. Nurse.

In connection with a report item regarding resolution recognizing the donation of \$15,000 from Duke Energy in support of the Mayor's Neighborhood Mini-Grants Program Susan Ajoc Director Community Services commented briefly and presented Mayor Kriseman with a check in the amount of \$15,000. Councilmember Gerdes moved with the second of Councilmember Kennedy that the following resolution be adopted:

- 2014-329 Resolution recognizing the donation of \$15,000 from Duke Energy in support of the Mayor's Neighborhood Mini-Grants Program and approving a supplemental appropriation in the amount of \$15,000 from the unappropriated balance of the General Fund (001) to the Community Services Department resulting from this donation in support of the Program.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse.

In connection with a report item regarding a resolution acknowledging receipt of the Art-in-Transit/Central Avenue Master Concept prepared by Mickett Stackhouse Studio, LLC; Director of Transportation & Parking Evan Mory commented briefly and introduced Artists

7/24/14

Robert Stackhouse, Carol Mickett and Thaddeus Root of Mickett Stackhouse Studio, LLC who gave a brief presentation of the projects concept. Following presentation Chair Dudley asked if there were persons wishing to be heard. The following persons came forward:

1. Dan Harvey – Commented regarding the concept of the project. Stated he has issues with the glass block design and expressed concern regarding safety and function. Asked if the artists had considered renaming the Central Avenue Trolley to reflect the project and design concept.
2. Jeff Danner – Commented regarding the initial scope, creation and funding of the project.
3. Andrew Hayes – Commented regarding the projects design and potential benefits to the City.

Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

- 14-330 Acknowledging receipt of the Art-In-Transit/Central Avenue Master Concept (“Concept”) prepared by Mickett Stackhouse Studio, LLC (“Artist”); and requesting that the Mayor or his designee negotiate a design agreement with Artist for design of the Concept, which agreement is subject to City Council approval.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse.

In connection with a report item regarding Museum of History Update, Executive Director Rui Farias gave a brief presentation. Chair Dudley asked if there were persons present wishing to be heard. The following persons came forward:

1. Andrew Hayes – Commented briefly and spoke in support of the museum.
2. Shirley O’Sullivan – Commented briefly regarding improvements to the facility and spoke in support of the museum.

Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Administration create a policy regarding Records Retention and determine which city records would be historical and should be given to the Museum of History for retention.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse.

The meeting was recessed at 6:14 p.m.

The meeting was reconvened at 6:50 p.m.

In connection with public hearing confirming preliminary assessments, the Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolutions be approved:

2014-331 confirming the preliminary assessment for Lot Clearing Number 1535.

2014-332 confirming the preliminary assessment for Building Securing Number 1190.

2014-333 confirming the preliminary assessment for Building Demolition Number 417.

Roll call. Ayes. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse. Newton.

In connection with public hearing approving the FY2014/15 Annual Action Plan Housing and Community Services Director Joshua Johnson gave presentation. Chair Dudley asked if there were persons wishing to be heard there was no response. Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolution be adopted:

2014-334 Approving the FY2014/15 Annual Action Plan ("Plan"); authorizing the Mayor or his designee to submit said Plan to the U.S. Department of Housing and Urban Development and to execute all documents and contracts necessary for implementation of the Plan.

Roll call. Ayes. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse. Newton.

Councilmember Newton was reported present at 6:52 p.m.

In connection with public hearing approving an exception to the Traditional Streetscape Preservation policy (Resolution No. 2011-75) Chair Dudley asked if there were persons wishing to be heard and there was no response. Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolution be adopted:

2014-335 Approving an exception to the Traditional Streetscape Preservation policy (Res. No. 2011-75) to allow removal of an approximately 6.5-foot wide strip of brick pavement on the east-west alley between Beach Drive North, 1st Street North, and 2nd and 3rd Avenues North.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse.

The Clerk read the title of proposed Ordinance 117-H Approving text amendment to amend language related to the "dwell time that provides justification for having different dwell time standards for different sign types. Chair Dudley asked if there were persons wishing to be heard and there was no response. Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolution be adopted:

7/24/14

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 109-H, entitled:

PROPOSED ORDINANCE NO. 117-H

APPROVING TEXT AMENDMENT TO AMEND LANGUAGE RELATED TO THE "DWELL TIME STANDARDS FOR DIFFERENT SIGN TYPES. (CITY CODE OF ORDINANCES, CHAPTER 16, LAND DEVELOPMENT REGULATIONS (LDRS), SECTION 16.40.120.15.4 TITLED "SUPPLEMENTARY SIGN REGULATIONS") THE APPLICATION IS IN RESPONSE TO A COURT RULING AGAINST THE CITY'S CURRENT DWELL TIME STANDARDS FOR ELECTRONIC MESSAE CENTERS AND LARGE FACILITY SIGNS.

be adopted on second and final reading.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse.

In connection with a report item regarding the FY2015 Budget, Tom Greene Director of Budget gave report. Chair Dudley asked if there were persons wishing to be heard and there was no response. Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

Adopting proposed millage rates necessary to fund a tentative budget, other than the portion of said budget to be funded from sources other than ad valorem taxes for Fiscal Year 2015. In connection with discussion Councilmember Kornell moved with the second of Councilmember Kennedy the following substitute motion be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that a Committee of the Whole be scheduled August 28, 2014 at 9:30 a.m. to further discuss the budget prior to adoption at the September 4, 2014 City Council Meeting and that the following resolution be adopted:

14-336 Adopting proposed millage rates necessary to fund a tentative budget, other than the portion of said budget to be funded from sources other than ad valorem taxes for Fiscal Year 2015.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse. Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

14-337 Fixing a date for public hearings upon the tentative budget and proposed millage rate for Fiscal Year 2015.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse. Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

14-338 Adopting the revised Fiscal Policies for Fiscal Year 2015.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Rice. Nurse. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be approved:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file report in connection with the FY2015 Budget as presented by Budget Director Tom Greene.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

In connection with reports regarding Land Use & Transportation (a) Pinellas Planning Council (PPC); (b) Metropolitan Planning Organization (MPO) & Advisory Committee for Pinellas Transportation (ACPT); TBTMA (Tampa Bay Transportation Management Area); and MPO Action Committee; Councilmember Kennedy gave report. Councilmember Kennedy moved with the second Councilmember Newton that the following resolution be adopted:

14-339 Approving the Metropolitan Planning Organization (MPO) Interposal Agreement.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice. Councilmember Kennedy moved with the second Councilmember Newton that the following resolution be adopted:

14-340 Approving a Resolution of Support for Universal Buss Pass Program.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

In connection with an item of business referring to the Public Services & Infrastructure Committee a discussion and staff report regarding lots that have been platted but do not meet current size standards for construction, thus requiring variances. Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to the Public Services & Infrastructure Committee Ordinance No. 110-H for continued discussion

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

7/24/14

In connection with an item of new business, regarding the reconsideration of Ordinance No. 110-H Electrically-Charged Fencing and referral to the Public Services & Infrastructure Committee. Councilmember Newton commented briefly regarding rationale for reconsideration of the ordinance. Councilmember Newton 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 Services & Infrastructure Committee a discussion and staff report regarding lots that have been platted but do not meet current size standards for construction, thus requiring variances.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Dudley. Kornell. Nays. None. Absent. Nurse. Rice.

In connection with a legal item providing for the calling of a special municipal election to be held on November 4, 2014 for the amendment of Section 4.05(a) of the City Charter to provide for an exception to the prohibition against Council Members influencing the hiring of certain City employees Chief Assistant City Attorney Mark Winn reported briefly regarding the proposed ordinance and amendment to the City Charter. In connection with council discussion Councilmember Gerdes moved deferral of the proposed ordinance. Motion failed for lack of a second. Councilmember Kornell moved with the second of Councilmember Newton that the ordinance be approved on first reading as amended with proposed revised language by Councilmember Karl Nurse to include Chiefs, Administrative staff and above.

The Clerk read the title of proposed Ordinance 119-H. Councilmember Kornell moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 7, 2014, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 119-H, entitled:

PROPOSED ORDINANCE NO. 119-H

AN ORDINANCE PROVIDING FOR A REFERENDUM AS PART OF THE GENERAL CITY ELECTION TO BE HELD ON NOVEMBER 4, 2014; AMENDING SECTION 4.05(a) OF THE CITY CHARTER OF THE CITY OF ST. PETERSBURG; PROVIDING THAT THE AMENDMENT CONTAINED IN THIS ORDINANCE SHALL BECOME EFFECTIVE ONLY IF THE BALLOT QUESTION CONTAINED IN THIS ORDINANCE IS APPROVED BY A MAJORITY VOTE OF THE ELECTORS OF THE CITY VOTING ON SAID QUESTION IN THE NOVEMBER 4, 2014

7/24/14

ELECTION AND THE FILING OF THE REVISED CHARTER, INCLUDING THE AMENDMENT, WITH THE DEPARTMENT OF STATE; PROVIDING FOR THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 TO PRESENT THIS CHARTER AMENDMENT TO THE VOTERS; PROVIDING FOR THE FORM OF THE TITLE AND THE QUESTION TO APPEAR ON THE BALLOT; PROVIDING FOR THE AMENDMENT OF SECTION 4.05(a) OF THE CITY CHARTER TO PROVIDE FOR AN EXCEPTION TO THE PROHIBITION AGAINST COUNCIL MEMBERS INFLUENCING THE HIRING OF CERTAIN CITY EMPLOYEES; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Roll call. Ayes. Newton. Foster. Gerdes. Kennedy. Kornell. Nays. Dudley. Absent. Nurse. Rice.

In continuation of the Open Forum portion of the agenda, Chair Dudley asked if there were persons wishing to be heard and the following person came forward:

1. Kevin Johnson – commented regarding the importance of libraries within the community.

There being no further business, the meeting was adjourned at 9:05 p.m.

William H. Dudley, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Cathy E. Davis, Acting City Clerk

St. Petersburg City Council

Consent Agenda
Meeting of November 6, 2014

TO: The Honorable Bill Dudley, Chair, and Members of City Council

SUBJECT: A resolution authorizing the Mayor or his designee to accept a grant from the Florida Department of Transportation ("FDOT") in the amount of \$110,434.32 to fund Police Department overtime costs incurred by the high visibility enforcement for the Pedestrian and Bicycle Safety Campaign; and to execute all documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \$110,434.32 from the increase in the unappropriated balance of the Operating Grants Fund (1720) resulting from these additional revenues to the Police Department, Traffic & Marine (140-1477), High Visibility Enforcement Grant (TBD); and providing an effective date.

EXPLANATION: The Florida statistics show that an additional emphasis should be placed on pedestrian and bicycle safety. In 2012, traffic crashes in Florida resulted in 473 pedestrian fatalities, 7,413 pedestrian injuries, 116 bicyclist fatalities and 6,058 bicyclist injuries. Based on the national Highway Traffic Safety Administration (NHTSA) Traffic Safety Facts, these rates are nearly double the national average for pedestrians and nearly triple the national average for bicyclists. The program effort will utilize law enforcement support in high priority counties throughout the state to educate and enforce safe pedestrian, bicyclist and driver behaviors with the main objective being to reduce traffic crashes and fatalities involving pedestrians and bicyclists through the use of selected traffic education and enforcement operations. This campaign is a component of Florida's Bicycle/Pedestrian Focused Initiative Communication and High Visibility Enforcement Implementation under the direction of FDOT and the University of South Florida.

The High Visibility Enforcement for Pedestrian and Bicycle Safety Campaign Grant ("Grant") has been awarded by the Florida Department of Transportation ("FDOT") to the City of St Petersburg in the amount of \$110,434.32 for the High Visibility Enforcement for the Pedestrian and Bicycle Safety Campaign. The Grant requires no matching funds. 100% of the Grant funds will be allocated to the Police Department for pedestrian and bicycle safety enforcement overtime costs.

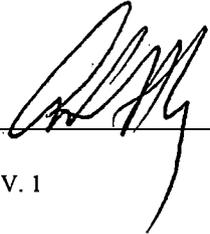
RECOMMENDATION: The Administration recommends that City Council adopt the attached resolution authorizing the Mayor or his designee to accept a grant from the Florida Department of Transportation ("FDOT") in the amount of \$110,434.32 to fund Police Department overtime costs incurred by the high visibility enforcement for the Pedestrian and Bicycle Safety Campaign; and to execute all documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \$110,434.32 from the increase in the unappropriated balance of the Operating Grants Fund (1720) resulting from these additional revenues to the Police Department, Traffic & Marine (140-1477), High Visibility Enforcement Grant (TBD); and providing an effective date.

COST/FUNDING INFORMATION: The grant will provide funds through June 30, 2015. A supplemental appropriation in the amount of \$110,434.32 from the increase in the unappropriated balance of the Operating Grants Fund (1720) resulting from these additional funds, to the Police Department Traffic & Marine (140-1477), High Visibility Enforcement Grant (TBD) is required.

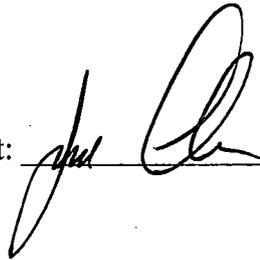
Attachments: Resolution
Grant Agreement

Approvals:

Administration:



Budget:



Legal: 00205226.doc V. 1

Resolution No. 2014-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") IN THE AMOUNT OF \$110,434.32 TO FUND POLICE DEPARTMENT OVERTIME COSTS INCURRED BY THE HIGH VISIBILITY ENFORCEMENT FOR THE PEDESTRIAN AND BICYCLE SAFETY CAMPAIGN; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING AN APPROPRIATION IN THE AMOUNT OF \$110,434.32 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE OPERATING GRANTS FUND (1720), RESULTING FROM THESE ADDITIONAL REVENUES, TO THE POLICE DEPARTMENT, TRAFFIC & MARINE (140-1477), HIGH VISIBILITY ENFORCEMENT GRANT PROJECT (TBD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation ("FDOT") has awarded a grant to the City of St Petersburg in the amount of \$110,434.32 ("Grant") for the High Visibility Enforcement for Pedestrian and Bicycle Safety Campaign ("Campaign"); and

WHEREAS, the Campaign is a component of Florida's Bicycle/Pedestrian Focused Initiative Communication & High Visibility Enforcement Implementation; and

WHEREAS, law enforcement support will be used to educate and enforce safe pedestrian, bicyclist, and driver behaviors in high priority counties throughout the state; and

WHEREAS, the Campaign is designed to educate, warn and cite drivers, pedestrians and bicyclist of safe driving, walking and cycling behaviors to reduce the number of pedestrian and cyclist fatalities during traffic crashes by implementing the development of the High Visibility Enforcement for Pedestrian and Bicycle Safety Campaign; and

WHEREAS, under the Grant, the Police Department is required to submit monthly reports to the FDOT Contract Manager; and

WHEREAS, 100% of the Grant funds will be allocated to the Police Department for pedestrian and bicycle safety enforcement overtime costs; and

WHEREAS, a supplemental appropriation in the amount of \$110,434.32 from the increase in the unappropriated balance of the Operating Grants Fund (1720) resulting from the Grant funds is required.

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 Florida Department of Transportation ("FDOT") in the amount of \$110,434.32 to fund Police Department overtime costs incurred by the high visibility enforcement for the pedestrian and bicycle safety enforcement campaign; and to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Operating Grants Fund (1720), resulting from these additional revenues the following supplemental appropriation for FY 2015:

Operating Grants Fund (1720)

Police Department, Traffic & Marine (140-1477),
High Visibility Enforcement Grant (TBD)

\$110,434.32

This Resolution shall take effect immediately upon its adoption.

Approvals:

Legal:

Legal: 00205241.doc V. 2

Administration:

Budget:

Letter of Agreement and Contract

In this contract between the City of St. Petersburg ("Vendor") and the University of South Florida Board of Trustees for the University of South Florida's Center for Urban Transportation Research ("University"), the Vendor shall perform the services outlined in the scope of services (Exhibit A).

Total not to exceed: \$110,434.32

This contract is being entered into under the terms and conditions of the Florida Department of Transportation ("FDOT") project TWO #945-001, Contract #BDV25. All services must be completed by May 31, 2015 and a final invoice must be received by June 20, 2015. The Vendor shall forfeit payment of costs if final invoice is not received by close of business on June 20, 2015. Invoices must be mailed via the U.S. Post Office or shipped. Faxed and emailed invoices are not accepted.

It is expressly understood that the Vendor is an independent contractor, and not an agent of the FDOT or the University of South Florida. The FDOT and the University's liability in negligence or indemnity for acts of its employees or officers will only be provided under Section 768.28, Florida Statutes. Neither the FDOT nor the University shall be responsible for attorney fees except as provided by statute.

Subject to the limitations of Section 768.28, Florida Statutes, the Vendor shall be required to defend, hold harmless and indemnify the University, the FDOT, NHTSA, FHWA, and USDOT, from all claims and liability, or both due to recklessness or intentional wrongful misconduct of the Vendor, consultant, or their employees

In accordance with the contract, Vendor is authorized to perform the tasks detailed in the attached Exhibits and is fully responsible for satisfactory completion of all services. Vendor may not commence work prior to the issuance of a purchase order by the University of South Florida. The delivery of services will begin upon execution of the contract and will end on or before May 31, 2015. Allowable expenses are limited to officer overtime at the hourly overtime rate including fringe benefits established under Exhibit A Section V.

Invoices must be submitted monthly, beginning within 30 days of execution of this contract. All invoices are required to include the inclusive dates (to/from) of service and the following certification statement "All costs are true and valid costs incurred in accordance with the agreement" and must be signed by an authorized Vendor representative.

CANCELLATION: This contract may be unilaterally cancelled by FDOT or the University for refusal by the contractor to allow public access to all documents, papers, letters, or other material made or received by the contractor in conjunction with this contract, unless the records are exempt from section 24(1) of Article 1 of the state constitution and section 119.07(1), Florida Statutes.

APPROVED AS TO FORM AND LEGALITY
Michelle M. Cienfuegos
Michelle Cienfuegos, JD
Assistant General Counsel - University of South Florida

University of South Florida

Date

Project Director, University of South Florida

Date

Vendor's Authorized Agent Signature

Date

Print: _____

Approved as to Content and Form

As its: _____

City Attorney (Designee)

Attest: _____

By: _____

Chan Srinivasa, City Clerk

Assistant City Attorney

(Seal)

EXHIBIT "A"
SCOPE OF SERVICES
PEDESTRIAN AND BICYCLE SAFETY ENFORCEMENT CAMPAIGN
City of St. Petersburg (Vendor)

I. OBJECTIVE:

The Florida Department of Transportation ("FDOT"), through a Task Work Order with the University of South Florida ("University"), will utilize law enforcement support to educate and enforce safe pedestrian, bicyclist, and driver behaviors in high priority counties throughout the state. The main objective of this effort is to reduce traffic crashes and fatalities involving pedestrians and bicyclists through the use of selected traffic education and enforcement operations.

II. PURPOSE:

In 2012, traffic crashes in Florida resulted in 473 pedestrian fatalities, 7,413 pedestrian injuries, 116 bicyclist fatalities, and 6,058 bicyclist injuries. Based on the National Highway Traffic Safety Administration (NHTSA) Traffic Safety Facts, these rates nearly double the national average for pedestrians and nearly triple the national average for bicyclists.

Pedestrian and Bicycle crashes are more likely to result in fatal or serious injuries than any other types of crashes. The number of hospitalizations and emergency room visits related to these crashes indicates that the magnitude of the problem may even be larger than identified by traffic crash reports. The financial impacts and suffering caused by these fatalities and injuries are significant.

This campaign is a component of Florida's Bicycle/Pedestrian Focused Initiative Communication & High Visibility Enforcement Implementation under the direction of FDOT and the University. This program supports the goals established in Florida's Pedestrian and Bicycle Strategic Safety Plan. These enforcement activities are being implemented to remind and educate pedestrians, bicyclists, and motorists of safe behaviors.

III. SERVICES TO BE PROVIDED:

- A. High Visibility Enforcement of all road users, including pedestrians, bicyclists, and motorists. Conduct on-street education and enforcement operations including the distribution of educational materials, and the issuance of warnings and/or citations to pedestrians, bicyclists, and motorists in accordance with Florida Statutes. It is strongly recommended that operations follow an education, warning, citation progression.
- B. Vendor shall distribute the provided safety educational materials, such as printed materials and bicycle lights, during on-street High Visibility Enforcement operations. (All vendors choosing to participate in distribution of bicycle lights will be required to complete a separate Bicycle Light Distribution Assurance form.)
- C. Vendor is required to engage the media to announce enforcement operations and distribute the provided safety messages. Vendor shall be required to do at least two (2) press releases, one (1) within 30 days of beginning operations and one (1) aligned with the transition from warnings to citations. Additional media engagement is encouraged throughout the contract period. Proof of media engagement must be provided as a backup documentation component for invoicing during the period in which it is conducted.

IV. FDOT RESPONSIBILITIES:

FDOT will provide to Vendor copies of the required training materials, a copy of Florida's Pedestrian and Bicycle Strategic Safety Plan, educational materials for distribution, and approved safety messages.

V. VENDOR RESPONSIBILITIES:

Funding is restricted to on-street overtime operations specific to pedestrian and bicycle safety in the identified high priority areas, conducted at the level of effort shown in this contract.

All officers assigned to operations completed under this contract must first review and complete the following required training materials created by the National Highway Traffic Safety Administration (NHTSA):

- “Pedestrian Safety Training for Law Enforcement.” A self-paced, interactive CD-ROM.
- “Enhancing Bicycle Safety: Law Enforcement’s Role”. A self-paced, interactive CD-ROM.
- “Enforcing Law for Bicyclists.” A 7-minute roll call video.

Prior to commencing the services outlined under this contract, Vendor must submit a signed and dated list of personnel authorized to perform overtime operations under this agreement, including a certification of completion of the required training, and fully-loaded hourly overtime rate to be used for each officer. Only hours from officers listed and at the rates shown on the authorized personnel list are eligible for reimbursement under this agreement. The authorized personnel list may be updated to add officers and update billing rates, but no hours may be charged for any individual officer until after the updated personnel list has been signed and dated showing their contract billing rate and verifying training has been completed. (Note – All rates must match the payroll documentation submitted with each monthly invoice.)

Invoices shall be submitted following calendar months. Vendor is required to use the invoice form templates provided in Exhibit “D”. These forms will provide documentation of the following information:

- **Invoice:** summary of hours charged and total due
- **Personnel Timesheet:** dates and hours for each individual officer
- **Operation reporting form:** one page for each operation completed showing officers assigned, date, times, location, safety issue addressed and corresponding enforcement approaches used, contacts overview, and the numbers of warnings and citations issued to motorist, pedestrians, and bicyclists under each Statute.

In addition, the vendor must submit payroll documentation to accompany each monthly invoice. This documentation should clearly indicate overtime rates that match the invoice, when each officer performed overtime activities (must match the personnel timesheet), and must include either a pay stub or payroll ledger documenting payment to each officer for which you are requesting reimbursement.

The funding that is provided to the Vendor is not to be used to supplant the Vendor's ongoing enforcement and educational efforts. Duplicated efforts will not be eligible for reimbursement.

VI. BEGINNING AND LENGTH OF SERVICES:

- A. The performance period of this Agreement shall begin upon execution of the contract and shall end on May 31, 2015.
- B. This Agreement is non-renewable.

VII. ATTACHMENTS:

Exhibits, required forms and additional data may be attached to this agreement.

VIII. TERMINATION ACTION:

This contract may be unilaterally cancelled by USF or FDOT for refusal by the Vendor to allow public access to all documents, papers, letters, or other material made or received by the contractor in conjunction with this contract, unless the records are exempt from section 24(1) of Article 1 of the state constitution and section 119.07(1), Florida Statutes.

EXHIBIT "B"
METHOD OF COMPENSATION
PEDESTRIAN AND BICYCLE SAFETY ENFORCEMENT CAMPAIGN
City of St. Petersburg (Vendor)

I. PURPOSE:

This Exhibit defines the limits and method of compensation to be made to the Vendor for the services set forth in Exhibit "A" and the method by which payments shall be made.

II. COMPENSATION:

For the satisfactory performance of services detailed in Exhibit "A" the Vendor shall be paid a Maximum Amount of \$110,434.32

The University, based on need and availability of budget, may increase or decrease the Maximum Amount by Amendment.

III. PROGRESS PAYMENTS:

The Vendor shall submit an invoice and supporting documentation covering each calendar month to the University (required forms included in Exhibit "D"). Invoice packets should be scanned and submitted electronically, with the originals sent to the following address:

University of South Florida
Attn: Jeanette Rouse
4202 East Fowler Avenue, CUT 100
Tampa, Florida 33620

IV. DETAILS OF COSTS AND FEES:

Payment shall be made at the hourly billing rates shown on the approved personnel list, for services provided, as approved by FDOT and the University. The contract hourly billing rates shall include the costs of hourly overtime plus associated fringe benefits. The effort is cost reimbursable, so all properly documented overtime enforcement hours completed within the contract term will be reimbursed, not to exceed the total budget. Please refer to Exhibit A, Section V for additional details.

V. TANGIBLE PERSONAL PROPERTY:

This contract does not involve the purchase of Tangible Personal Property, as defined in Chapter 273, F .S.

EXHIBIT "C"
EFFORT SUMMARY - PEDESTRIAN AND BICYCLE SAFETY ENFORCEMENT CAMPAIGN
City of St. Petersburg

SERVICE PROVIDED: Enhanced Traffic Enforcement Detail/High Visibility Enforcement

Details to be completed	2 every week
Hours per detail	4.5
Officers per detail	6
Total number of hot spots/corridors	14
Frequency each hot spot will be enforced	Once every 2 months
Total number of times each hot spot will be enforced	At least 4

Total Project budget: \$110,434.32

NOTE: Total budget calculated from **29** weeks total duration at the level of effort indicated above. Reasonable effort must be made to maintain the weekly level of effort for the full contract period. If the level of effort outlined above is not obtained during a given month due to unexpected circumstances (i.e. weather, staffing issues, illness, etc.), these should be documented in each invoice. All properly documented overtime enforcement hours completed within the contract term will be reimbursed, not to exceed the total budget.

ACKNOWLEDGEMENT: I certify that I have read and agree to abide by the pricing and all terms and conditions of this Agreement and that I am authorized to sign for the **City of St. Petersburg**.

Agency: _____ FEID# _____

Address: _____

City: _____ State: FL Zip: _____

Authorized Signature: _____ Date: _____

Printed Name: _____

Title: _____

EXHIBIT "D"
INVOICE, TIMESHEET, AND DETAIL DOCUMENTATION FORMS

FLORIDA PEDESTRIAN AND BICYCLE SAFETY ENFORCEMENT CAMPAIGN

Formatted to print 8.5"x11" landscape, and use on a clipboard.
Complete a form for each detail and for each location if simultaneous or consecutive details.

Date		Agency	
Start Time			
End time		Detail Location	
# of Officers			
Officer Names		Safety Issues Identified in Crash Data	
	Motorists	Pedestrians	Bicyclists
Enforcement Approaches			
Total Contacts			
Mode Cited	FL Statute	# of Warnings	# of Citations
Notes:			

PERSONNEL SERVICES TIME SHEET

Implementing Agency: _____

PO Number: _____

Invoice Number: _____

For a period of: _____

to: _____

Certified Correct by: _____
Signature of Administrator of Implementing Agency, by signing you certify that the officers listed below meet the minimum requires for these hours to be counted as overtime.

Instructions

1. Detail Location reflects the roadways and intersections where the enforcement activities were performed.
2. Project Time reflects the number of hours directly related to duties associated with this project.
3. START/END TIME: reflects the start and end time for which the officer is charging overtime to the project. Please list in military time.
4. Total Daily Hours reflects project time plus all other hours performing duties paid for by agency. This only needs to be reported on days where the officer is reporting overtime on this project.

Day of Month	Name: Officer Jane Peters					Name: Officer John Smith				
	Detail Location	START TIME	END TIME	Project Time	Total Daily Hours	Detail Location	START TIME	END TIME	Project Time	Total Daily Hours
01										
02										
03										
04										
05										
06										
07										
08										
09										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										
27										
28										
29										
30										
31										
TOTAL				0.00	0.00				0.00	0.00

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

TO: The Honorable William "Bill" Dudley, Chair, and Members of City Council

SUBJECT: AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A MAINTENANCE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA ("CITY") AND TRANSFIELD SERVICES INFRASTRUCTURE, INC. ("TRANSFIELD") FOR THE PURPOSE OF THE CITY PERFORMING ROADWAY SWEEPING, VARIOUS ROADWAY REPAIRS, AND OTHER SERVICES ON SELECTED STATE ROADWAYS IN PINELLAS COUNTY, FLORIDA FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$326,784.25, WHICH WILL BE REIMBURSED BY TRANSFIELD; AND PROVIDING AN EFFECTIVE DATE.

EXPLANATION: The Florida Department of Transportation ("FDOT"), District Seven, has substantially completed a program to privatize routine maintenance services of the Interstate system and state routes.

FDOT and Transfield have entered into a multi-year contract for the maintenance services.

Transfield has requested the City to perform certain roadway work services in accordance with applicable performance criteria as identified in Transfield's contract with FDOT.

The City desires to perform the services with payment conditions that offset costs and with no anticipated interruption in the maintenance needs of City infrastructure.

Specific services include street sweeping sections of SR55/U.S. 19, SR699, SR666, SR679 and SR682 at an annual cost of \$108,034.25. General services include roadway maintenance and other services within the Transfield Pinellas County service district at an estimated annual cost of \$218,750.00, for a total estimated annual cost of \$326,784.25.

Administration recommends authorizing the Mayor or his designee to enter into a maintenance agreement between the City of St. Petersburg, Florida ("City") and Transfield Services Infrastructure, Inc. ("Transfield") for the purpose of the City performing roadway sweeping, various roadway repairs, and other services on selected state roadways in Pinellas County, Florida for an estimated annual cost not to exceed \$326,784.25, which will be reimbursed by Transfield.

COST/FUNDING/ASSESSMENT INFORMATION: Revenue received from Transfield Services Infrastructure, Inc. will be deposited into the Stormwater Utility Operating Fund 4011 and Stormwater, Pavement and Traffic Operations General Fund to offset the operating and capital equipment costs.

ATTACHMENT: Resolution

APPROVALS: ADMINISTRATION *Michael J. Curran*

BUDGET: *A. Ramirez*

NO. 2014 -

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A MAINTENANCE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA ("CITY") AND TRANSFIELD SERVICES INFRASTRUCTURE, INC. ("TRANSFIELD") FOR THE PURPOSE OF THE CITY PERFORMING ROADWAY SWEEPING, VARIOUS ROADWAY REPAIRS, AND OTHER SERVICES ON SELECTED STATE ROADWAYS IN PINELLAS COUNTY, FLORIDA FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$326,784.25, WHICH WILL BE REIMBURSED BY TRANSFIELD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Transfield Services Infrastructure, Inc. ("Transfield") has requested the City of St. Petersburg, Florida ("City") to enter into a maintenance agreement for the City to perform roadway sweeping, various roadway repairs, and other services on selected state roadways in Pinellas County, Florida ("Agreement"); and

WHEREAS, under this Agreement, the City will perform roadway sweeping, various roadway repairs, and other services on designated areas that include: SR55/US19, SR 699, SR666, SR679 and SR682; and

WHEREAS, this Agreement is for a one (1) year period, with renewal options for up to six (6) additional one (1) year renewal terms.

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 enter into a maintenance agreement between the City of St. Petersburg, Florida ("City") and Transfield Services Infrastructure, Inc. ("Transfield") for the purpose of the City performing roadway sweeping, various roadway repairs, and other roadway services on selected state roadways in Pinellas County, Florida for an estimated annual cost not to exceed \$326,784.25, which will be reimbursed by Transfield.

This resolution shall become effective immediately upon its adoption.

Adopted at a regular session of the City Council held the 6th day of November, 2014.

APPROVALS:

Administration:



Legal:



00205756

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 6, 2014

To: The Honorable William H. Dudley, Chair, and Members of City Council

Subject: Approving the donation of outdated fire extrication equipment that has exceeded its useable life to the St. Petersburg College Firefighting Academy.

Explanation: It is recommended that 14 pieces of Hurst extrication equipment that are over 25 years old be donated to the St. Petersburg College Firefighting Academy. The equipment includes two gas power units, two electric power units, two hydraulic reels, two cutters, two combi tools, two spreaders, one ram with extension kit, and five sets of hose bags. This equipment will be used in training and demonstration exercises for students at the fire academy. St. Petersburg College Firefighting Academy will be responsible for transporting the equipment and will accept all liability and maintenance upon pick-up.

The St. Petersburg College Firefighting Academy, located in Clearwater, prepares new firefighters for careers in local fire departments through vocational certificate programs and is accredited by the Florida Bureau of Fire Standards and Training.

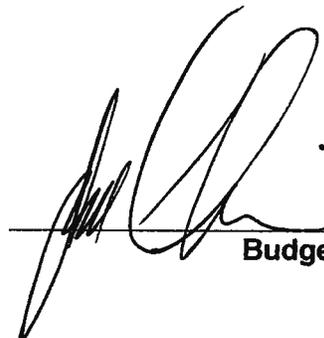
Cost/Funding/Assessment Information: This donation represents no cost impact as the city would not be able to sell this equipment due to its age and condition.

Attachment: Resolution

Approvals:



Administrative



Budget

A RESOLUTION APPROVING THE
DONATION OF OUTDATED FIRE
EXTRICATION EQUIPMENT TO THE
ST. PETERSBURG COLLEGE FIREFIGHTING
ACADEMY; AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, the City has Hurst extrication equipment that has exceeded its useable life; and

WHEREAS, the City desires to donate the extrication equipment to the St. Petersburg College Firefighting Academy for use in its training and demonstration exercises for students at the academy; and

WHEREAS, the St. Petersburg College Firefighting Academy will be responsible for transporting the equipment and will accept all liability and maintenance upon pickup.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the donation of Hurst extrication equipment to the St. Petersburg College Firefighting Academy is hereby approved and the Mayor or Mayor's designee is hereby 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)