

COUNCIL MEETING

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

CITY OF ST. PETERSBURG

March 5, 2015
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.

B. Approval of Agenda with Additions and Deletions.

Open Forum

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

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

C. Consent Agenda (see attached)

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

Public Hearings

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

1. [Ordinance 1067-V approving a vacation of 84th Avenue North between 4th Street North and 5th Street North; and setting forth conditions for the vacation to become effective. \(City File 14-33000017\)](#)

E. Reports

1. [Boley Centers Report regarding Mental Health Care and Substance Abuse Needs for Pinellas County. \(Councilmember Foster/Gary MacMath, CEO Boley Centers\)](#)
2. Public Art Commission. (Oral) (Councilmember Rice)
3. Pinellas Suncoast Transit Authority. (Councilmember Rice/Brad Miller, CEO) [DEFER to March 19, 2015.]
4. [City Council Workshop. \(Chair Gerdes\)](#)

- (a) Resolution of the City Council of the City of St. Petersburg, Florida expressing its desire to keep St. Petersburg the home of the Tampa Bay Rays for decades to come.
 - (b) Resolution of the City Council of the City of St. Petersburg, Florida requesting Administration to provide City Council with a proposed scope of work and cost to retain a consultant to determine the economic impact to the City of St. Petersburg from (i) the Tampa Bay Rays remaining in St. Petersburg beyond the term of the use agreement, (ii) the Tampa Bay Rays relocating to Hillsborough County following the term of the use agreement or prior to the end of the term of the use agreement subject to City Council approval, and (iii) the Tampa Bay Rays relocating to a location outside the Tampa Bay region following the term of the use agreement or prior to the end of the term of the use agreement subject to City Council approval.
 - (c) Resolution of the City Council of the City of St. Petersburg, Florida requesting the Tourist Development Council to (i) propose an amendment to the Tourist Development Plan to provide that an allocation of one percent of the five percent tourist tax revenues be available to finance the construction of a new stadium in St. Petersburg for the Tampa Bay Rays unless it is concluded that the Tampa Bay Rays will not build a new stadium in St. Petersburg, and (ii) recommend such proposed amendment to the Tourist Development Plan to the Pinellas County Board of County Commissioners.
5. [Approving supplemental appropriations from the unappropriated balance of the Law Enforcement Fund \(1023\), to the Police Department, Local Law Enforcement State Trust \(140-2857\) in the amount of \\$235,000 and to the Police Department, Treasury Forfeiture Fund \(140-2859\) in the amount of \\$2,500; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.](#)

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

Setting March 19, 2015 as the public hearing date for the following proposed Ordinance(s):

- 1. [Amending the land use and zoning for two parcels of land, totaling 0.29 acres, located approximately 133-feet east of 4th Street North, at 356 and 366 – 41st Avenue North. \(City File FLUM-24\)](#)
 - (a) Ordinance amending the Future Land Use Map designation from Planned Redevelopment-Residential to Planned Redevelopment-Mixed Use.
 - (b) Ordinance amending the Official Zoning Map designation from NT-1 (Neighborhood Traditional) to CCS-1 (Corridor Commercial Suburban), or other less intensive use.
- 2. [Amending the land use and zoning of an estimated 0.19 acre subject property generally located on the northwest corner of 4th Street North and 90th Avenue North. \(City File FLUM-26\)](#)
 - (a) Ordinance amending the Future Land Use Map designation from Residential Medium to Planned Redevelopment-Mixed Use.
 - (b) Ordinance amending the Official Zoning Map designation from NSM-1 (Neighborhood Suburban Multifamily) to CCS-1 (Corridor Commercial Suburban), or other less intensive use.

3. [Ordinance adopted as required by Section 1.02\(c\)\(5\)a., St. Petersburg City Charter, authorizing the Mayor to accept a Florida Department of State, Division of Cultural Affairs Grant in the amount of \\$500,000 for the construction of a full kitchen for the Mahaffey Theater; authorizing the restrictions contained in the grant documents which require that the City will execute and record a restrictive covenant, or such other appropriate document, that dedicates the land and building developed with grant assistance for ten years as a cultural facility for the use and benefit of the general public subject to rules for conversion of the property; authorizing the Mayor or his designee to execute and record in the public record the covenant and all other documents necessary to effectuate this transaction; and approving a supplemental appropriation in the amount of \\$500,000 from the unappropriated balance of the General Capital Improvement Fund \(3001\).](#)
4. [Ordinance amending Sections Three, Five and Seven of Ordinance No. 702-G; providing that City Council may by resolution establish and change Race Days for future Grand Prix Automobile Races during which Race Zone and Clean Zone regulations and other regulations are in effect; and providing for additional regulations prohibiting certain activities including the use of unmanned aerial vehicles during Race Days.](#)

G. New Business

1. [Requesting City Council pass a resolution in support of the Pinellas County Mental Health and Substance Abuse Legislative Priorities. \(Vice Chair Foster\)](#)
2. [Referring to the Public Services & Infrastructure Committee to discuss regulating and enforcing noise downtown. \(Councilmember Nurse\)](#)
3. [Referring to a Council Workshop for the Grow Smarter Initiative and next steps with the St. Petersburg Chamber of Commerce. \(Vice Chair Foster\)](#)

H. Council Committee Reports

1. [Housing Services Committee. \(02/19/15\)](#)
2. [Co-Sponsored Events Subcommittee. \(02/26/15\)](#)
 - (a) Resolution in accordance with City Code Section 21-38(d) exempting 97x Next Big Thing (Vinoy Park), Ribfest (Vinoy Park), Chillounge Night (North Straub Park) and St Pete Power and Sailboat Show (Albert Whitted 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.
 - (b) Resolution approving events for co-sponsorship in name only by the City for Fiscal Year 2016; waiving the non-profit requirement of Resolution No. 2000-562(a)8 for the co-sponsored events to be presented by Cox Media, LLC, Design Ofresco Corp., Live Nation Worldwide, Inc., Local Shopper, LLC, Powerboat P1 (Usa) LLC, Yachting Promotions, Inc. and Grand Citrus Group, LLC; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.
 - (c) 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 CT Fitness, LLC, Big City Events, LLC, Live

Nation Worldwide, Inc., Visionnaire Creations, LLC; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.

- (d) Resolution in accordance with City Code Section 21-38(d) exempting The Great Brainwash (South Straub 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 the venue, during the event as set forth herein.

I. Legal

- 1. [Resolution of the St. Petersburg City Council urging members of the Florida Legislature to oppose House Bill 4005 and Senate Bill 176 which allow concealed carry licensees to carry handguns and other weapons into college and university facilities.](#)
- 2. [Resolution of the St. Petersburg City Council urging members of the Florida Legislature to support House Bill 623 which prohibits certain discharge of firearms.](#)

J. Open Forum

K. Adjournment

St. Petersburg
Community Redevelopment Agency (CRA)
March 5, 2015

1. City Council convenes as Community Redevelopment Agency.
2. [Resolution of the St. Petersburg Community Redevelopment Agency CRA\) finding the 140,000 square foot, 74-unit, multi-family residential development, located at 199 Dali Boulevard South consistent with the Intown Redevelopment Plan. \(City File IRP 15-1A\)](#)
3. Adjourn Community Redevelopment Agency.

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda A
March 5, 2015

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.

(Procurement)

1. [Awarding a contract to Layne Inliner, LLC for Roser Park Sanitary Sewer Improvements \(Engineering Project No. 14088-121; Oracle Nos. 14563 and 14805\) in the amount of \\$927,636.00.](#)
2. [Resolution declaring that a broken sewage pipe at the NE Water Reclamation Facility warrants emergency procurement; accepting the proposal and approving an agreement to have Rowland, Inc. construct 265' of new pipe at a cost of \\$850,000; approving a Supplemental appropriation in the amount of \\$550,000 from the unappropriated balance of the Water Resources Capital Projects Fund \(4003\); and authorizing the Mayor or his designee to execute all documents necessary to ratify and approve these transactions.](#)
3. [Approving American Housing Builders, Inc., and Griffin Contracting, Inc. as qualified developers to design, build and market single family residential homes on City acquired parcels using program income earned pursuant to the sale of properties through the Neighborhood Stabilization Program and NSP-3 grants awarded to the City by the U.S. Department of Housing and Urban Development \(HUD\); providing that there is currently \\$800,000 plus future program income as specified in the HUD approved plan for the above-referenced developers to design, build and market single family residential homes; and authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate these transactions.](#)
4. [Approving and consenting to the assignment and assumption of the equipment lease agreement between the City and Schwing Bioset, Inc. to Biosolids Distribution Services LLC; accepting a proposal from Biosolids Distribution Services LLC for the purchase of the biosolids treatment system at the Southwest Water Reclamation Facility \(SWWRF\) at a total cost of \\$545,000; and authorizing the Mayor or his designee to execute all documents necessary to effectuate the same.](#)

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda B March 5, 2015

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.

(Procurement)

1. [Approving the purchase of Sanitary \(SAN\) Sewer Lateral Lining FY 2015 from BLD Services, LLC for the Water Resources Department at an estimated annual cost of \\$450,000.](#)
2. [Awarding a contract to Florida Environmental Construction, Inc. in the amount of \\$399,000 for the OBE/WAS Storage Tank FY14/15 project \(Oracle Project No. 14214\).](#)
3. [Renewing a blanket purchase agreement with Xerox Corporation for the lease and maintenance of copiers at an estimated annual amount of \\$375,000.](#)
4. [Renewing a blanket purchase agreement with Interconn Resources, LLC for natural gas at an estimated annual cost of \\$336,840.](#)
5. [Accepting a proposal from GrayRobinson, P.A. for disclosure counsel services for the Finance Department at an estimated three-year amount of \\$210,000.](#)
6. [Accepting a bid from Gemini Enterprises of South Florida, Inc. d/b/a Electro Mechanical South of Sarasota, Inc. to furnish and install motors for intermediate pumps at Northwest Water Reclamation Facility in the amount of \\$116,270 \(Oracle Project No. 14226\).](#)
7. [Accepting the bid from Fallbrook Credit Finance, LLC to provide broker services for the sale of Florida Department of Environmental Protection Voluntary Cleanup Tax Credits; authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate the sale of these tax credits including an asset purchase agreement; approving a supplemental appropriation in the amount of \\$167,465.84 from the increase in the unappropriated balance of the General Capital Improvement Fund \(3001\) to the Dome Industrial Park Infrastructure Improvement Project \(tbd\); and providing that this resolution shall supersede Resolution No. 2014-535.](#)

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(Public Works)

8. [Authorizing the Mayor or his designee to execute an agreement with Pinellas County to provide Wastewater Services for a term of ten years; and authorizing the Mayor to execute a Pretreatment Agreement with Pinellas County for a term of ten years.](#)

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(Miscellaneous)

9. Approving supplemental appropriations from the unappropriated balance of the Law Enforcement Fund (1023), to the Police Department, Local Law Enforcement State Trust (140-2857) in the amount of \$235,000 and to the Police Department, Treasury Forfeiture Fund (140-2859) in the amount of \$2,500; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction. [MOVED to Reports as E-5]
10. [Confirming the appointment of Timothy P. Driscoll, Esq. as a Hearing Officer for Appeals from Demolition Orders to serve an indefinite at-will term.](#)

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

Co-Sponsored Events Subcommittee

Thursday, February 26, 2015, 2:30 p.m., Room 100

Budget, Finance & Taxation Committee

Thursday, March 12, 2015, 8:00 a.m., Room 100

Public Services & Infrastructure Committee

Thursday, March 12, 2015, 9:15 a.m., Room 100

Youth Services Committee

Thursday, March 12, 2015, 10:30 a.m., Room 100

CRA/ Agenda Review and Administrative Update (for 3/19)

Thursday, March 12, 2015, 1:30 p.m., Room 100

City Council Workshop - Council Efficiency Follow-Up

Thursday, March 19, 2015, 8:30 a.m., Room 100

CITY OF ST. PETERSBURG

Board and Commission Vacancies



Arts Advisory Committee
5 Regular Members
(Terms expire 9/30/15, 9/30/16 and 9/30/18)

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)

Public Arts Commission
1 Regular Member
(Term expires 4/30/18)

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.



SAINT PETERSBURG CITY COUNCIL

Meeting of March 5, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: Ordinance approving a vacation of a 60-foot wide northwest-northeast street at 84th Avenue North between 4th Street North and 5th Street North (City File No.: 14-33000017).

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

RECOMMENDED CITY COUNCIL ACTION:

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

The Request:

The request is to vacate 84th Avenue North between 4th Street and 5th Street North. The applicant has acquired all of the lots that abut the right-of-way to be vacated. The applicant's goal is to combine all the property and construct a new parking lot that will serve a recently remodeled restaurant.

Discussion:

The subject street was dedicated per plat in 1925. The subject street intersects 4th Street and 83rd Avenue at a 45 degree angle. This proposed subdivision design was repeated at the other three corners, creating a radial street pattern with a total of eight intersections. 4th Street North is a seven-lane road and 83rd Avenue North is a five-lane road, both roads are major roads as defined by the comprehensive plan. The 84th Avenue North right-of-way is 60-foot wide and is a local street. The 84th Avenue North intersection has been modified to allow only right-ins and right-outs from 83rd Avenue North. 84th Avenue North does serve the adjacent residential neighborhood, however, the neighborhood is served by three other entrance points. Eliminating the proposed right-of-way will eliminate an unsafe intersection.

The City's Transportation Department also supports the proposed vacation. The vacation will improve access, safety and traffic operations by not having an intersection within 50 feet of 4th Street North. The close proximity of the intersection interferes with motorists traveling

southbound on 4th Street North that turn right onto 83rd Avenue North. The motorists on 4th Street North and 83rd Avenue North may not anticipate a vehicle turning right onto 84th Avenue North so soon after they travel through the intersection of 4th Street North and 83rd Avenue North.

Agency Review:

The request has been reviewed by appropriate City departments and public utility agencies. There are no objections or concerns to the requested vacation.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF 84TH AVENUE NORTH BETWEEN 4TH STREET NORTH AND 5TH STREET NORTH; 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:

A PORTION OF 84TH AVENUE NORTH, IN THE CITY OF ST. PETERSBURG, FLORIDA, LYING ADJACENT TO LOT 1, BLOCK N AND LOT 10, BLOCK M, RIO VISTA, AS RECORDED IN PLAT BOOK 7, PAGE 57, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK N, RIO VISTA, AS RECORDED IN PLAT BOOK 7, PAGE 57, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA; THENCE S45°02'37"W, 34.53 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH BOUNDARY LINE OF LOT 10, BLOCK M, RIO VISTA; THENCE S89°59'14"W, ALONG SAID EXTENSION, 75.61 TO A POINT ON THE SOUTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF SAID LOT 1; THENCE N00°06'00"E, ALONG SAID EXTENSION, 98.44 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE S53°27'11"E, ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 1, 124.32 FEET TO THE POINT OF BEGINNING, CONTAINING 5844.1 SQUARE FEET, 0.134 ACRES, MORE OR LESS.

84TH AVENUE NORTH PARTIAL VACATION – PARCEL 2, DESCRIPTION:

A PORTION OF 84TH AVENUE NORTH, IN THE CITY OF ST. PETERSBURG, FLORIDA, LYING ADJACENT TO LOT 43, BLOCK N AND LOTS 10 AND 11, BLOCK M, RIO VISTA, AS RECORDED IN PLAT BOOK 7, PAGE 57, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 43, BLOCK N, RIO VISTA, AS RECORDED IN PLAT BOOK 7, PAGE 57, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA; THENCE S00°06'00"W, ALONG THE SOUTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF SAID LOT 43, 74.59 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF LOT 10, BLOCK M, RIO VISTA; THENCE N53°27'11"W, ALONG THE SAID NORTH BOUNDARY LINE OF LOT 10, 136.80 FEET TO THE NORTHEAST CORNER OF LOT 11, BLOCK M, RIO VISTA, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 520.00 FEET, A CENTRAL ANGLE OF 12°36'22", BEING SUBTENDED BY A CHORD OF N59°45'22"W, 114.18 FEET; THENCE ALONG THE SAID NORTH BOUNDARY LINE OF LOT 11 AND THE ARC OF SAID CURVE 114.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE N21°02'19"E, ALONG A NON-RADIAL LINE, SAID LINE BEING THE NORTHERLY EXTENSION OF THE WESTERLY BOUNDARY LINE OF SAID LOT 11, 0.30 FEET TO THE BEGINNING OF A NON-RADIAL, NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 84°17'38", BEING SUBTENDED BY A CHORD OF N66°21'19"E, 100.66 FEET; THENCE ALONG THE ARC OF SAID CURVE 110.34 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF SAID LOT 43, BLOCK N; THENCE S89°52'00"E, ALONG SAID EXTENSION, NON-RADIAL TO THE AFOREMENTIONED CURVE, 8.92 FEET TO THE NORTHWEST CORNER OF SAID LOT 43 AND THE BEGINNING OF A NON-TANGENT, NON-RADIAL CURVE TO THE LEFT, HAVING A RADIUS OF 86.68 FEET, A CENTRAL ANGLE OF 40°06'17", BEING

SUBTENDED BY A CHORD OF S33°24'02"E, 59.44 FEET; THENCE ALONG THE ARC OF SAID CURVE AND THE WESTERLY AND SOUTHERLY BOUNDARY LINE OF SAID LOT 43, 60.67 FEET; THENCE S53°27'11"E, CONTINUING ALONG SAID SOUTHERLY BOUNDARY LINE OF LOT 43, 93.01 FEET TO THE POINT OF BEGINNING, CONTAINING 11883.2 SQUARE FEET, 0.273 ACRES, MORE OR LESS.

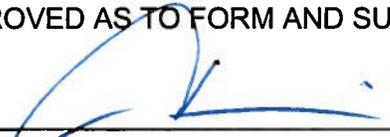
SECTION 2. The above-mentioned right-of-way is not needed for public use or travel.

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

1. Prior to the recording of the vacation ordinance, the applicant shall replat the property abutting the vacated right-of-way and the vacated right-of-way. The vacation ordinance will be recorded upon the applicant's submittal of the executed final plat which has been approved by the City.

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.

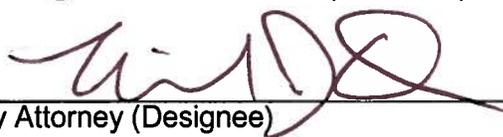
APPROVED AS TO FORM AND SUBSTANCE:



Planning & Economic Development Dept.

1-10-15

Date



City Attorney (Designee)

2/11/15

Date

DISCUSSION AND RECOMMENDATION:**Request**

The request is to vacate 84th Avenue North between 4th Street North and 5th Street North.

The area of the right-of-way proposed for vacation is depicted on the attached maps and surveyor's sketch. The applicant has acquired all of the lots that abut the right-of-way to be vacated. The applicant's goal is to combine all the property and construct a new parking lot that will serve a recently remodeled restaurant. The applicant is also seeking approval of a Special Exception and related site plan to construct parking in a residential zoning district as part of a redevelopment of a 3,700 square foot restaurant.

Analysis

Staff's review of a vacation application is guided by:

- A. The City's Land Development Regulations (LDR's);
- B. The City's Comprehensive Plan; and
- C. Any adopted neighborhood or special area plans.

Staff finds that vacating the subject right-of-ways would be consistent with the criteria in the City Code and the Comprehensive Plan.

A. Land Development Regulations

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

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

City Utilities and Infrastructure

Sanitary sewer, storm sewer piping and a water main exist within the street. The Engineering Department has requested that the applicant be required to provide public utility easements in order to maintain access to these utilities. The City Engineering Department has also required the applicant to dedicate an additional 20-foot wide alley right-of-way and to pave the extension of the north-south alley to connect to 83rd Avenue North.

Non-City Utilities

All non-city utilities have existing facilities within the existing street. All utilities have no objection to the requested vacation provided that a utility easement is granted or the applicant bears the expense for relocation of the utilities.

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

The applicant has assembled all of the lands within the block for the redevelopment of a commercial building. Vacation of the street will not impact any other lots.

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

The subject street was dedicated per plat in 1925. The subject street intersects 4th Street and 83rd Avenue at a 45 degree angle. This proposed subdivision design was repeated at the other three corners, creating a radial street pattern with a total of eight intersections. 4th Street North is a seven-lane road and 83rd Avenue North is a five-lane road, both roads are major roads as defined by the comprehensive plan. The 84th Avenue North right-of-way is 60-foot wide and is a local street. The 84th Avenue North intersection has been modified to allow only right-ins and right-outs from 83rd Avenue North. 84th Avenue North does serve the adjacent residential neighborhood, however, the neighborhood is served by three other entrance points. Eliminating the proposed right-of-way will eliminate an unsafe intersection.

The City's Transportation Department also supports the proposed vacation. The vacation will improve access, safety and traffic operations by not having an intersection within 50 feet of 4th Street North. The close proximity of the intersection interferes with motorists traveling southbound on 4th Street North that turn right onto 83rd Avenue North. The motorists on 4th Street North and 83rd Avenue North may not anticipate a vehicle turning right onto 84th Avenue North so soon after they travel through the intersection of 4th Street North and 83rd Avenue North.

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

The street was originally dedicated to provide access into the abutting residential neighborhood. There are three other entrances points into the neighborhood. The Transportation Department supports the vacation and has expressed that the vacation will improve overall traffic safety.

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

No other factors have been raised for consideration.

B. Comprehensive Plan

Staff finds that the following portion of the Comprehensive Plan is relevant to this application.

OBJECTIVE T7:

The City shall promote the safe and efficient flow of traffic on major roadways through access management.

OBJECTIVE T9:

The City shall preserve neighborhood integrity by using appropriate traffic calming devices to minimize traffic intrusion and protect neighborhoods from the adverse impacts of through traffic.

The proposed vacation will allow the applicant to eliminate these unnecessary encumbrances and to make more efficient use of the land with no anticipated adverse impact to existing travel or development patterns.

Comments from Agencies and the Public

The application was routed to all potentially affected City departments and outside utilities. All City departments have consented to the vacation, provided that utility easements are dedicated and a new alley segment is dedicated. Outside utilities noted the existence of facilities in the alley but noted no objections, provided the street was retained as a utility easement.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed street and alley vacations. If the DRC is inclined to support the vacations, Staff recommends the following special conditions of approval:

1. Prior to the recording of the vacation ordinance, the applicant shall replat the property abutting the vacated right-of-way and the vacated right-of-way. The vacation ordinance will be recorded upon the applicant's submittal of the executed final plat which has been approved by the City.
2. The replat process shall address all necessary arrangements for existing utilities and shall dedicate any necessary easements.
3. The applicant shall comply with the requirements in the attached memorandum provided by the City's Engineering Department.
4. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

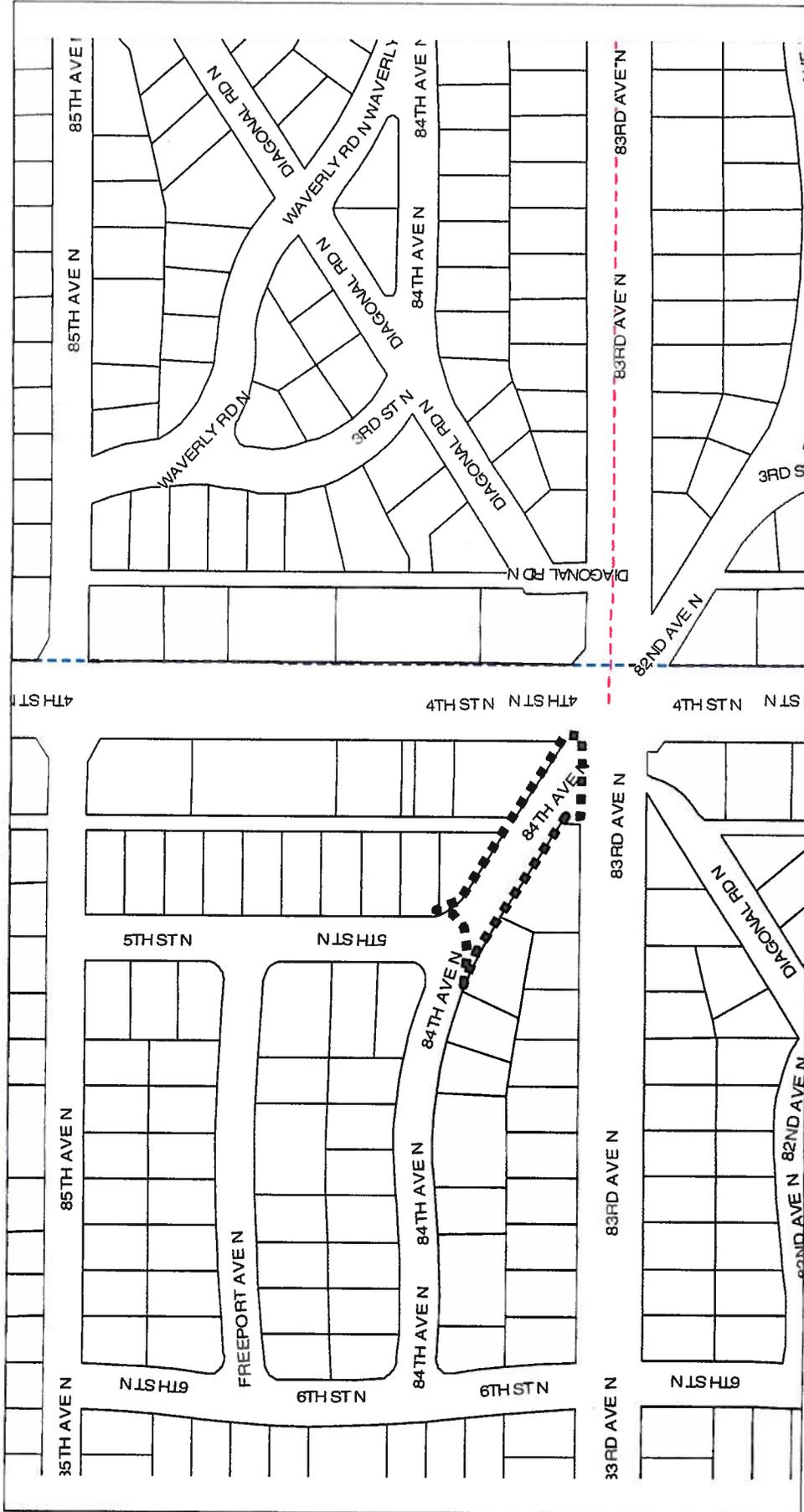


COREY MALYSZKA, Urban Design and Development Coordinator 1/28/15
DATE

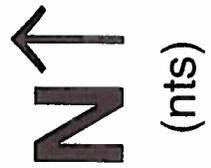
FOR:



Elizabeth Abernethy, Zoning Official (POD) 1-28-15
DATE



Planning & Economic Development Department
 Case No.: 14-33000017
 Address: 8300 4th Street and 401 83rd Avenue





st.petersburg
www.stpete.org

Planning & Economic Development Department

Case No.: 14-33000017

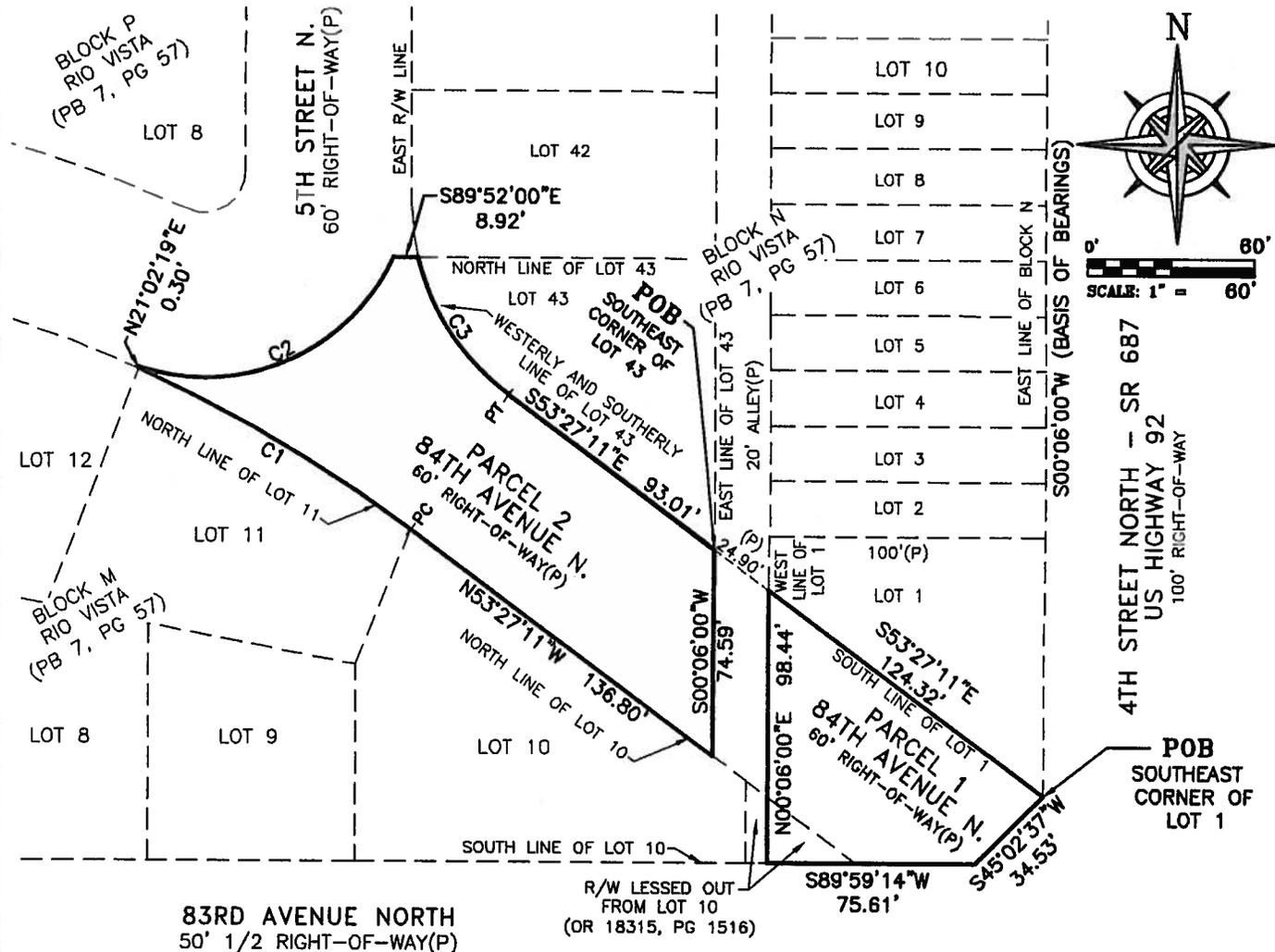
Address: 8300 4th Street and



(nts)

THIS IS NOT A SURVEY.
THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS
PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
THIS COUNTY.

SEC.30 , TWP. 30S., RNG. 17E.
PINELLAS COUNTY, FLORIDA



LEGEND

LB	LICENSED BUSINESS
OR	OFFICIAL RECORD BOOK
(P)	PLAT (PB 7, PG 57)
PB	PLAT BOOK
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
PG	PAGE/PAGES
POB	POINT OF BEGINNING
PSM	PROFESSIONAL SURVEYOR & MAPPER
R/W	RIGHT-OF-WAY
RNG.	RANGE
SEC.	SECTION
TWP	TOWNSHIP

CURVE TABLE

CURVE	RADIUS	CENTRAL ANGLE	ARC	CHORD BEARING	CHORD
C1	520.00'	12°36'22"	114.41'	N59°45'22"W	114.18'
C2	75.00'	84°17'38"	110.34'	N66°21'19"W	100.66'
C3	86.68'	40°06'17"	60.67'	S33°24'02"E	59.44'

NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF BLOCK N, RIO VISTA, BEING S00°06'00"W ACCORDING TO RECORD PLAT.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
3. THIS SKETCH & DESCRIPTION IS BASED ON U.S. SURVEY FEET.
4. THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD. THE GEOMETRY AS DESCRIBED ON THE RECORDED DOCUMENTS AS NOTED HEREIN AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PH 727.822.4151 FAX 727.821.7255
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JAMES R. McMATH
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, LS 5126

SKETCH & DESCRIPTION
84TH AVENUE NORTH
PROPOSED PARTIAL VACATION

WORK ORDER 2014-112
DATE: 12/16/2014
DRAWN: LKC
SCALE: 1" = 60'
SHEET NO. 2 OF 2

SPECIAL EXCEPTION - SITE PLAN REVIEW & STREET VACATION - NARRATIVE

FIRST DOWN PROPERTY HOLDINGS, LLC

500 - 84TH AVENUE NORTH - 30-30-17-75564-013-0110

401 - 83RD AVENUE NORTH - 30-30-17-75564-013-0100

TOGETHER WITH

NOBLE CRUST, LLC

8300 - 4TH STREET NORTH - 30-30-17-75564-014-0010

421 - 84TH AVENUE NORTH - 30-30-17-75564-014-0430

Description of Request:

The Applicants, **First Down Property Holdings, LLC** and **Noble Crust, LLC**, jointly and respectfully request Special Exception approval for a parking lot within the NS-1 Zoning District together with Site Plan Review of the Re-Development Plan including a Vacation of 84th Avenue North Right-of-way between 4th Street North and 5th Street North, consolidating the properties along the southern portion of 84th Avenue North and the northern portion of 84th Avenue North.

Background:

Noble Crust, LLC purchased the property located at 8300 4th Street North to renovate the vacant restaurant/bar structure into the new Noble Crust Restaurant. The existing development provided minimal parking on site, with much of the parking historically taking place within an area of the City Right-of-way of 84th Avenue North.

In an effort to more appropriately address the parking needs of the new proposed restaurant, the Owners proactively purchased the property to the west (421- 84th Avenue North) and received approval for a Special Exception to allow parking within a neighborhood zoning district. (Case #) Although helpful, the smaller site yielded a minimal number of spaces, leaving the restaurant still in need of parking to sufficiently and appropriately address the anticipated customer base. Re-development of the restaurant site (8300 - 4th Street North) and the accessory parking lot to the west (421 - 84th Avenue North) are currently nearing completion, the Owners/Operators are preparing for the grand opening of the Noble Crust Restaurant in Mid-January 2015.

New Discussion:

After receiving the Special Exception approval to allow Parking within a Neighborhood District at the 421-84th Avenue North site, additional properties along the south side of 84th Avenue North became available for purchase - 500 84th Avenue North and 401 - 83rd Avenue North. The properties and unoccupied structures (a Single Family Residence and Marine Sales/Repair Establishment) seemed perfect to further address the outstanding parking needs of the proposed restaurant and were purchased by First Down Property Holdings, LLC for that purpose.

This additional request for **Special Exception approval, Site Plan Review and Street Vacation** are necessary to address the additional lands purchased, to allow the creation of a more unified development along 4th Street North and a more thoughtful and cohesive development for the adjacent suburban neighborhood. The proposed land consolidation will allow re-development and improvements to the site(s) including improvements to stormwater, the installation of professionally designed landscaped yards and buffers not currently present on site with appropriate sidewalks for connectivity to benefit the community.

Through this proposal, **the existing Special Exception approval** associated with 421 -84th Avenue North remains substantially the same with the exception of some re-configuration and/or expansion of the stormwater design (to the south) as required to address stormwater requirements. **The new NS-1 designated land (500 84th Avenue North) receives the necessary Special Exception to allow parking within a Neighborhood District and all new land areas (401 83rd Avenue North and 500 84th Avenue North) will be incorporated into the original site (8300 4th Street North) through this new Site Plan Review process, the Vacation of 84th Avenue North between 5th Street North and 4th Street North and the upcoming preliminary and final re/plat process.**

New Special Exception:

The design of the new parking area within the NS-1 district at 500 84th Avenue North meets the General Regulations and Design Standards associated with Accessory Parking within a Neighborhood Zoning District. The design provides Ingress and Egress from an alley with pedestrian connections; spacious 25' landscaped green yards along the 84th Avenue North frontage where adjacent to the neighboring residential front yards and new decorative 5' high solid vinyl fencing for buffering of the adjacent residential properties. A chain-lock-off system is included to prevent parking outside of the permissible hours of operation, restricting access during the prohibited hours between 10:00 pm and 7:00 am. **No variances are required to accomplish the new proposed parking within the NS-1 District.**

Site Plan Review:

After the previous Special Exception and Site Plan Review approval, the additional properties across 84th Avenue North became available and were purchased to provide the additional parking spaces required to properly serve the anticipated customer base of the Noble Crust Restaurant. The unoccupied Marine Sales/Repair Establishment along with the single family residence presented the perfect opportunity to create a unified and cohesive development while decreasing the chance of over-flow parking taking place within the adjacent neighborhood.

The proposed land consolidation will allow the re-development of a somewhat unattractive site along 4th Street North; the site contains a vacant building and virtually no site improvements. The new proposal provides a neighborhood friendly development, meeting current Land Development Regulations, Standards and Guidelines and includes many improvements to benefit the neighborhood and community.

Through this Site Plan Review, the newly approved and installed parking area located at 421 -84th Avenue North remains substantially the same with the exception of small adjustments as necessary to re-configure/expand the stormwater design to the south to address the stormwater requirements. This additional Site Plan Review provides opportunity to improve upon the existing conditions (new and old) and more appropriately address functionality. The proposal provides appropriate and improved buffering and shielding of residential sites with improved landscaped yards, new decorative fencing and reduced activity within the adjoining residential front yards. The area adjacent to the vacated 84th Avenue North Right-of-way will appear somewhat park like for the adjacent residential properties with a 25' professionally landscaped front yard providing no vehicular access to the commercial site.

The proposed site design and this additional Site Plan Review process will allow the multiple sites to be incorporated into one cohesive functioning development. **No variances are necessary to accomplish the new proposed parking within the CCS-1 or the NS-1 portions of the site; the proposed design was specifically developed to meet all requirements and standards, requiring no variances.**

Street Vacation:

The proposed Vacation of 84th Avenue North between 4th Street North and 5th Street North is an integral competent to creating a unified and cohesive development. Through this application both Property owners adjacent to the proposed vacation, along the north and south sides of 84th Avenue North, are co-applicants and jointly request approval of the vacation.

Early in the process the Development Team met with City Staff several times to obtain direction, preliminary comments and preliminary opinions associated with the proposed vacation. All comments received have been addressed and incorporated into the design as desired by staff from the Transportation/Parking Management Department, Engineering & Capital Improvement Department and Planning & Development Services.

The new proposed transition between 5th Street North and 84th Avenue North is crescent in shape and designed to ensure safe traffic movements. The design minimizes cut-through traffic within the adjacent neighborhood and encourages travel along 83rd Avenue North, increasing safety for the residents of the adjacent neighborhood without substantially impairing access to any neighboring property. Through this site design, several existing drive-way curb-cuts along 83rd and 84th Avenues North will be eliminated, in addition to the intersection of 84th Avenue North and 4th Street North. The odd apex of 83rd Avenue North, 84th Avenue North and 4th Street North as existing creates a less than perfect scenario from a safety standpoint, with multiple intersecting streets within close proximity of one another along a very busy intersection. The elimination of the 84th Avenue North and 4th Street intersection offers increased distances between intersections and improved traffic patterns, reducing pedestrian and vehicular conflicts.

As per Staff request, the proposed alley extends south through the site to intersect with the northern boundary of 83rd Avenue North, allowing the historical pattern of travel for vehicles, deliveries and sanitation to remain effectively unchanged. Access to the site is limited to the commercial corridors of 4th Street North and the alley along 83rd Avenue North, no vehicular access is provided from the residential corridor of 84th Avenue North offering additional protection for the adjacent residential neighborhood to the west. Our proposal and re-development plan creates a buffer and/or transitional area between the commercial activity of the restaurant structure and 4th Street North and the neighboring residential properties to the west.

The proposed Street Vacation will help to insure adequate parking is provided on-site reducing impact on the adjacent residential neighborhood. The proposed limited access requires vehicles to gain access to the restaurant via 83rd Avenue North and 4th Street North, further lessening impact on the residences from the surrounding commercial uses. The proposed cul-de-sac design will increase safety for the neighborhood through the deletion of the 84th Avenue North intersection within such close proximity to the 4th Street North and 83rd Avenue North intersection; maintains continuity in association with the alley by extending the alley to the more commercial 83rd Avenue North. Consolidation of commercial lands and the creation of a more unified site design will be accomplished through this requested action. **No variances are necessary to accomplish the proposed Street Vacation; the proposed plan was specifically designed to meet all requirements and standards, requiring no variances.**

Summary:

The proposed plan is designed to reduce the adverse impact, to strengthen, improve and protect the unique character and quality of the adjacent neighborhood, providing a redevelopment that is compatible with the surrounding neighborhood context. The plan offers consistent and improved buffering of the commercial activity. Housing is protected from unimproved, dilapidated properties or incompatible uses; the design offers nicely landscaped yards abutting the residential districts and pedestrian pathways for improved safety and connectivity. The design allows the use to fit seamlessly within the surroundings with special sensitivity to the dynamics of the surrounding neighborhood, encouraging foot traffic from the surrounding neighborhood.

The building was maintained at the historical zero lot line setback through rehabilitation, strengthening the commercial corridor and providing a framework for the street. The approvals associated with this current request will offer improved safety and aesthetics for the surrounding neighborhood through pedestrian connections and the creation of a buffer/transitional zone between the commercial corridor and the abutting neighborhood. Beautification is achieved through landscaping, site improvements and architecture, offering improvements for the adjacent property owners and the vicinity.

This infill re-development plan maximizes the use of existing infrastructure, reduces cut-through traffic on neighborhood streets and encourages vehicular traffic to utilize the major road network to travel to or from the site. Access to the development is gained through nonresidential parcels and is limited to either 4th Street North or 83rd Avenue North via the alley. Through this vacation request the distance between the access points and the street intersections are increased offering improved safety for pedestrians and motorists. The proposed plan will improve the quality of life for the adjacent neighborhood by reducing the volume and speed of traffic and discouraging cut-through traffic to further preserve and benefit the neighborhood.

The proposal creates a buffer and/or transitional area between the commercial activity of use and 4th Street North from the neighboring residential properties to the west. The proposal provides a neighborhood friendly development, meeting current Land Development Regulations, Standards and Guidelines and includes many improvements to benefit the neighborhood and community. The proposed land consolidation will allow re-development and improvements to the site(s) including improvements to stormwater, the installation of professionally designed landscaped yards and buffers not currently present on site with appropriate sidewalks for connectivity to benefit the community all working to create a unified and cohesive development.

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Pamela Crook, Development Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: January 8, 2015
SUBJECT: Street Vacation
FILE: 14-33000017

LOCATION: 84th Avenue North between 4th Street North and 5th Street North
PIN: 30/30/17/75564/013/0100; 30/30/17/75564/014/0430;
30/30/17/75564/014/0010; 30/30/17/75564/014/0110
ATLAS: F-44
PROJECT: Street Vacation

REQUEST: Approval of the vacation of a portion of 84th Avenue North, the 60-foot wide diagonally oriented portion of the right of way between 4th Street North and 5th Street North.

COMMENTS: The Engineering Department has no objection to the easement vacation request provided the following are included as conditions of the approval:

1. The applicant will be responsible for all costs associated with abandoning the 2" water main within the portion of 84th Avenue North to be vacated. City forces will perform this work at the expense of the applicant. The applicant must coordinate the work and payment for the work through the City of St. Petersburg Water Resources Department (contact Kelly Donnelly, phone 727-892-5614, email Kelly.Donnelly@stpete.org).
2. The applicant shall be required to dedicate additional 20-foot wide alley right of way and to pave the extension of the north-south alley to make connection to 83rd Avenue North. All work shall be done in compliance with current City Engineering Standards and Specifications and the applicant shall be responsible for the cost of alley pavement design, permitting, and construction. A City Engineering right of way permit is required for alley paving.
3. The applicant shall be required to dedicate **30' wide Public Drainage Easement** centered over the public storm sewer system located within the portion of 84th Avenue North to be vacated. Note that structures or private retention ponds may not encroach into the Public Drainage Easement. If the proposed retention pond location conflicts with the necessary public drainage easement, the applicant must relocate the public storm sewer system within the site and dedicate the 30-foot wide Public Drainage Easement over the relocated pipe. All work shall be in compliance with current City Engineering Standards and Specifications and the cost of design, permitting, and construction shall be at the sole expense of the applicant. A City Engineering right of way permit is required for public storm sewer relocation.
4. The applicant shall dedicate **Public Utility Easement** over any portions of the public sanitary sewer or any other public utility which remains within or directly adjacent to the vacated right of way. The width of the easement will be based on the location and depth of the utility once a utility survey is provided by the applicant. However, in no case shall the easement width be less than 20-feet centered over the utility.
5. The applicant shall be required to perform all work (design, permitting, & construction) necessary to

close the intersection of the vacated portion of 83rd Avenue North at 5th Street and at 83rd Avenue North. Work may include but not be limited to roadway pavement modification, curb work, and utility construction/relocation/modification, etc. The applicant's Engineer will be required to provide a detailed survey of the areas to be modified showing the location and elevations of all underground utilities and structures, topographical elevations for the adjacent right-of-way and surrounding properties, surface features, and all things pertinent to the design of the intersections. Design plans prepared by a professional Engineer who is licensed in the State of Florida, shall be provided for City Engineering review and approval. A City Engineering right of way permit is required for all work in the public right of way or within public easement areas. Necessary work shall be designed in conformance with current City Engineering Standards and Specifications and shall be performed at the sole expense of the applicant.

6. When designing the intersection of 84th Avenue North and 5th Street, the design engineer needs to assure that there is adequate turning radius for sanitation, fire trucks, etc.

7. The sketch and description of the vacated right of way at 5th Street shows a short westerly extension (8.92') from the north line of Lot 43, at the north end of C2. The preference would be to modify curve C2 to intersect the southwest corner of Lot 42 rather than creating a notch into the right of way.

NED /jw

pc: Kelly Donnelly
Reading File
Correspondence File
2014 Easement Vacation File – 14-33000017
Subdivision File: Rio Vista



CITY OF ST. PETERSBURG

Transportation and Parking Management Department

MEMORANDUM

TO: Corey Malyszka, Urban Design and Development Coordinator

FROM: Tom Whalen, Planner III *TMW*

DATE: January 22, 2015

SUBJECT: Case No. 14-33000017: Proposed Vacation of 84th Avenue North between 4th Street and 5th Street

The Transportation and Parking Management Department supports the vacation of the 60-foot wide northwest-northeast street at 84th Avenue North between 4th Street North and 5th Street North. It makes sense from an access management, traffic operations and safety perspective to not have an access point on 83rd Avenue North that is approximately 50 feet west of 4th Street. Due to its close proximity to the intersection of 4th Street and 83rd Avenue North, this access point interferes with motorists traveling southbound on 4th Street that turn right onto 83rd Avenue North and motorists traveling westbound in the outer lane on 83rd Avenue North. The motorists on 4th Street and 83rd Avenue North may not anticipate a vehicle turning right onto 84th Avenue North so soon after they travel through the intersection of 4th Street and 83rd Avenue North.

The proposed street vacation will not have a significant impact on access to the residential neighborhood located north and west of the proposed vacation. Access to the neighborhood is provided via 6th Street, which is approximately 825 feet west of 4th Street.

CITY COUNCIL AGENDA REPORT ITEM

February 10, 2015

TO: The Honorable Members of City Council

SUBJECT: Boley Centers Report pertaining to Mental Health Care and
Substance Abuse Needs for Pinellas County

PRESENTER: Gary MacMath, President & CEO, Boley Centers

SCHEDULE FOR COUNCIL ON:
Agenda of March 5, 2015

Amy Foster, Council Member
District 8

RESOLUTION NO. 15-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA EXPRESSING ITS DESIRE TO KEEP ST. PETERSBURG THE HOME OF THE TAMPA BAY RAYS FOR DECADES TO COME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida ("City") and Tampa Bay Rays Baseball, Ltd., formerly known as Tampa Bay Devil Rays, Ltd., ("Club") entered into an Agreement for the Use, Management and operation of the Domed Stadium in St. Petersburg Including the Provision of Major League Baseball on April 28, 1995 and such agreement has been amended from time to time (such agreement, as it has been amended, is hereinafter referred to as the "Use Agreement"); and

WHEREAS, the City wishes to retain the Tampa Bay Rays in St. Petersburg beyond the term of the Use Agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby expresses its desires for St. Petersburg to remain the home of the Tampa Bay Rays for decades to come.

This Resolution shall become effective immediately upon its adoption.

APPROVED AS TO CONTENT AND FORM



City Attorney (Designee)
212141

E-4(a)

RESOLUTION NO. 15-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA REQUESTING ADMINISTRATION TO PROVIDE CITY COUNCIL WITH A PROPOSED SCOPE OF WORK AND COST TO RETAIN A CONSULTANT TO DETERMINE THE ECONOMIC IMPACT TO THE CITY OF ST. PETERSBURG FROM (I) THE TAMPA BAY RAYS REMAINING IN ST. PETERSBURG BEYOND THE TERM OF THE USE AGREEMENT, (II) THE TAMPA BAY RAYS RELOCATING TO HILLSBOROUGH COUNTY FOLLOWING THE TERM OF THE USE AGREEMENT OR PRIOR TO THE END OF THE TERM OF THE USE AGREEMENT SUBJECT TO CITY COUNCIL APPROVAL, AND (III) THE TAMPA BAY RAYS RELOCATING TO A LOCATION OUTSIDE THE TAMPA BAY REGION FOLLOWING THE TERM OF THE USE AGREEMENT OR PRIOR TO THE END OF THE TERM OF THE USE AGREEMENT SUBJECT TO CITY COUNCIL APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida ("City") and Tampa Bay Rays Baseball, Ltd., formerly known as Tampa Bay Devil Rays, Ltd., ("Club") entered into an Agreement for the Use, Management and operation of the Domed Stadium in St. Petersburg Including the Provision of Major League Baseball on April 28, 1995 and such agreement has been amended from time to time (such agreement, as it has been amended, is hereinafter referred to as the "Use Agreement"); and

WHEREAS, on February 19, 2015, City Council had a workshop and discussed many topics related to building a new stadium in St. Petersburg, including conducting various economic impact studies.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby requests administration to provide City Council with a proposed scope of work and cost to retain a consultant to determine the economic impact to the City of St. Petersburg from (i) the Tampa Bay Rays remaining in St. Petersburg beyond the term of the Use Agreement, (ii) the Tampa Bay Rays relocating to Hillsborough County following the term of the Use Agreement or prior to the end of the term of the Use Agreement subject to City Council approval, and (iii) the Tampa Bay Rays relocating to a location outside the Tampa Bay region following the term of the Use Agreement or prior to the end of the term of the Use Agreement subject to City Council approval.

This Resolution shall become effective immediately upon its adoption.

APPROVED AS TO CONTENT AND FORM

City Attorney (Designee)

212142

E-4(b)

RESOLUTION NO. 15-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA REQUESTING THE TOURIST DEVELOPMENT COUNCIL TO (I) PROPOSE AN AMENDMENT TO THE TOURIST DEVELOPMENT PLAN TO PROVIDE THAT AN ALLOCATION OF ONE PERCENT OF THE FIVE PERCENT TOURIST TAX REVENUES BE AVAILABLE TO FINANCE THE CONSTRUCTION OF A NEW STADIUM IN ST. PETERSBURG FOR THE TAMPA BAY RAYS UNLESS IT IS CONCLUDED THAT THE TAMPA BAY RAYS WILL NOT BUILD A NEW STADIUM IN ST. PETERSBURG, AND (II) RECOMMEND SUCH PROPOSED AMENDMENT TO THE TOURIST DEVELOPMENT PLAN TO THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Tourist Development Council ("TDC"), an advisory council, makes recommendations to the Pinellas County Board of County Commissioners ("BOCC") for the effective operation of the special projects or uses of the tourist development tax revenue raised by the tax levied; and

WHEREAS, the BOCC has previously approved a tourist development plan and such plan has been amended from time to time (such plan, as it has been amended, is hereinafter referred to as the "Plan"); and

WHEREAS, the Plan currently allocates the fourth percent tourist tax to the payment of debt service on bonds issued by the City of St. Petersburg, Florida ("City") to finance the construction, reconstruction or renovation of Tropicana Field (home of the Tampa Bay Rays) through September 30, 2015; and

WHEREAS, on December 18, 2014, the St. Petersburg City Council ("City Council") voted to have a workshop to discuss building a new stadium in St. Petersburg for the Tampa Bay Rays ("Rays"); and

WHEREAS, on February 19, 2015, City Council had such workshop and discussed many topics related to building a new stadium in St. Petersburg, including tourist tax revenues being a potential source of funding for a new stadium.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby requests the Tourist Development Council to (i) propose an amendment to the tourist development plan to provide that an allocation of one percent of the five percent tourist tax revenues be available to finance the construction of a new stadium in St. Petersburg for the Tampa Bay Rays unless it is concluded that the Tampa Bay Rays will not

E-4(C)

build a new stadium in St. Petersburg, and (ii) recommend such proposed amendment to the tourist development plan to the Pinellas County Board of County Commissioners.

This Resolution shall become effective immediately upon its adoption.

APPROVED AS TO CONTENT AND FORM



City Attorney (Designee)

212143

St. Petersburg City Council
Meeting of March 5, 2015

TO: The Honorable Charles W. Gerdes, Chair, and Members of City Council

SUBJECT: A resolution approving supplemental appropriations from the unappropriated balance of the Law Enforcement Fund (1023), to the Police Department, Local Law Enforcement State Trust (140-2857) in the amount of \$235,000 and to the Police Department, Treasury Forfeiture Fund (140-2859) in the amount of \$2,500; authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION: The Administration requests supplemental appropriations from the unappropriated balance of the Law Enforcement Fund (1023) to the Police Department, Local Law Enforcement State Trust (140-2857) in the amount of \$235,000 and to the Police Department, Treasury Forfeiture Fund (140-2859) in the amount of \$2,500.

The funds appropriated to the Police Department, Local Law Enforcement State Trust (140-2857) will be used for:

1. The purchase of fifteen (15) in-vehicle camera systems (\$95,000). The systems will be used in the Street Crimes vehicles. The system is used to automatically record when triggered by the light bar, siren, weapon release, or manual mode operation in the vehicle. The Street Crimes Unit does not currently have video capability in their vehicles.
2. The purchase of Microsoft SharePoint software program (\$35,000). This software is used to create websites and will be used as a secure location to store, organize, share and access information from any device. SharePoint at the Police Department will be used to distribute electronic read-off information to the Officers in the field. Officers can at any time bring up a BOLO and review information from the vehicle. SharePoint will also be used to store all General Orders and Standard Operating Procedures, as well as Training videos and multiple other resources.
3. The purchase of five (5) Panasonic Toughpad G1 tablet-style devices (\$15,000) to be used by the Road Patrol Unit when issuing citations. This will allow for the citation information to be electronically delivered to the City's THE system on a daily basis for processing. Currently this unit uses paper citation books, which requires information to be manually entered by the Parking and Enforcement Department.
4. The purchase of four (4) Segway SE-3 Patroller units (\$50,000) to be used daily by the Downtown Deployment Team patrolling the downtown/waterfront area, by all three (3) Patrol Districts to patrol the Pinellas Trail and by officers during many of the large-scale events hosted in city parks to assist with traffic and crowd control.
5. Training and recruiting efforts (\$40,000) to include first-line supervisor training, mid-level management and leadership training, Fair and Impartial Policing training that encompasses bias-based profiling in policing, Investigative and Interviewing training, and officer safety

training. Recruitment efforts are for increased advertisement and travel dollars allowing for a greater focus on military veteran and diversity recruiting efforts within and outside our City and State.

The funds appropriated to the Police Department, Treasury Forfeiture Fund (140-2859) will be used to fund Department representation during Police Week at the National Law Enforcement Officers memorial in Washington, D.C. to memorialize fallen officers, including participation in the annual Police Unity Tour (\$2,500).

RECOMMENDATION: The Administration recommends that City Council adopt the attached resolution approving supplemental appropriations from the unappropriated balance of the Law Enforcement Fund (1023), to the Police Department, Local Law Enforcement State Trust (140-2857) in the amount of \$235,000 and to the Police Department, Treasury Forfeiture Fund (140-2859) in the amount of \$2,500; authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction; and providing an effective date.

COST/FUNDING INFORMATION: Funds for purchase of fifteen (15) in-vehicle camera systems, the purchase of MicroSoft SharePoint software program, the purchase of five (5) Panasonic Toughpad G1 tablet-style devices, the purchase of four (4) Segway SE-3 Patroller units, and for training and recruiting efforts; and will be available after the approval of a supplemental appropriation in the amount of \$235,000 from the unappropriated balance of the Law Enforcement Fund (1023), to the Police Department, Local Law Enforcement State Trust (140-2857) and funds for the St. Petersburg Police Department Police Unity Tour Team will be available after the approval of a supplemental appropriation in the amount of \$2,500 from the unappropriated balance of the Law Enforcement Fund (1023) to the Police Department, Treasury Forfeiture Fund (140-2859).

Approvals:

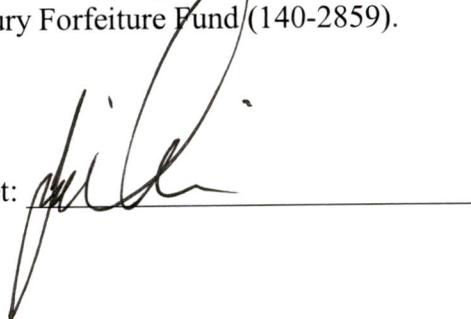
Administration:

Legal: 00211144.doc V. 2



Handing Cases

Budget:



A RESOLUTION APPROVING SUPPLEMENTAL APPROPRIATIONS FROM THE UNAPPROPRIATED BALANCE OF THE LAW ENFORCEMENT FUND (1023) IN THE AMOUNT OF \$235,000 TO THE POLICE DEPARTMENT, LOCAL LAW ENFORCEMENT STATE TRUST (140-2857) AND \$2,500 TO THE POLICE DEPARTMENT, TREASURY FORFEITURE FUND (140-2859); AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Administration has requested supplemental appropriations from the unappropriated balance of the Law Enforcement Fund(1023) in the amount of \$235,000 to the Police Department, Local Law Enforcement State Trust (140-2857) and \$2,500 to the Police Department, Treasury Forfeiture Fund (140-2859); and

WHEREAS, the funds appropriated to the Police Department, State Forfeiture Fund (140-2857) will be used for the purchase of fifteen (15) in-vehicle camera systems, the purchase of MicroSoft SharePoint software program, the purchase of five (5) Panasonic Toughpad G1 tablet-style devices, the purchase of four (4) Segway SE-3 Patroller units, and for training and recruiting efforts; and

WHEREAS, the funds appropriated to the Police Department, Treasury Forfeiture Fund (140-2859) will be used to fund Department representation during Police Week at the National Law Enforcement Officers Memorial in Washington, D.C to memorialize fallen officers, including participation in the annual Police Unity Tour; and

WHEREAS, the requested appropriations are for authorized uses of the Law Enforcement Fund (1023).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that there is hereby approved from the unappropriated balance of the Law Enforcement Fund (1023), the following supplemental appropriations for FY 2015:

Law Enforcement Fund (1023)

Police Department, Local Law Enforcement State Trust (140-2857)	\$235,000
Police Department, Treasury Forfeiture Fund (140-2859)	\$ 2,500

;and

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute all documents necessary to effectuate this transaction.

This Resolution shall take effect immediately upon its adoption.

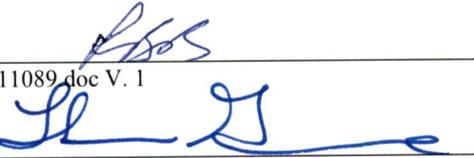
Approvals:

Legal:

Legal: 00211089.doc V. 1

Budget:

Administration:



 **ACTING CHIEF**

ST. PETERSBURG CITY COUNCIL

Meeting of March 5, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: City File - FLUM 24: A private application requesting an amendment to the Future Land Use Map and Official Zoning Map designations for two parcels of land, totaling 0.29 acres, located approximately 133-feet east of 4th Street North, at 356 and 366 41st Avenue North.

A detailed analysis of the request is provided in Staff Report FLUM-24, attached.

- REQUEST:**
- A. ORDINANCE ____-L amending the Future Land Use Map designation from Planned Redevelopment-Residential to Planned Redevelopment-Mixed Use.
 - B. ORDINANCE ____-Z amending the Official Zoning Map designation from NT-1 (Neighborhood Traditional) to CCS-1 (Corridor Commercial Suburban), or other less intensive use.

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Public Input: Five (5) phone calls have been received to date, two (2) requesting additional information and three (3) in opposition. However, one of the callers in opposition called on February 10th to withdraw her opposition.

Community Planning & Preservation Commission (CPPC): On February 10, 2015 the CPPC held a public hearing regarding these amendments, and voted 6 to 1 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 March 19, 2015.

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 133-FEET EAST OF 4TH STREET NORTH AT 356 AND 366 41ST AVENUE NORTH, FROM PLANNED REDEVELOPMENT-RESIDENTIAL 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

Lots 7 and 8, Block C, Blackwoods Subdivision Section 2, according to the plat thereof recorded in Plat Book 6, Page 5, in the Public Records of Pinellas County, Florida, less that portion of said Lot 6 conveyed to the State of Florida by that certain warranty deed recorded in Official Records Book 799, Page 572 of the Public Records of Pinellas County, Florida.

Land Use Category

From: Planned Redevelopment-Residential

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 24
(Land Use)



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT DATE

2-11-15



ASSISTANT CITY ATTORNEY DATE

2/17/15

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 133-FEET EAST OF 4TH STREET NORTH AT 356 AND 366 41ST AVENUE NORTH, FROM NT-1 (NEIGHBORHOOD TRADITIONAL) TO CCS-1 (CORRIDOR COMMERCIAL SUBURBAN); 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

Lots 7 and 8, Block C, Blackwoods Subdivision Section 2, according to the plat thereof recorded in Plat Book 6, Page 5, in the Public Records of Pinellas County, Florida, less that portion of said Lot 6 conveyed to the State of Florida by that certain warranty deed recorded in Official Records Book 799, Page 572 of the Public Records of Pinellas County, Florida.

District

From: NT-1 (Neighborhood Traditional)

To: CCS-1 (Corridor Commercial Suburban)

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-24
(Zoning)



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

2-11-15

DATE



ASSISTANT CITY ATTORNEY

2/17/15

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 February 10, 2015
at 3:00 p.m., in City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: FLUM-24
Agenda Item IV.A.

According to 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/

PROPERTY OWNER:

Belleair Development Group, LLC
c/o Carlos Yepes
6654 78th Avenue North
Pinellas Park, FL 33781

SUBJECT PROPERTY:

The 0.29 acre subject property is comprised of two parcels of land located approximately 133-feet east of 4th Street North, at 356 and 366 41st Avenue North.

LEGAL/PIN:

The subject property is legally described as Lots 7 and 8, Block C, Blackwoods Subdivision Section 2, according to the plat thereof recorded in Plat Book 6, Page 5, in the Public Records of Pinellas County, Florida, less that portion of said Lot 6 conveyed to the State of Florida by that certain warranty deed recorded in Official Records Book 799, Page 572 of the Public Records of Pinellas County, Florida. The parcel identification numbers (PINs) for the subject property are 06-31-17-09180-003-0070 and 0080.

REQUEST:

As depicted on the attached map series, the request is to amend the Future Land Use Map designation from Planned Redevelopment-Residential (PR-R) to Planned Redevelopment Mixed-Use (PR-MU), and the Official Zoning Map designation from NT-1

(Neighborhood Traditional-1) to CCS-1 (Corridor Commercial Suburban-1), or other less intensive use.

PURPOSE:

The applicant's desire is to assemble the subject parcels with the existing commercially-zoned (CCS-1) land abutting to the south and west for the purpose of redeveloping the overall site, estimated to be 1.4 acres, with two commercial buildings fronting on 4th Street North. It is anticipated that the subject property will be used for drainage and parking.

EXISTING USE:

Both subject parcels are developed with a single family home. Each parcel is 50' x 127' in size, thus the subject property is estimated to be 12,700 sq. ft. in size or 0.29 acres. The home located at 356 41st Avenue North (Lot 8) was constructed in 1950, while the home located at 366 41st Avenue North (Lot 7) was constructed in 1947.

SURROUNDING EXISTING USES:

The surrounding uses are as follows:

- North: A two-story 13 unit apartment building, single family homes, and a commercially-zoned parking lot for a Hooter's Restaurant
- South: Commercially-zoned parking lot for a Pizza Hut Restaurant
- East: Single family homes
- West: Commercial businesses, including a Farm Store

ZONING HISTORY:

The present NT-1 zoning designation has been in place since September 2007, following the implementation of the City's Vision 2020 Plan, the Citywide rezoning and update of the land development regulations (LDRs).

SPECIAL

INFORMATION: The subject property is located within the boundaries of the North East Park Neighborhood Association. The Association does not have a neighborhood plan.

APPLICABLE

REGULATIONS: As stated above, the subject property is estimated to be 0.29 acres or 12,700 sq. ft. in size. The applicant has indicated that the subject property will be used for parking and drainage.

The two existing single family homes conform to the present NT-1 zoning regulations. While NT-1 zoning does permit parking as an accessory use, it is a *special exception use* with several restrictions, including the hours of operation for the parking lot (i.e., the lot cannot be used between 10:00 p.m. and 7:00 a.m.).

Under the requested CCS-1 zoning designation, four (4) multifamily units could be constructed, calculated at a density of 15 units per acre, or 6,980 sq. ft. of office or retail space, based on a floor-area-ratio (FAR) of 0.55, or a mix of these uses.

STAFF ANALYSIS:

The primary issues related to the applicant's request are consistency of the requested designations with the established land use and zoning patterns and commercial corridor redevelopment opportunities.

The applicant's desire is to assemble the subject parcels with the existing commercially-zoned (CCS-1) land abutting to the south and west for the purpose of redeveloping the overall site, estimated to be 1.4 acres, with two commercial buildings fronting on 4th Street North. It is anticipated that the subject property will be used for drainage and parking. While NT-1 zoning does permit parking as an accessory use, it is a *special exception use* with several restrictions, including the hours of operation for the parking lot (i.e., the lot cannot be used between 10:00 p.m. and 7:00 a.m.). *It is the applicant's decision to request a Plan change and rezoning of the two subject parcels because the new designations, if approved, will permit parking with no restrictions on the hours of operation.*

Land Use and Zoning Consistency

The requested PR-MU Plan designation and CCS-1 zoning are consistent with the designations immediately abutting to the south and west, thus, the request is 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."*

The requested designations are also consistent with Policies LU3.6 and LU3.7. Policy LU3.6 states that *land planning should weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated*, and Policy LU3.7 states that *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*. The established character of the immediate area is a mix of single family to the east, multifamily to the north, and commercial to the south and west, the latter dominated by the 4th Street commercial corridor, which continues to attract new investment.

The existing depth of CCS-1 on the south side of 41st Avenue is approximately 133-feet, including the 16-foot alley. If approved, the depth of CCS-1 will extend an additional 100-feet for a total depth of 233-feet, which is consistent with the depth of the CCS-1 zoning associated with the Pizza Hut Restaurant and adjoining parking lot to the south. 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*. Regardless of having restricted hours of operation, City staff believes that the use of the subject property for parking and drainage will not detract from the immediate area's long-term (residential) desirability, as the commercial parking area will be required to meet current City Code design standards,

including buffering requirements, landscaping and lighting. Moreover, when parking areas abut NT districts and residential uses, a solid masonry wall or decorative wood or vinyl fence is required, at least five-feet in height.

Commercial Corridor Redevelopment Opportunities

Again, with the understanding that the subject property is only a small portion of an overall 1.4 acre commercial redevelopment site, if approved, the applicant's request will result in new investment and redevelopment within an existing commercial corridor, which is consistent with the following objective and policy from the Comprehensive Plan: Objective LU4(2), which states that "...*the City shall provide opportunities for additional commercial development where appropriate;*" and Policy LU11.2, which states that "*the need for redevelopment should be assessed based on potential for private investment.*"

Finally, the requested CCS-1 zoning will *aid in the redevelopment of an existing commercially designated frontage* (Objective LU18), and new investment and construction will create permanent employment opportunities and *improve the City's tax base* (Policy LU3.5).

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 potable water, sanitary sewer, solid waste, traffic, mass transit, recreation, and stormwater management.

SPECIAL NOTE

ON CONCURRENCY: Level 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 applicant's request to amend the Future Land Use Map designation from Planned Redevelopment-Residential to Planned Redevelopment Mixed-Use, and the Official Zoning Map designation from NT-1 (Neighborhood Traditional) to CCS-1 (Corridor Commercial Suburban) based on consistency with the goals, objectives and policies of the 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.
- LU3.5 The tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan.
- 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.
- LU3.17 Future expansion of commercial uses is encouraged when infilling into existing commercial areas and activity centers, or where a need can be clearly identified, and where otherwise consistent with the Comprehensive Plan.
- 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.
- LU11.2 The need for redevelopment should be assessed based on the following factors; 1) building conditions, 2) socio/economic characteristics, 3) land to improvement value ratios, 4) non-conforming uses and 5) potential for private investment.
- LU18: Commercial development along the City's major corridors shall be limited to infilling and redevelopment of existing commercially designated frontages.
- LU18.1 Requests to amend the Land Use Plan and Land Development Regulations to permit retail/office development in the North Sector on corridors other than 4th Street North should be recommended for denial by Staff, except at appropriate intersections of major streets or in designated mixed use settings.
- 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 transportation capacity is 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 the City's population or the population density pattern.

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 requested

land use change and rezoning for the subject 0.29 acres be approved, the City has sufficient capacity to serve the subject property.

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. Should the proposed amendment be approved, 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.

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

Existing Conditions

Fourth Street North is classified as a minor arterial roadway maintained by the Florida Department of Transportation, while 41st Avenue North is designated a local or neighborhood street maintained by the City. Based on the Pinellas County MPO's 2014

Level of Service Report, the level of service (LOS) for 4th Street between 38th Avenue North and 62nd Avenue North is "B."

Trip Generation Under the Existing Planned Redevelopment-Residential (PR-R) and Proposed Planned Redevelopment-Mixed Use Future Land Use Map Designations

The vehicle trip generation rate under the existing PR-R land use is approximately 2 p.m. peak hour trips, calculated as follows:

- Step a. 85 avg. daily trips per acre of PR-R land x 0.29 acres = approximately 25 avg. daily trips
- Step b. 25 avg. daily trips x .095 percent = approximately 2 p.m. peak hour trips

The vehicle trip generation rate under the requested PR-MU land use is approximately 9 p.m. peak hour trips, calculated as follows:

- Step a. 335 avg. daily trips per acre of PR-MU land x 0.29 acres = approximately 97 avg. daily trips
- Step b. 97 avg. daily trips x .095 percent = approximately 9 p.m. peak hour trips

In summary, a Plan change from Planned Redevelopment-Residential to Planned Redevelopment Mixed-Use will likely result in a net increase of 7 p.m. peak hour trips. Such an increase would not have an impact on roadway level of service.

MASS TRANSIT

The Citywide LOS for mass transit will not be affected. PSTA provides local transit service along 4th Street (Route 4), with a 15-minute headway. The LOS standard for mass transit is headways less than one hour.

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 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.

- 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, which will be a parking lot associated with the commercial redevelopment of contiguous property to the south and west.

- 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 122 acres of vacant land in the City designated with CCS-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 south and west.

- 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 boundary is 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.**

The proposed amendment results in an additional 0.29 acres of nonresidential land. If approved, the subject property will be used as a commercially-zoned parking lot, with no restrictions on the hours of operation. As previously stated, the applicant's desire is to "assemble" the subject parcels with the existing commercially zoned (CCS-1) land abutting to the south and west for the purpose redeveloping the overall site.

- 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 Flood Zone AE, with a base flood elevation of nine (9) feet. The property is not located within the CHHA (Coastal High Hazard Area).

- k. **Other pertinent information.** None.



AERIAL

CITY FILE

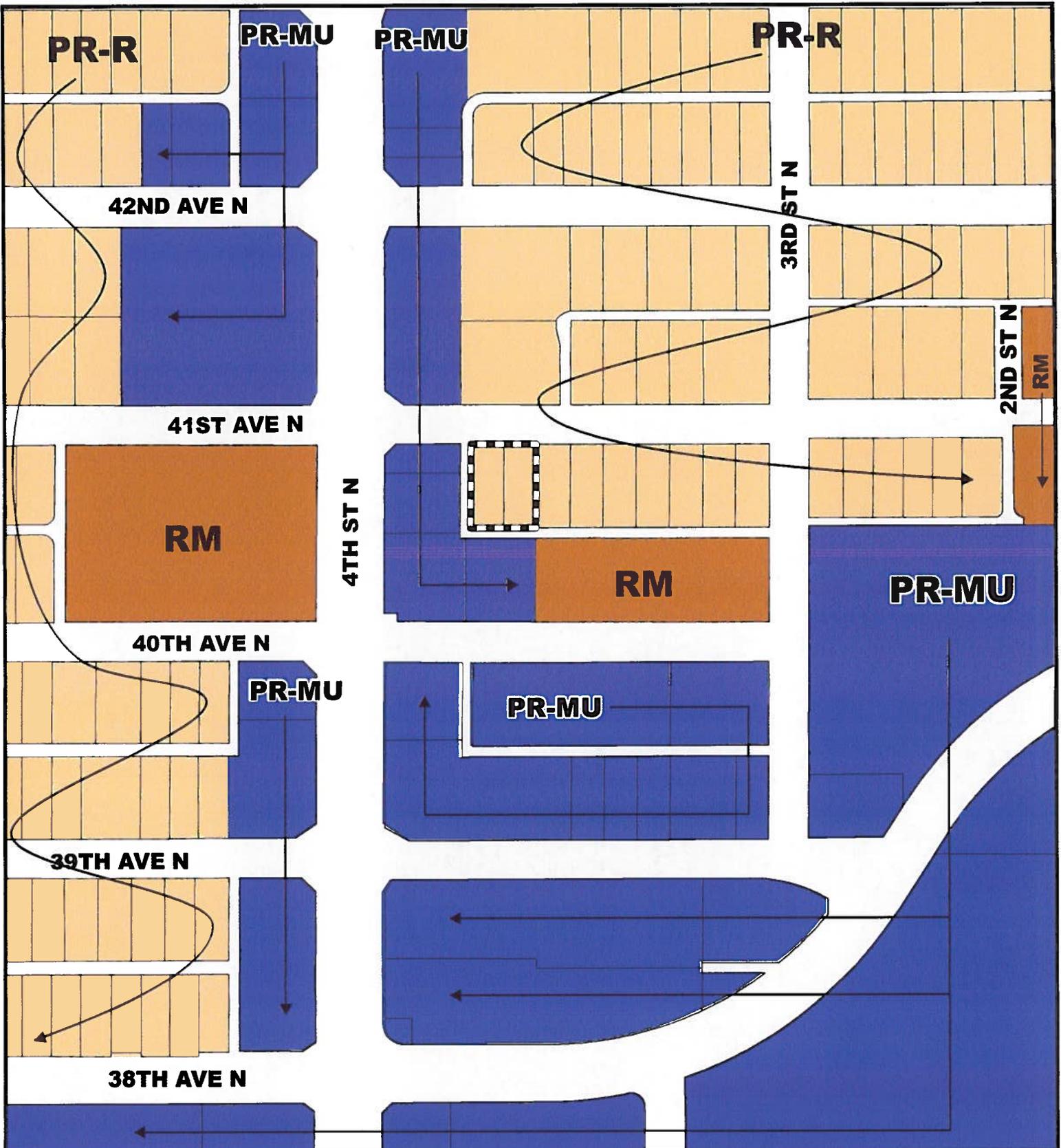
FLUM-24

SCALE: 1" = 192'



SUBJECT AREA





FUTURE LAND USE PLAN DESIGNATION

CITY FILE

FLUM-24

SCALE: 1" = 192'

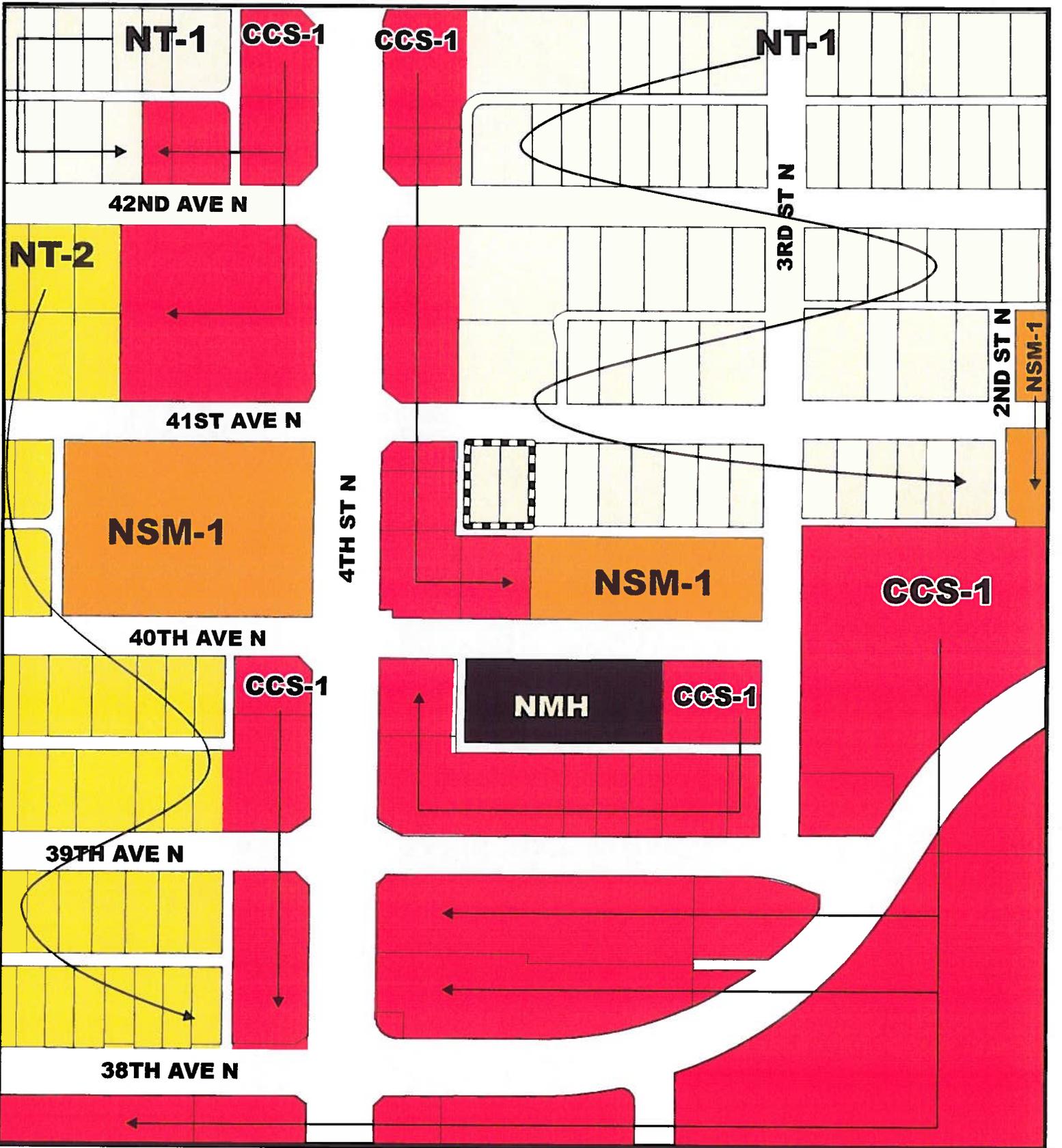
From: PR-R
(Planned Redevelopment
-Residential)

To: PR-MU
(Planned Redevelopment
-Mixed Use)



SUBJECT AREA





EXISTING ZONING

CITY FILE

FLUM-24

SCALE: 1" = 192'

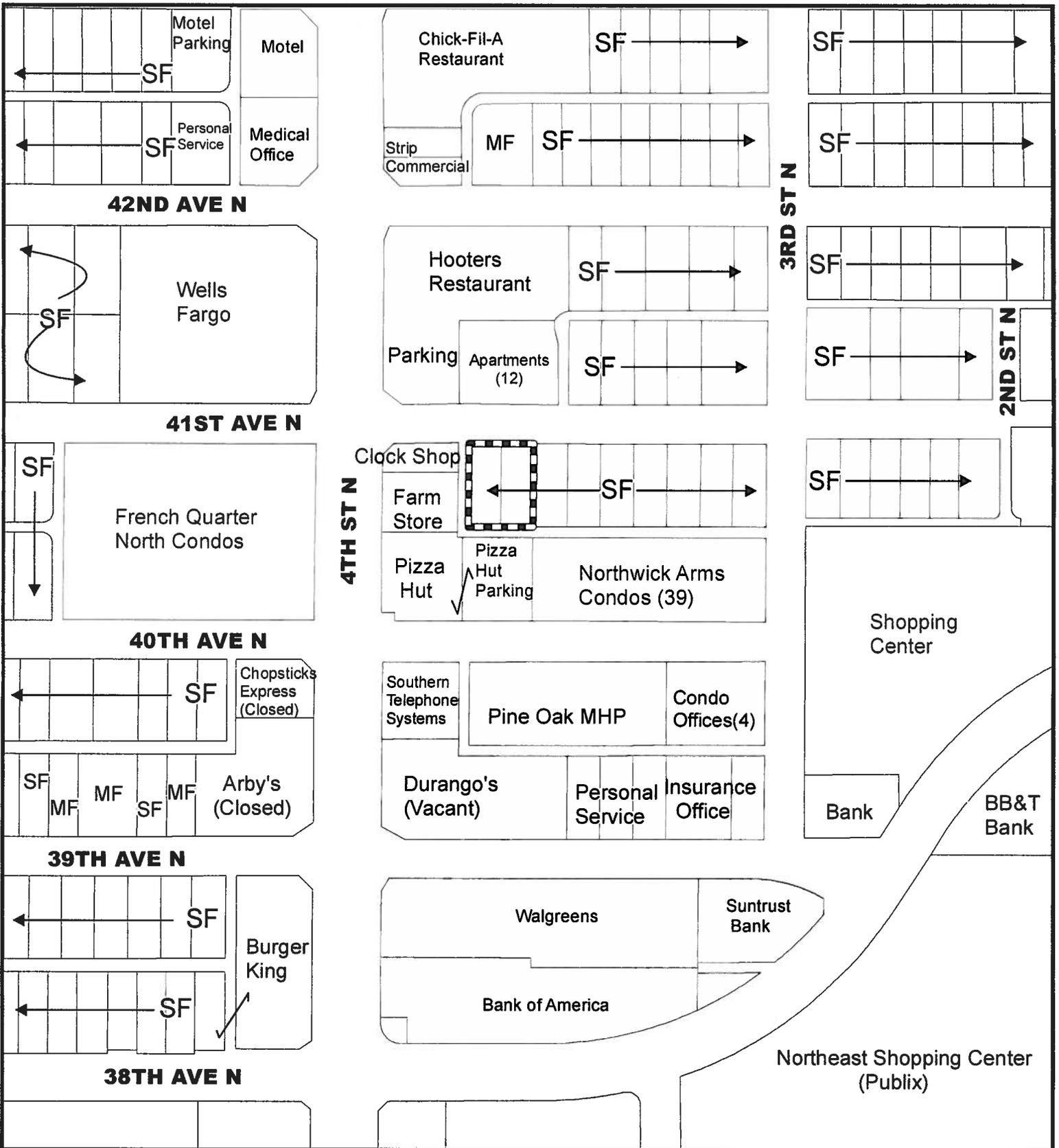
From: NT-1
(Neighborhood Traditional
Single-Family-1)

To: CCS-1
(Corridor Commercial
Suburban-1)



SUBJECT AREA





EXISTING SURROUNDING USES

CITY FILE

FLUM-24

SCALE: 1" = 192'



SUBJECT AREA



ST. PETERSBURG CITY COUNCIL

Meeting of March 5, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: **City File: FLUM-26:** Private application proposing amendments to the Future Land Use Map and Official Zoning Map designations for the subject property, an estimated 0.19 acre portion of a 0.87 acre parcel owned by Wendy's International, Inc., generally located on the northwest corner of 4th Street North and 90th Avenue North.

A detailed analysis of the request is provided in Staff Report FLUM-26, 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 CCS-1 (Corridor Commercial Suburban), or other less intensive use.

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Public Input: No phone calls or correspondence have been received to date.

Neighborhood Input: The subject property is not located within the boundaries of a neighborhood association. However, it is located just west of the boundaries of the Riviera Bay Civic Association, which is found on the east side of 4th Street North between 77th Avenue North and 98th Avenue North. The Planning & Economic Development Department has received no phone calls or correspondence to date.

Community Planning & Preservation Commission (CPPC): On February 10, 2015 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 March 19, 2015.

Attachments: Ordinances (2) and 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 9000 4TH STREET NORTH, ON THE NORTHWEST CORNER OF 4TH STREET NORTH AND 90TH AVENUE NORTH, 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

LOT 4 AND THE EAST 10.00 FEET OF LOT 5, TOGETHER WITH THAT PORTION OF THE 8 FOOT VACATED ALLEY (AS SET FORTH IN ORDINANCE NO. 792-V AS RECORDED IN OFFICIAL RECORDS BOOK 10522, PAGE 793, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA) ABUTTING SAID LOT 4 AND THE EAST 10.00 FEET OF SAID LOT 5, ALL IN JOHN ALEX KELLY'S GEORGIAN TERRACE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. [CONTAINING 8,100 SQUARE FEET OR 0.186 ACRES, MORE OR LESS.]

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-26
(Land Use)



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

2-2-15

DATE



ASSISTANT CITY ATTORNEY

2/3/15

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 9000 4TH STREET NORTH, ON THE NORTHWEST CORNER OF 4TH STREET NORTH AND 90TH AVENUE NORTH, FROM NSM-1 (NEIGHBORHOOD SUBURBAN MULTIFAMILY) TO CCS-1 (CORRIDOR COMMERCIAL SUBURBAN); 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

LOT 4 AND THE EAST 10.00 FEET OF LOT 5, TOGETHER WITH THAT PORTION OF THE 8 FOOT VACATED ALLEY (AS SET FORTH IN ORDINANCE NO. 792-V AS RECORDED IN OFFICIAL RECORDS BOOK 10522, PAGE 793, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA) ABUTTING SAID LOT 4 AND THE EAST 10.00 FEET OF SAID LOT 5, ALL IN JOHN ALEX KELLY'S GEORGIAN TERRACE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. [CONTAINING 8,100 SQUARE FEET OR 0.186 ACRES, MORE OR LESS.]

District

From: NSM-1 (Neighborhood Suburban Multifamily)

To: CCS-1 (Corridor Commercial Suburban)

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-26
(Zoning)



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT 2-2-15 DATE



ASSISTANT CITY ATTORNEY 2/3/15 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 February 10, 2015
at **3:00 p.m.**, in City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File: FLUM-26

According to Planning & 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/

PROPERTY OWNER:

Wendy's International, Inc.
1165 Sanctuary Parkway, Suite 300
Alpharetta, GA 30009

REPRESENTATIVE:

Marilyn Healy, Esq.
Adams and Reese LLP
101 East Kennedy Boulevard, Suite 400
Tampa, FL 33602

SUBJECT PROPERTY:

The subject property, estimated to be a 0.19 acre portion of a 0.87 acre parcel, is generally located on the northwest corner of 4th Street North and 90th Avenue North.

PIN/LEGAL:

The subject property is a portion of parcel number 19/30/17/30690/000/0010. The legal descriptions are attached.

REQUEST:

As depicted on the attached map series, the 0.87 acre property currently has two Future Land Use Map designations and two Official Zoning Map designations. The request is to amend 0.19 acres from Residential Medium (RM) to Planned Redevelopment Mixed-Use (PR-MU), and the Official Zoning Map designation from NSM-1 (Neighborhood Suburban Multifamily) to CCS-1 (Corridor Commercial Suburban), or other less intensive use. The proposal would expand the requested PR-MU and CCS-1 designations approximately 62 feet to the west.

PURPOSE:

The applicant's desire is to amend the Future Land Use and Zoning of the subject 0.19 acre area, which when combined with the existing commercially-zoned (CCS-1) land on the same parcel to the east, would provide the necessary land area to construct a new 3,088 sq. ft. Wendy's Restaurant with drive-thru.

EXISTING USES:

The existing 3,007 sq. ft. Wendy's Restaurant was constructed in 1985 and is located entirely on the PR-MU and CCS-1 portion of the parcel. The existing drive-thru encroaches approximately 21 feet into the designated RM and NSM-1 portion of the parcel; the remaining RM and NSM-1 portion of the parcel includes a dumpster area and a parking lot for the Wendy's Restaurant.

SURROUNDING USES:

The surrounding uses are as follows:

- North: Vacant commercial land (currently being used as a staging site for the Dr. Martin Luther King Jr. Street Storm Drainage Improvements project, but will be vacated and restored by the contractor by April 2015)
- South: Dental office and multifamily dwellings along 90th Avenue North
- East: Commercial development along 4th Street North
- West: Multifamily dwellings

NEIGHBORHOOD ASSOCIATION:

The subject property is not located within the boundaries of a neighborhood association. However, it is located just west of the boundaries of the Riviera Bay Civic Association, which is found on the east side of 4th Street North between 77th Avenue North and 98th Avenue North.

ZONING HISTORY:

From 1977 to 2007, the subject area was designated with RM-12/15 (Residential Multifamily) zoning. The current NSM-1 zoning designation has been in place since September 2007, following implementation of the City's Vision 2020 Plan, the city-wide rezoning and update of City Code Chapter 16, Land Development Regulations (LDRs).

APPLICABLE REGULATIONS:

For analysis purposes, it will be assumed that the subject property, estimated to be 0.19 acres or 8,276 sq. ft. (mol) in size, is developable.

Development potential under the present NSM-1 zoning designation is three (3) multifamily units, calculated at a base density of 15 units per acre.

Development potential under the requested CCS-1 zoning designation is as follows: three (3) multifamily units, calculated at a density of 15 units per acre; 4,552 sq. ft. of non-residential space, based on a floor-area-ratio (FAR) of 0.55; or a mix of these uses.

As previously stated, the applicant's desire is to combine the subject area with the existing commercially-zoned (CCS-1) land abutting to the east in order to construct a new 3,088 sq. ft. Wendy's Restaurant with drive-thru.

STAFF ANALYSIS:

The primary issues related to the applicant's request are the following: 1) consistency of the requested designations with the established land use and zoning patterns; 2) commercial corridor redevelopment opportunities; 3) eliminating existing non-conforming uses; 4) traffic impact; and 5) other level of service considerations.

Land Use and Zoning Consistency

The requested PR-MU Plan designation and CCS-1 zoning are consistent with the designations to the north and east. The property to the north also has frontage on 4th Street North with a commercial depth of 190 feet. The proposed PR-MU and CCS-1 for the subject property will match this depth. The remaining multifamily land to the west will continue to serve as a compatible land use transition to single family. Thus, the request is 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.*"

The requested designations are also consistent with Policy LU3.6 which states that *land use planning decisions shall weigh heavily the established character of predominantly developed areas where changes of use or intensity of development are contemplated.* The

character of this area of the City is dominated by commercial uses along 4th Street North, a minor arterial roadway.

City staff believes that the applicant's request is also consistent with Policy LU3.5, which states that *"the tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan."*

Commercial Corridor Redevelopment Opportunities

If approved, the applicant's request will result in new investment and redevelopment within an existing commercial corridor, which is consistent with the following objectives and policies from the Comprehensive Plan: Policy LU3.17, which states that *"future expansion of commercial uses is encouraged when infilling into existing commercial areas and activity centers, or where a need can be clearly identified, and where otherwise consistent with the Comprehensive Plan;"* Objective LU4(2), which states that *"...the City shall provide opportunities for additional commercial development where appropriate;"* Policy LU11.2, which states that *"the need for redevelopment should be assessed based on potential for private investment;"* and Objective LU18, which states that *"commercial development along the City's major corridors shall be limited to infilling and redevelopment of existing commercially designated frontages."*

Eliminating Non-conforming Uses

As described in the existing use section of this Report, the subject area, although currently residentially designated (RM), does contain a portion of the existing drive-thru, which is a commercial use. The originally approved site plan from 1985 depicts a drive-thru lane and an abutting circulation lane starting on the north side of the property and wrapping around to the south side of the property having both ingress and egress from 4th Street North. At the time of original site plan approval the drive-thru lane was entirely on the commercially-zoned portion of the property. However, some time after that the drive-thru was reconfigured to partially encroach on the residentially-zoned portion. Permitting records are incomplete so the exact date and circumstances cannot be determined.

Given this existing condition, the net result of the proposed amendments are to increase the depth of commercial development by 41 feet, since 21 feet of the residentially-designated land is already used for a commercial purpose (drive-thru). This relatively minor increase in depth of commercial zoning would allow the site to be redeveloped into a modern facility that meets all of the LDR standards, including parking and landscaping, and would be consistent with the depth of the existing PR-MU and CCS-1 designated land to the north.

Thus, City staff believes that the applicant's request is consistent with Objective LU9 which states in part that *"the City shall continue to define and regulate nonconforming and grandfathered uses consistent with the requirements of Chapter 163, F.S. for the purpose of reducing or eliminating land uses that are inconsistent with the character of the community."*

Traffic Impact

Roadway level of service (LOS) and traffic impacts are discussed in greater detail in the Impact Section of this report. To summarize, an amendment from Residential Medium to Planned Redevelopment-Mixed Use will likely result in a net increase of 4 p.m. peak hour trips; however, such an increase would not have an impact on roadway level of service.

In summary, City staff concludes that the traffic resulting from the proposed amendment will not significantly impact the surrounding roadway network, which is consistent with the following Comprehensive Plan policies:

- 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.*
- Policy LU5.3, which states that *the Concurrency Management System shall continue to be implemented to ensure proposed development to be considered for approval shall be in conformance with existing and planned support facilities and that such facilities and services be available, at the adopted level of service standards, concurrent with the impacts of development.*
- 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 transportation capacity is available to accommodate the additional demand.*
- Policy T3.1, which states that *all major city, county and state streets, not including those identified as constrained in the City's most current concurrency annual monitoring report shall operate at LOS D or better in the peak hour of vehicular traffic. Roadway facilities on the State Highway System, Strategic Intermodal System and Florida Intrastate Highway System and roadway facilities funded by Florida's Transportation Regional Incentive Program shall operate at a LOS that is consistent with Rule 14-94, FAC.*

Other Level of Service (LOS) Considerations

The Level of Service (LOS) impact section of this report concludes that the requested Plan change and rezoning will not have a significant impact on the City's adopted LOS standards for public services and facilities including potable water, sanitary sewer, solid waste, traffic, mass transit, recreation, and stormwater management.

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 applicant's request to amend the Future Land Use Map designation from Residential Medium to Planned Redevelopment Mixed-Use, and the Official Zoning Map designation from NSM-1 (Neighborhood Suburban Multifamily) to CCS-1 (Corridor Commercial Suburban), or other 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:

- LU2.4 The City may permit an increase in land use intensity or density outside of activity centers where available infrastructure exists and surrounding uses are compatible.

- 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.

- LU3.5 The tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan.

- 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.

- 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.

- LU3.17 Future expansion of commercial uses is encouraged when infilling into existing commercial areas and activity centers, or where a need can be clearly identified, and where otherwise consistent with the Comprehensive Plan.

- 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.
- LU5.3 The Concurrency Management System shall continue to be implemented to ensure proposed development to be considered for approval shall be in conformance with existing and planned support facilities and that such facilities and services be available, at the adopted level of service standards, concurrent with the impacts of development.
- LU9: The City shall continue to define and regulate nonconforming and grandfathered uses consistent with the requirements of Chapter 163, F.S. for the purpose of reducing or eliminating land uses that are inconsistent with the character of the community including repetitive loss and other properties that do not comply with minimum FEMA flood elevation standards as targeted in Policies CM11.11 and CM11.12. The regulations may include provisions for eliminating or reducing uses that are inconsistent with interagency hazard mitigation reports.
- LU11.2 The need for redevelopment should be assessed based on the following factors; 1) building conditions, 2) socio/economic characteristics, 3) land to improvement value ratios, 4) non-conforming uses and 5) potential for private investment.
- LU18: Commercial development along the City's major corridors shall be limited to infilling and redevelopment of existing commercially designated frontages.
- 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 transportation capacity is available to accommodate the additional demand.
- T3.1 All major city, county and state streets, not including those identified as constrained in the City's most current concurrency annual monitoring report shall operate at LOS D or better in the peak hour of vehicular traffic. Roadway facilities on the State Highway System, Strategic Intermodal System and Florida Intrastate Highway System and roadway facilities funded by Florida's Transportation Regional Incentive Program shall operate at a LOS that is consistent with Rule 14-94, FAC.

- 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 requested land use change and rezoning for the subject 0.19 acres be approved, the City has sufficient capacity to serve the subject property.

WATER

Based on the present NSM-1 designation, the maximum demand for potable water is estimated to be 625 gallons per day as follows:

Residential: 5 persons x 125gpcpd = 625 gallons/day

Source: Pinellas County, Water/Sewer Use Factors Study, 2000.

Under the requested CCS-1 zoning, the maximum demand for potable water could reach 1,138 gallons per day, as follows:

Residential development: 5 persons x 125 gpcpd = 625 gallons/day; or

Commercial development: 4,552 sq. ft. of commercial space x 0.25 gpd/sq. ft.
= 1,138 gallons/day

Sources: St. Petersburg Comprehensive Plan; and Pinellas County, Water/Sewer Use Factors Study, 2000.

In summary, the demand for potable water will increase under the requested CCS-1 zoning if a nonresidential use, as is anticipated, occurs. *Regardless, the rezoning of the subject property from NSM-1 to CCS-1 will not impact the City's adopted LOS for potable 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 28.33 mgd. The City's projected need for potable water for the 2014 water year is approximately 29.00 mgd.

While the City's adopted LOS standard for potable water is 125 gallons per capita per day (gpcd), in 2013 the City's actual gross consumption was approximately 79 gpcd. Reasons why St. Petersburg's average day demand and gross per capita consumption of potable water are not increasing, and actually decreasing in some water years, are the overwhelming success of the City's water conservation program and reclaimed water program.

WASTEWATER

The subject property is served by the Northeast Water Reclamation Facility.

Based on the present NSM-1 designation, the maximum demand for sanitary sewer is estimated to be 805 gallons per day as follows:

Residential: 5 persons x 161 gpcpd = 805 gallons/day

Source: St. Petersburg Comprehensive Plan; and Pinellas County, Water/Sewer Use Factors Study, 2000.

Under the requested CCS-1 zoning, the maximum demand for sanitary sewer could reach 1,138 gallons per day, as follows:

Residential development: 5 persons x 161 gpcpd = 805 gallons/day; or

Commercial development: 4,552 sq. ft. of commercial space x 0.25 gpd/sq. ft.
= 1,138 gallons/day

Sources: St. Petersburg Comprehensive Plan; and Pinellas County, Water/Sewer Use Factors Study, 2000.

In summary, while there is a potential for increased sanitary sewer demand, the rezoning of the subject property from NSM-1 to CCS-1 will not impact the City's adopted LOS for wastewater. In 2013, the Northeast Water Reclamation Facility had an estimated excess capacity of 7.71 million gallons per day, thus a net increase of 333 gpd can easily be processed.

SOLID WASTE

Solid waste collection is the responsibility of the City. Approval of this request will not affect the City's ability to provide collection services. The County and the City have the same designated level of service of 1.3 tons per year per person, while there is no generation rate for nonresidential uses.

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.

Although the subject property is proposed to be developed commercially, the following calculations reflect solid waste generation for residential development that would be permitted under the proposed zoning designation. Assuming a population of five (5) persons under the proposed CCS-1 zoning, it is estimated that approximately 6.5 tons of solid waste per year may be generated (5 persons x 1.3 tpypp). Such an increase will not impact the City's adopted LOS for solid waste.

TRAFFIC

Summary of traffic impact (p.m. peak hour trips):

Existing Residential Medium Plan Category	2
Requested Planned Redevelopment Mixed-Use Plan Category	<u>6</u>
	4 new p.m. peak hour trips

Existing Conditions

There are two major roads with geographic proximity to the subject property: 4th Street North and 94th Avenue North. Fourth Street is classified as a minor arterial and is maintained by the Florida Department of Transportation. Ninety-fourth Avenue North is a collector that is maintained by the City.

Based on the Pinellas County Metropolitan Planning Organization's (MPO's) 2014 Level of Service Report, the level of service (LOS) for 4th Street from Gandy Boulevard to 62nd Avenue North is "C." This LOS determination is based on the 2013 average annual daily

traffic (AADT) volume of 33,396. The volume-capacity ratio for this six-lane divided facility is 0.62, so there is a significant amount of spare capacity to accommodate new trips.

The Pinellas County MPO does not monitor the level of service along 94th Avenue North, but City staff determined that the LOS for 94th Avenue North from 4th Street to Dr. ML King Jr. Street is acceptable based on an intersection count for 94th Avenue North at Dr. ML King Jr. Street.

The entire City is designated as a Transportation Concurrency Exception Area (TCEA). Regardless of this fact, the proposed FLUM change, rezoning and proposed commercial redevelopment are not expected to degrade existing levels of service on 4th Street North and 94th Avenue North due to the excess roadway capacity that is available on these streets to accommodate new trips.

Source: City of St. Petersburg, Transportation and Parking Management Department.

Trip Generation

The traffic impact assessment provided here is a “macro” level of service analysis that is based on the present Residential Medium designation.

The vehicle trip generation rate under the existing Residential Medium land use is approximately 2 p.m. peak hour trips, calculated as follows:

- Step a. 102 avg. daily trips per acre of RM land x 0.19 acres = approximately 19 avg. daily trips
- Step b. 19 avg. daily trips x 0.095 percent = approximately 2 p.m. peak hour trips

The vehicle trip generation rate under the requested Planned Redevelopment Mixed-Use land use is approximately 6 p.m. peak hour trips, calculated as follows:

- Step a. 335 avg. daily trips per acre of PR-MU land x 0.19 acres = approximately 64 avg. daily trips
- Step b. 64 avg. daily trips x 0.095 percent = approximately 6 p.m. peak hour trips

In summary, a Plan change from Residential Medium to Planned Redevelopment Mixed-Use will likely result in a net increase of 4 p.m. peak hour trips. Such an increase would have a minimal impact on roadway levels of service.

(The traffic analysis presented above is based on the applicable trip generation rates from the City’s Vision 2020 Special Area Plan Update and the Countywide Plan Rules of the Pinellas Planning Council, *Table 1: Traffic Generation Characteristics.*)

MASS TRANSIT

The Citywide LOS for mass transit will not be affected. The PSTA has two routes that provide local transit service along 4th Street North. Route 4 has a peak hour service frequency of 15 minutes. Route 59 serves a small section of 4th Street that includes the subject property and has a service frequency of approximately 60 minutes. The LOS standard for mass transit is headways less than one hour.

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 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.

- 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 previously stated, the applicant's desire is to use the subject area with the existing commercially-zoned (CCS-1) land abutting to the east in order to construct a new 3,088 sq. ft. Wendy's Restaurant with drive-thru. The additional land will provide adequate area for the new, slightly larger restaurant.

- 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 122 acres of vacant land in the City designated with CCS-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 north and east.

- 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 boundary is illogically drawn in relation to existing conditions since a portion of the existing drive-thru encroaches into the residentially-zoned land. The proposed district depth will match the depth of the abutting commercially-zoned property to the north.

- 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 amendment only results in an additional 0.19 acres of nonresidential land. The additional land is needed to provide adequate area for the new, slightly larger restaurant and drive-thru.

- 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 most current FEMA Flood Insurance Rate Map (FIRM), the subject property is located in the 100-year flood plain. Specifically, the property is located in the Special Flood Hazard Area AE, Zone 9-feet, which requires that the top of the lowest habitable floor be at or above 9-feet NAVD (North American Vertical Datum). Mandatory flood insurance purchase requirements and floodplain management standards apply to any new development on the property. A portion of the subject property is also located within the CHHA (Coastal High Hazard Area) and Hurricane Evacuation Level "A."

- k. Other pertinent information.** None

Legal Descriptions

Parcel

GEORGIAN TERRACE, LOTS 1 THROUGH 6, JOHN ALEX KELLY'S GEORGIAN TERRACE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 20, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THE FOLLOWING PORTION OF LOT 1, LYING WITHIN:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 30 SOUTH, RANGE 17 EAST, AS A POINT 2650.83 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 19, RUN THENCE NORTH 0°12'32" WEST 1514.73 FEET; THENCE SOUTH 89°46'28" WEST 50 FEET; THENCE TO A POINT OF BEGINNING; CONTINUE THENCE SOUTH 89°46'28" WEST 10 FEET; THENCE NORTH 25°16'21" EAST 23.24 FEET; THENCE SOUTH 0°12'32" EAST 20.98 FEET TO THE POINT OF BEGINNING. (CONVEYED TO THE STATE FOR STREET PURPOSES).

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTH QUARTER CORNER OF SECTION 19, TOWNSHIP 30 SOUTH, RANGE 17 EAST, PINELLAS COUNTY, FLORIDA AS A POINT OF REFERENCE; THENCE N. 00°12'32" W., ALONG THE NORTH/SOUTH CENTERLINE OF SECTION 19, 1514.73 FEET; THENCE LEAVING SAID LINE S. 89°46'28" W., 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 90TH AVENUE NORTH (A 60' R/W), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE S. 89°46'28" W., ALONG SAID LINE 270.00 FEET TO THE SOUTHWEST CORNER OF LOT 6, JOHN ALEX KELLY'S GEORGIAN TERRACE, PLAT BOOK 9, PAGE 20, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N. 00°12'32" W., ALONG THE WEST LINE OF SAID LOT, 127.00 FEET; THENCE N. 89°46'28" E., ALONG THE NORTH LINE OF LOTS 4, 5, AND 6 AFOREMENTIONED SUBDIVISION, 150.00 FEET TO A POINT ON THE WEST LINE OF LOT 3, SAID SUBDIVISION; THENCE ALONG THE WEST AND NORTH BOUNDARY OF LOT 3, BY THE FOLLOWING TWO CALLS; (1) N. 00°12'32" W., 8.00 FEET; (2) N. 89°46'28" E., 130.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 4TH STREET NORTH (A 100' R/W); THENCE ALONG SAID LINE BY THE FOLLOWING TWO CALLS: (1) S. 00°12'32" E., 114.02 FEET; (2) S. 25°16'21" W., 23.24 FEET TO THE POINT OF BEGINNING.

AND ALSO:

THAT PORTION OF THE 8 FOOT VACATED ALLEY ABUTTING LOTS 4, 5 AND 6 OF JOHN ALEX KELLY'S GEORGIAN TERRACE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 20, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AS SET FORTH IN ORDINANCE NO. 792-V RECORDED IN OFFICIAL RECORDS BOOK 10522, PAGE 793 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

SITE CONTAINS 37,695 SQUARE FEET OR 0.87 ACRES, MORE OR LESS.

Portion of Parcel Requesting Amendments

LOT 4 AND THE EAST 10.00 FEET OF LOT 5, TOGETHER WITH THAT PORTION OF THE 8 FOOT VACATED ALLEY (AS SET FORTH IN ORDINANCE NO. 792-V AS RECORDED IN OFFICIAL RECORDS BOOK 10522, PAGE 793, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA) ABUTTING SAID LOT 4 AND THE EAST 10.00 FEET OF SAID LOT 5, ALL IN JOHN ALEX KELLY'S GEORGIAN TERRACE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA,

CONTAINING 8,100 SQUARE FEET OR 0.186 ACRES, MORE OR LESS.



AERIAL

CITY FILE

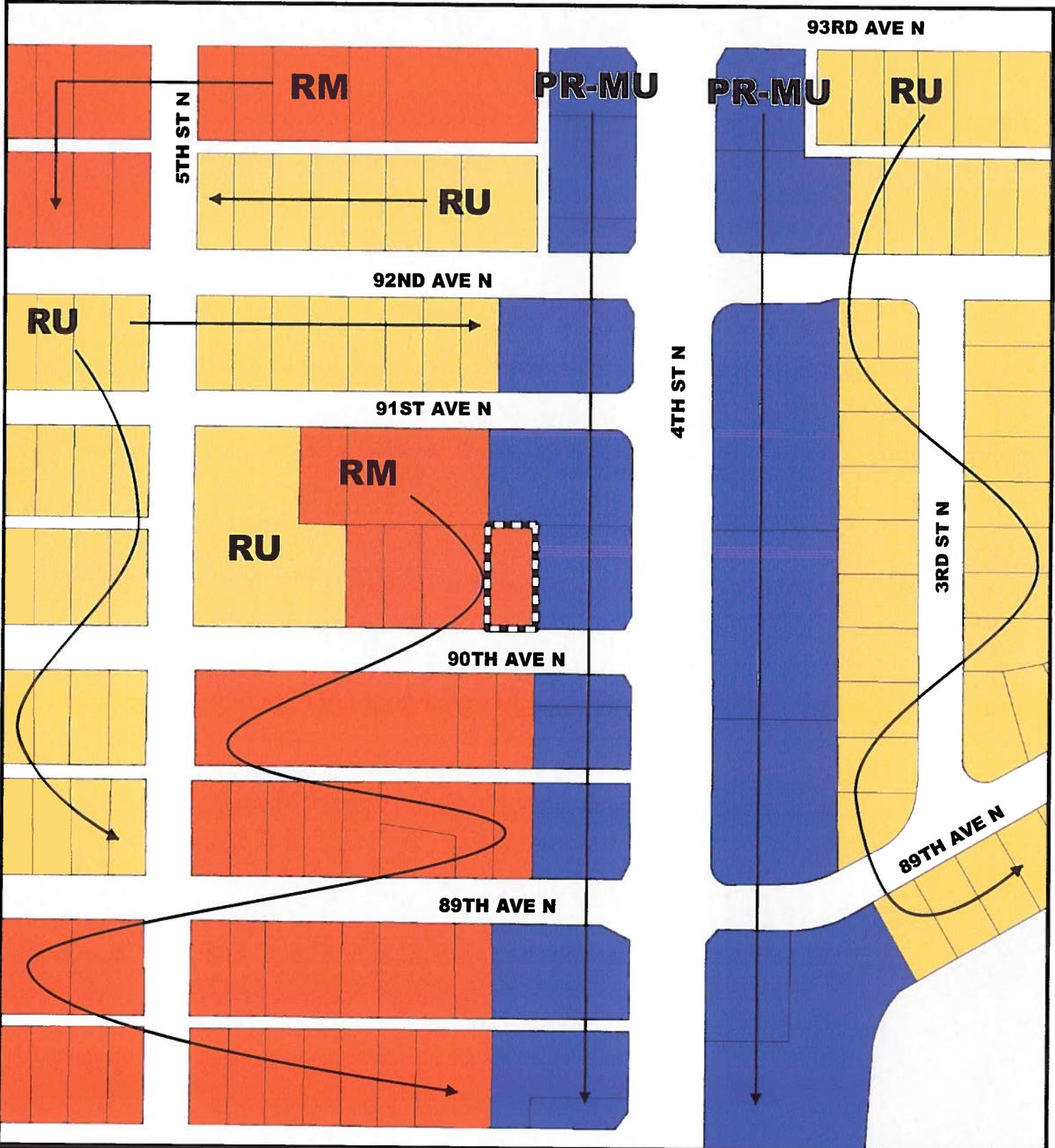
FLUM-26

SCALE: 1" = 167'



SUBJECT AREA





FUTURE LAND USE PLAN DESIGNATION

CITY FILE

FLUM-26

SCALE: 1" = 167'

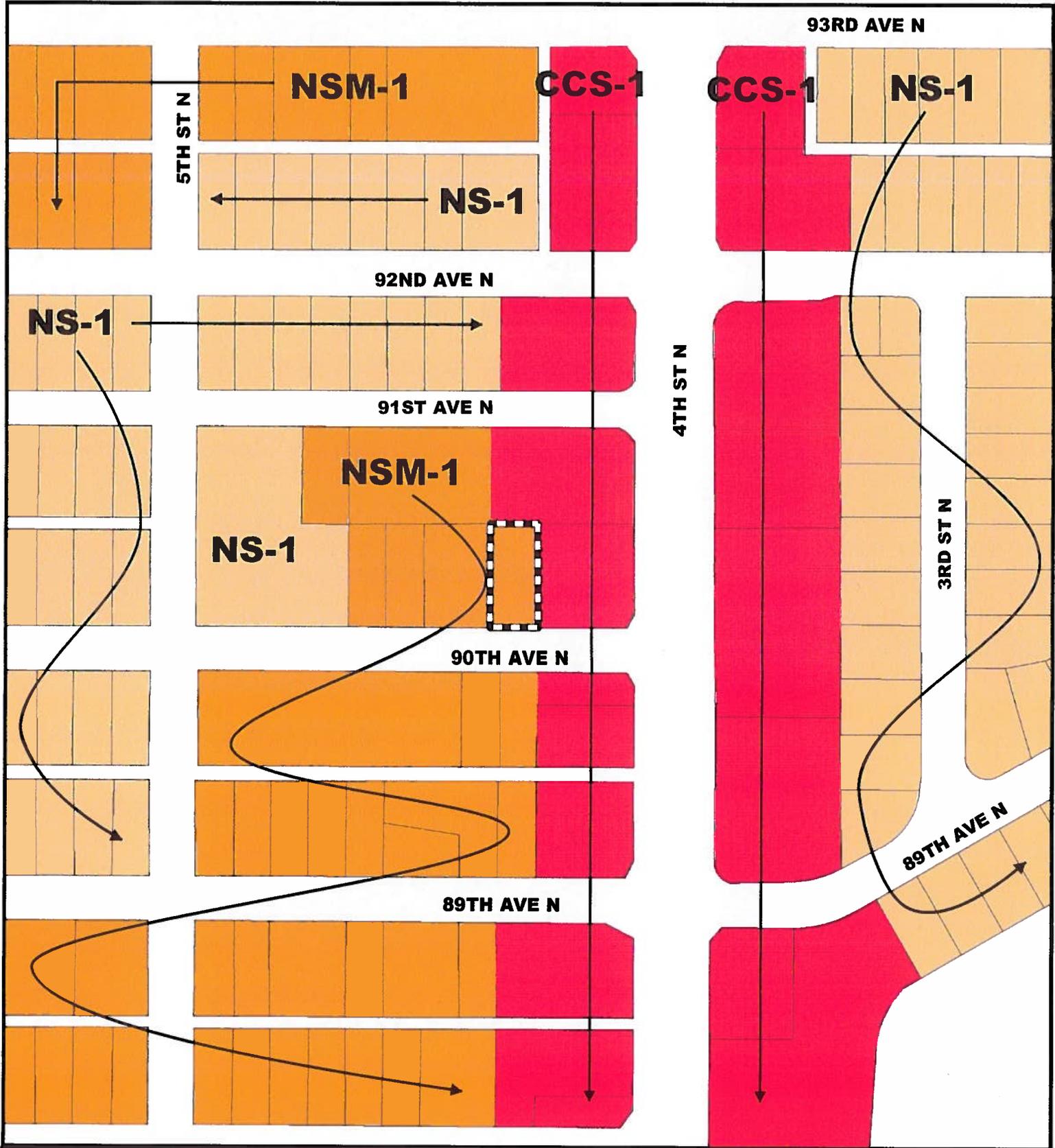
From: RM
(Residential Medium)

To: PR-MU
(Planned Redevelopment
-Mixed Use)



SUBJECT AREA





EXISTING ZONING

CITY FILE

FLUM-26

SCALE: 1" = 167'

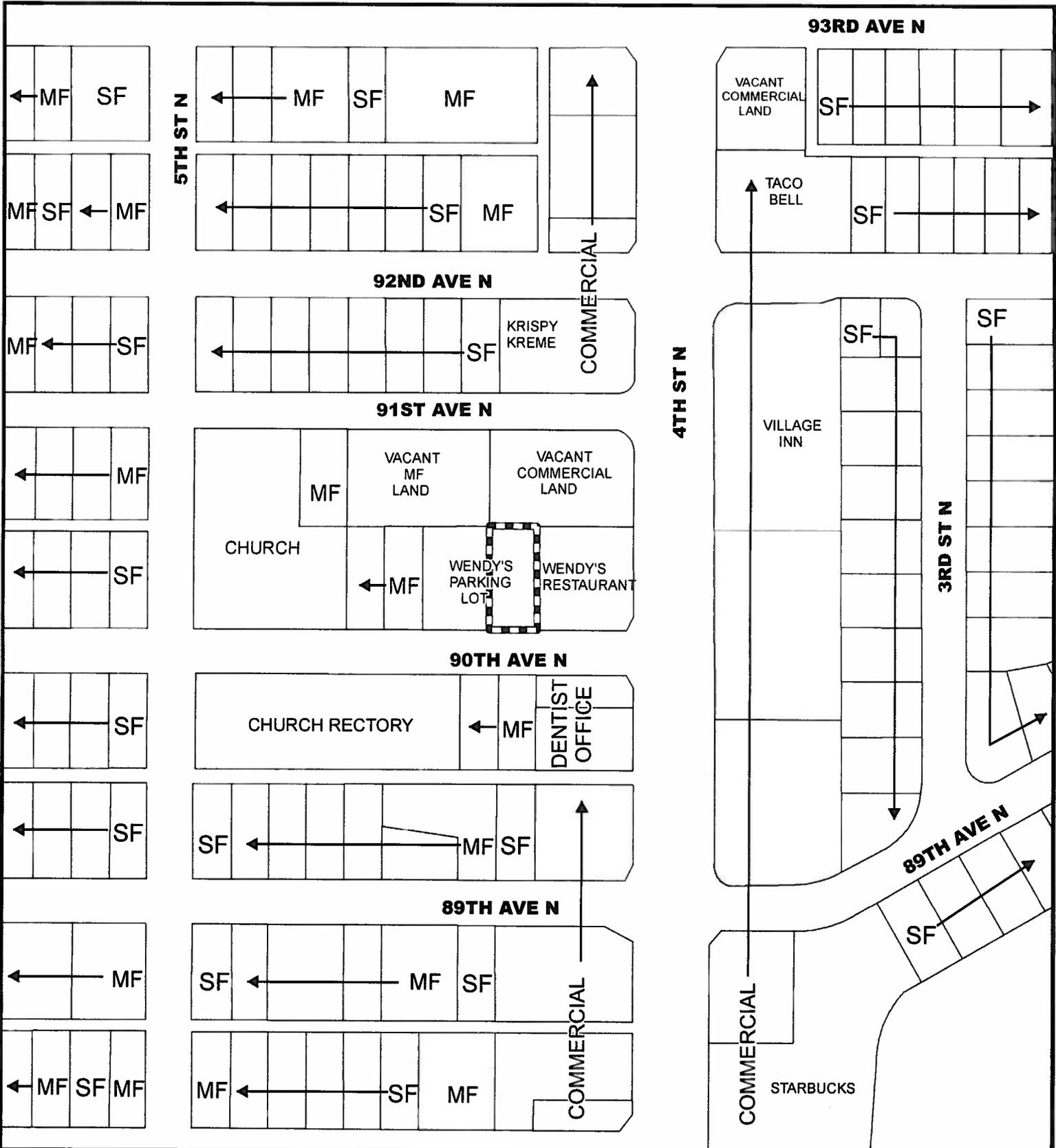
From: NSM-1
(Neighborhood Suburban
Multifamily-1)



SUBJECT AREA

To: CCS-1
(Corridor Commercial
Suburban-1)





EXISTING SURROUNDING USES

CITY FILE

FLUM-26

SCALE: 1" = 167'



SUBJECT AREA



ST. PETERSBURG CITY COUNCIL

Meeting of March 5, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

SUBJECT: An ordinance authorizing the Mayor, or his designee, to accept a Cultural Facilities Grant from the State of Florida in the amount of \$500,000 for the construction of a full kitchen for the Mahaffey Theater; record a restrictive covenant; and to execute all documents necessary to effectuate this grant; and approving a supplemental appropriation in the amount of \$500,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001) resulting from these additional revenues to the Mahaffey Theater Banquet Facility Improvements FY15 project (14660); and providing an effective date.

EXPLANATION: The State of Florida, Division of Cultural Affairs, has awarded a Cultural Facilities Grant in the amount of \$500,000 to the City of St. Petersburg ("City") to assist in the funding of the construction of a full kitchen for the Mahaffey Theater. No City match is required for this grant. The cost of design options, final architectural design and the balance of the construction cost will be funded by the City from existing FY15 and planned FY16 capital funds. The total cost of this project is currently estimated to be \$970,000. Construction plans may include interior modifications to the existing catering kitchen to accommodate new kitchen area (including removal of existing fixtures), new HVAC systems, electrical, plumbing, partitions, catering and dining equipment, finishes and appurtenances; construction of kitchen shell, venting system, lighting and new storage areas, plumbing, electrical, mechanical, fire suppression for kitchen equipment, as well as the purchase and installation of new kitchen equipment.

In order to receive these grant funds for the Mahaffey Theater Full Kitchen project the City must execute the State of Florida, Department of State, Division of Cultural Affairs' standard form grant agreement ("Grant Agreement"). The State of Florida, Department of State, Division of Cultural Affairs will not permit any changes to the Grant Agreement, therefore the City is unable to change provisions in the Grant Agreement that are contrary to the City's standard terms and conditions. Most notably, the City rarely agrees to indemnify and hold harmless any party from any claims arising out of an agreement, however in order to receive this grant the City must agree to the following broad indemnification language "The Grantee shall indemnify and hold the Division harmless from any and all claims of any nature and shall investigate all such claims at its own expense." The Grant Agreement does include language that "If the Grantee is governed by Section 768.28, Florida Statutes, it shall only be obligated in accordance with this Section." The Grant Agreement also provides that venue for any legal action arising under this agreement will be in Leon County, Florida.

The Grant Agreement also requires the City to use the Mahaffey Theater as a cultural facility for ten years. If it is not used as a cultural facility for this time period, the grant funds (or a portion thereof) must be returned.

RECOMMENDATION: Administration recommends approval of the attached ordinance on first reading and scheduling of the public hearing for March 19, 2015.

COST/FUNDING/ASSESSMENT INFORMATION:

Revenues of \$500,000 will be received from this grant to provide additional funding for the construction of a full kitchen for the Mahaffey Theater. A supplemental appropriation will be required from the unappropriated balance of the General Capital Improvements Fund (3001)

resulting from these revenues to the FY15 Mahaffey Theater Banquet Facility Improvements Project (14660). The adopted FY15 CIP plan included an additional \$350,000 in FY16 for this project and will be included in the FY16 recommended budget. The FY15 Mahaffey Theater Banquet Facility Improvements Project (14660) provides an additional \$120,000 funding.

ATTACHMENTS: Ordinance

APPROVALS:

Administration:

 _____ ^{1/28}

Budget:

 _____

Legal:

 _____

(As to consistency with attached Legal documents)

Final

AN ORDINANCE ADOPTED AS REQUIRED BY SECTION 1.02(C)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE MAYOR TO ACCEPT A STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS GRANT IN THE AMOUNT OF \$500,000 FOR THE CONSTRUCTION OF A FULL KITCHEN FOR THE MAHAFFEY THEATER; AUTHORIZING THE RESTRICTIONS CONTAINED IN THE GRANT DOCUMENTS WHICH REQUIRE THAT THE CITY WILL EXECUTE AND RECORD A RESTRICTIVE COVENANT, OR SUCH OTHER APPROPRIATE DOCUMENT, THAT DEDICATES THE LAND AND BUILDING DEVELOPED WITH GRANT ASSISTANCE FOR TEN YEARS AS A CULTURAL FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC SUBJECT TO RULES FOR CONVERSION OF THE PROPERTY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND RECORD IN THE PUBLIC RECORD THE COVENANT AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$500,000 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001); AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. The Mahaffey Theater is defined as that portion of land identified as the Bayfront Center on the City's Park and Waterfront Property Map and which is generally located between Bay Shore Dr. and 1st Street South, and Al Lang Stadium and 5th Avenue South.

Section Two. The State of Florida, Department of State, Division of Cultural Affairs has offered the City a grant in the amount of \$500,000 ("Grant") for the Mahaffey Theater Full Kitchen Construction project.

Section Three. The grant documents contain a requirement that the City will dedicate the Mahaffey Theater for ten years as a cultural facility for the use and benefit of the general public and that such dedication shall be recorded in the public records.

Section Four. The current state law governing this grant provides that if the City should convert any part of the Mahaffey Theater to something other than an approved cultural facility, the City shall return, pro rata, the grant funds disbursed to the City.

Section Five. City Charter Section 1.02(c)(5)A. permits such restrictions for Park or Waterfront Property subject to the stated terms of conversion.

Section Six. The Mayor or his designee is authorized to (i) accept the grant; (ii) execute a restrictive covenant (or such other appropriate document) that dedicates the land and building developed with grant assistance for ten years as a cultural facility and all other documents necessary to effectuate this transaction; and (iii) record such covenant along with the grant agreement and project boundary map in the public records of the county.

Section Seven. Funding. A supplemental appropriation in the amount of \$500,000 is approved from the unappropriated balance of the General Capital Improvement Fund (3001).

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

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

Approvals:

Legal:  Administration: 

Budget: 
Final

AN ORDINANCE AMENDING SECTIONS THREE, FIVE AND SEVEN OF ORDINANCE NO. 702-G; PROVIDING THAT CITY COUNCIL MAY BY RESOLUTION ESTABLISH AND CHANGE RACE DAYS FOR FUTURE GRAND PRIX AUTOMOBILE RACES DURING WHICH RACE ZONE AND CLEAN ZONE REGULATIONS AND OTHER REGULATIONS ARE IN EFFECT; PROVIDING FOR ADDITIONAL REGULATIONS PROHIBITING CERTAIN ACTIVITIES INCLUDING THE USE OF UNMANNED AERIAL VEHICLES DURING RACE DAYS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance No. 702-G in December, 2004; and

WHEREAS, Ordinance No. 702-G established a Race Zone and Clean Zone and regulations to be in effect in each; and

WHEREAS, Section Three of Ordinance No. 702-G establishes the "Race Days" during which these Race Zone and Clean Zone regulations and other regulations shall be in effect; and

WHEREAS, the City Council adopted Ordinance No. 1013-G in March, 2011 which amended Section Three of Ordinance No. 702-G to allow City Council to change Race Days by resolution; and

WHEREAS, the City Council has determined that the operation of unmanned aerial vehicles (aka drones) in the Race Zone and Clean Zone areas creates a potentially dangerous situation for race car drivers, spectators and other persons in the area.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1: SECTION THREE of Ordinance No. 702-G is hereby amended as follows:

SECTION THREE: Both the Clean Zone and the Race Zone shall be in effect on the "Race Days" which shall begin at 12:01 a.m. and end at midnight on the dates established by City Council by resolution, following dates:

- ~~March 25, 2010 through March 28, 2010~~
- ~~March 31, 2011 through April 3, 2011~~
- ~~March 24, 2011 through March 27, 2011~~
- ~~March 29, 2012 through April 1, 2012~~
- ~~April 4, 2013 through April 7, 2013~~
- ~~April 3, 2014 through April 6, 2014~~

If the race is postponed to a later date ~~due to inclement weather~~, then the Race Days shall be extended to midnight of the day the race concludes. City Council may also change the Race Days by resolution.

Section 2. SECTION FIVE of Ordinance No. 702-G is hereby amended by adding a new subsection 10, to read as follows:

10. The operation of any unmanned aerial vehicle is prohibited.
 - a. The term 'operation' shall include operating such vehicle over any portion of the Race Zone (whether the operator is within the Race Zone or not) and/or controlling the operation of such vehicle from within the Race Zone (whether the vehicle is over the Race Zone or not).
 - b. The term 'unmanned aerial vehicle' includes any type of unmanned flying apparatus, including but not limited to, vehicles commonly referred to as 'drones', model planes, model helicopters, rockets, etc.
 - c. Such vehicles could be propelled by gas, other petroleum products, batteries, other non-petroleum products, or any other method of propulsion.
 - d. Such vehicles are usually remotely controlled, but could be controlled by autonomous software or any other method of control except that there is no direct control by a person on the vehicle.
 - e. Such vehicles could be of any size.
 - f. Such vehicles could be used for either commercial or noncommercial purposes.

Section 3. SECTION SEVEN of Ordinance No. 702-G is hereby amended by adding a new subsection 8, to read as follows:

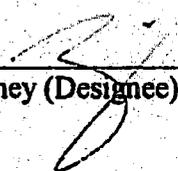
8. The operation of any unmanned aerial vehicle is prohibited.
 - a. The term 'operation' shall include operating such vehicle over any portion of the Clean Zone (whether the operator is within the Clean Zone or not) and/or controlling the operation of such vehicle from within the Clean Zone (whether the vehicle is over the Clean Zone or not).
 - b. The term 'unmanned aerial vehicle' includes any type of unmanned flying apparatus, including but not limited to, vehicles commonly referred to as 'drones', model planes, model helicopters, rockets, etc.
 - c. Such vehicles could be propelled by gas, other petroleum products, batteries, other non-petroleum products, or any other method of propulsion.
 - d. Such vehicles are usually remotely controlled, but could be controlled by autonomous software or any other method of control except that there is no direct control by a person on the vehicle.
 - e. Such vehicles could be of any size.
 - f. Such vehicles could be used for either commercial or noncommercial purposes.

Section 4. All other provisions of Ordinance No. 702-G shall remain in full force and effect.

Section 5. Language which is underlined represents additions and the language which is ~~struck through~~ represents deletions.

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

APPROVED AS TO FORM AND CONTENT:



City Attorney (Designee)

AN ORDINANCE AMENDING SECTIONS THREE, FIVE AND SEVEN OF ORDINANCE NO. 702-G; PROVIDING THAT CITY COUNCIL MAY BY RESOLUTION ESTABLISH AND CHANGE RACE DAYS FOR FUTURE GRAND PRIX AUTOMOBILE RACES DURING WHICH RACE ZONE AND CLEAN ZONE REGULATIONS AND OTHER REGULATIONS ARE IN EFFECT; PROVIDING FOR ADDITIONAL REGULATIONS PROHIBITING CERTAIN ACTIVITIES INCLUDING THE USE OF UNMANNED AERIAL VEHICLES DURING RACE DAYS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance No. 702-G in December, 2004; and

WHEREAS, Ordinance No. 702-G established a Race Zone and Clean Zone and regulations to be in effect in each; and

WHEREAS, Section Three of Ordinance No. 702-G establishes the "Race Days" during which these Race Zone and Clean Zone regulations and other regulations shall be in effect; and

WHEREAS, the City Council adopted Ordinance No. 1013-G in March, 2011 which amended Section Three of Ordinance No. 702-G to allow City Council to change Race Days by resolution; and

WHEREAS, the City Council has determined that the operation of unmanned aerial vehicles (aka drones) in the Race Zone and Clean Zone areas creates a potentially dangerous situation for race car drivers, spectators and other persons in the area.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1: SECTION THREE of Ordinance No. 702-G is hereby amended as follows:

SECTION THREE: Both the Clean Zone and the Race Zone shall be in effect on the "Race Days" which shall begin at 12:01 a.m. and end at midnight on the dates established by City Council by resolution. ~~following dates:~~

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- ~~March 24, 2011 through March 27, 2011~~
- ~~March 29, 2012 through April 1, 2012~~
- ~~April 4, 2013 through April 7, 2013~~
- ~~April 3, 2014 through April 6, 2014~~

F-4

If the race is postponed to a later date ~~due to inclement weather~~, then the Race Days shall be extended to midnight of the day the race concludes. City Council may also change the Race Days by resolution.

Section 2. SECTION FIVE of Ordinance No. 702-G is hereby amended by adding a new subsection 10, to read as follows:

10. The operation of any unmanned aerial vehicle is unlawful and prohibited.
 - a. The term 'operation' shall include operating such vehicle over any portion of the Race Zone (whether the operator is within the Race Zone or not) and/or controlling the operation of such vehicle from within the Race Zone (whether the vehicle is over the Race Zone or not).
 - b. The term 'unmanned aerial vehicle' includes any type of unmanned flying apparatus or unmanned aircraft system, including but not limited to, vehicles commonly referred to as 'drones', model planes, model helicopters, rockets, aircraft, etc.
 - c. Such vehicles could be propelled by gas, other petroleum products, batteries, other non-petroleum products, or any other method of propulsion.
 - d. Such vehicles are usually remotely controlled, but could be controlled by autonomous software or any other method of control except that there is no direct control by a person on the vehicle.
 - e. Such vehicles could be of any size.
 - f. Such vehicles could be used for either commercial or noncommercial purposes.

Section 3. SECTION SEVEN of Ordinance No. 702-G is hereby amended by adding a new subsection 8, to read as follows:

8. The operation of any unmanned aerial vehicle is unlawful and prohibited.
 - a. The term 'operation' shall include operating such vehicle over any portion of the Clean Zone (whether the operator is within the Clean Zone or not) and/or controlling the operation of such vehicle from within the Clean Zone (whether the vehicle is over the Clean Zone or not).
 - b. The term 'unmanned aerial vehicle' includes any type of unmanned flying apparatus or unmanned aircraft system, including but not limited to, vehicles commonly referred to as 'drones', model planes, model helicopters, rockets, aircraft, etc.
 - c. Such vehicles could be propelled by gas, other petroleum products, batteries, other non-petroleum products, or any other method of propulsion.
 - d. Such vehicles are usually remotely controlled, but could be controlled by autonomous software or any other method of control except that there is no direct control by a person on the vehicle.
 - e. Such vehicles could be of any size.
 - f. Such vehicles could be used for either commercial or noncommercial purposes.

Section 4. All other provisions of Ordinance No. 702-G shall remain in full force and effect.

Section 5. Language which is underlined represents additions and the language which is ~~struck through~~ represents deletions.

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

APPROVED AS TO FORM AND CONTENT:

City Attorney (Designee)

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: Members of City Council

DATE: February 13, 2015

COUNCIL DATE: March 5, 2015

RE: *Resolution of Support*

ACTION DESIRED:

Respectfully request City Council to pass a resolution in support of the Pinellas County mental health and substance abuse legislative priorities. See attached.

Amy Foster, Council Vice Chair
District 8

Pinellas County Mental Health and Substance Abuse Priorities

Priority 1:

\$49M GR/\$72M Trust to increase Medicaid rates for Florida's mental health and substance abuse safety net which is crumbling due to lack of attention and underfunding.

- Established Medicaid rates for many substance use disorders and mental health services are below actual cost of service delivery.
- Rates have remained unchanged for over a decade, yet costs for physician and nursing care, professional counseling services and medications to treat Florida's most vulnerable citizens continue to escalate.
- **Medicaid pays only 60% of costs for community behavioral health services.**

Priority 2:

Mental Health & Substance Abuse Reinvestment Grant - \$10 million

- Allows local communities to plan, implement, or expand jail and other diversion initiatives through 100% local government match funding.
- Increases public safety and averts increased spending on criminal justice.
- Improves accessibility to, and effectiveness of, diversion and treatment services for adults/juveniles with mental illness and/or substance use disorder at-risk of entering the justice system.

Priority 3: Stabilize Base Funding and Respond to Gaps in Community Service Needs - \$16 million

- Allows rate adjustments to pay true cost of existing service delivery.
- Funds selected community service enhancements determined by community needs assessment.
- Funds psychiatric care and medications in substance use disorder programs offering co-occurring mental health services.

COUNCIL AGENDA NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: **February 19, 2015**

COUNCIL DATE: **March 5, 2015**

RE: ***Short Term Improvements in Regulating Noise Downtown***

ACTION DESIRED:

Respectfully requesting a referral to the PS&I Committee to discuss regulating and enforcing noise downtown.

RATIONALE:

The legal staff and police department are currently researching how to improve our ability to enforce our downtown noise regulations. The challenge is caused by the sharp increase in both residential high rises and late night bars which results in a canyon sound effect where the sound is often much louder several stories above the source of the sound. They hope to come back to us in a few months with a strategy to deal with this.

In the meantime, there are two changes in our ordinances that can deal with two of our noise issues. First, our current ordinance only allows us to increase the citation to \$500.00 for the second and subsequent violations if the violator pleads "guilty" as compared to simply paying the fine. We need to amend this so not contesting the citation is considered the first violation thus allowing future violations to be subject to the \$500.00 penalty.

The other area that I am asking to amend is in Chapter 11-53 relating to Loud, Raucous, and unnecessary noises in section 4 which regulates noise from outdoor cafes and bars. They are allowed to be heard for 1,000' until 11pm or until 12am on Friday, Saturday and the day before national holidays. If we limit the outdoor amplified noise to 10 pm on Sunday -Thursday and 11pm on Friday, Saturday and the day before national holidays, it would help the police with the most common noise issues.

It should be noted that downtown effectively has the loosest noise restrictions. Also, this does not attempt to limit noise from inside the cafes and bars. (See attachment)

Karl Nurse
Council Member

Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any building in a residential zoning district so that the sound is plainly audible to any person at a distance of 500 feet or more from the building between 8:00 a.m. and 11:00 p.m.

- d. Sound which may escape a building during the normal use of doors for ingress and egress shall not be a violation of this section.

(4) Privately-owned outdoor places.

- a. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine or device that produces, reproduces or amplifies sound in any privately-owned outdoor place in a nonresidential zoning district so that the sound is plainly audible to any person at a distance of 100 feet or more from the source of the sound between the hours of 11:00 p.m. and 8:00 a.m. the following morning.

- b. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine or device that produces, reproduces or amplifies sound in any privately-owned outdoor place at a nonresidential use, when making sound is not the principal use of the property (e.g., the outdoor deck of a restaurant), so that the sound is plainly audible to any person at a distance of 1,000 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. (12:00 midnight on Fridays, Saturdays and the days before a national holiday, this is an exception to subsection (4)a of this section).

- c. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine or device that produces, reproduces or amplifies sound in any privately-owned outdoor place, when making sound is the primary, lawful permitted use of that portion of the property (e.g., a performance venue), so that the sound is plainly audible to any person at a distance of 3,000 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. (12:00 midnight on Fridays, Saturdays and the days before a national holiday, this is an exception to subsection (4)a of this section).

- d. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine or device that produces, reproduces or amplifies sound in any privately-owned outdoor place at a residential use, so that the sound is plainly audible to any person at a distance of 500 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m.

- e. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any privately owned outdoor place in a residential zoning district so that the sound is plainly audible to any person at a distance of 25 feet or more from the source of the sound between 11:00 p.m. and 8:00 a.m. the following morning.

- f.

Amend
this
section

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: Members of City Council

DATE: February 25, 2015

COUNCIL DATE: March 5, 2015

RE: Referral to Council Workshop

ACTION DESIRED:

Respectfully requesting a referral to a council workshop for the Grow Smarter Initiative and next steps with the St. Petersburg Chamber of Commerce.

Amy Foster, Vice-Chair
St. Petersburg City Council

ST. PETERSBURG CITY COUNCIL
Housing Services Committee Report
Council Meeting of March 5, 2015

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council

FROM: Housing Services Committee: Karl Nurse, Committee Chair, Darden Rice, Committee Vice-Chair, Charlie Gerdes, Council Chair, Amy Foster, Councilmember, and James Kennedy Councilmember

RE: Housing Services Committee Meeting of February 19, 2015

New Business:

Update of the Developer Design Homes to be funded with Neighborhood Stabilization Program (NSP) funds, Louis Moore, Director, Procurement and Supply Management Department

Mr. Moore began the discussion by explaining that there were three responses to the Request for Proposal that the City received. There is \$800,000 in funding to spend for new construction of housing. He discussed that in conversations with the Legal Department, it held that there could not be a blanket waiver of bonds. There was conversation about waiving bonds could be a detriment if the construction is not complete. There was discussion that the bonds are in place to protect the City and the subcontractors.

A discussion was held to inform that we would want better proof that subcontractors were paid doing business with contractors whom the City has successfully done business with before. It was reported that of the three developers who submitted a response, General Home Development (GHD) has two assessment liens and one permit violation with the City. There was discussions as to whether GHD could be brought back into resolution if it cures its outstanding assessments and permit violation. It was decided that they not receive an award until they addressed their assessments.

Mr. Brian Smith of GHD was asked how many assessments his company had with the City. Mr. Smith responded that all previous assessments were cured, and he believe that the two current assessments were new (they occurred after December 2014).

Action: A Motion was made to amend the resolution and to accept only American Housing and Griffin Contracting for recommendation to Full Council.

Review of Palmetto Park Accomplishments, Mike Dove, Neighborhood Affairs Administrator

Mr. Dove discussed the issues and opportunities available in Palmetto Park. He felt tht it was an area that can change quickly. Administration gathered together all departments and came up with a comprehensive plan to positively impact the area. Some of the items looked at were sidewalks, tree trimmings, and the need for police presence. Mr. Dove discussed that there were 11 demolitions in the neighborhood and three (3) homes were rehabilitated. The neighborhood was also recipient of a

portion of the \$500,000 mini neighborhood grants. There were 41 home sales through December 14. However, there is still work to be done, as dead and zombie properties continue to exist.

Lessons Learned

Cooperation from all Departments
Still have Dead and Zombie Properties
Boarded Structures
Neighborhood Stabilization Program New Construction
Continue to work with non and for-profit developers

Next Area: Bartlett Perk

Discussions centered around the large number of homeowners in Palmetto Park and the Rebates for Residential Rehabilitation program. A question was asked of the 100 homes demolished and 3 rehabilitated, what made the owners decide to rehabilitate the homes. The answer was that if you cite the owner and inform them of the resources available to them (like Rebates for Residential Rebates), they usually comply. In addition the demolition letter provided by the Codes Assistance Compliance Department is also a viable strategy.

Action: No action taken

Discussion of the Civil Enforcement Process, Todd Yost, Director, Codes Compliance Assistance Department

Mr. Rob Gerdes of the Codes Compliance Assistance Department provided an overview of the Civil Enforcement process.

Strategy Goals

- Achieve Faster Compliance Time
- Develop Legal Solutions for Failure to Comply

Current Enforcement Practices

- Code Enforcement Board (CEB)
- Municipal Ordinance

Calendar Year 2014

- 27,370 total cases
- Code Enforcement Board – 1,477
- Municipal Ordinance Violation (MOV) – 325

Issues of Enforcement

- Time of Enforcement 4 – 8 months

- Staff Time
- Final Measures Lacking
- Enforcement Strategy Proposal
- Municipal Ordinance Violation
- Legal Action
- Civil Citation

The department is currently working on cases to allow it to be able to go onto private property and remove defective trees, among others.

Civil Citation

- Warning issued with cure time
- Citation issued at re-inspection of violation not cured
- Option to pay citation amount or appeal violation
- Payment through Billing and Collections
- Appeals to be heard by Special Magistrate or CEB

Amounts of fees - \$40 in draft form

Maintenance - \$100

Occupying incomplete buildings - \$350

Removal of trees - \$500

Civil Citation Status

- Has draft ordinance in City Attorney's Office
- Develop Fee Schedules
- Develop Decision Matrix for Enforcement Tools
- Working with ICS and Billing

Staff would like to come back with more details within one month. Models of the program in Tampa and Coral Gables were discussed which the City would like to emulate.

Closing

- Achieve Faster Compliance Time
- Develop Legal Solutions for Failure to Comply

There were discussions about how long will it take to get some sense that the contract with the private attorney is working. There was additional discussion of a desire to have an ordinance within one month with enforcement by the summer. A question was asked about at what point a City can step in to revoke occupancy, and a comment was made that one tool is to use Chapter 8 and request building owners to provide information.

Mr. Yost discussed that he would like to bring the item back with more detail of how it will work.

Action: No action taken.

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

Ms. Lampe provided a brief update that there are 8 properties available for sale with contracts pending on 4 properties.

Action: No action taken.

A comment was made by the Chair that the Rebates for Residential Rehabilitation Program is working and funding to be allocated is today is already committed to projects. He would like to see the subsidy reduced which would result in more units assisted.

Next meeting: March 26, 2015

Topics:

Update of Jamestown Apartments, Donald Crawford, Manager of Jamestown
SHIP Affordable Housing Incentive Strategies, Derek Kilborn, Manager, Planning and Economic Development
State Housing Initiatives Program (SHIP) Local Housing Assistance Plan, Joshua Johnson and Staff of Housing
Update of the NSP-1 and NSP-3 Programs, Stephanie Lampe, Sr. Housing Development Coordinator

Committee Members

Karl Nurse, Chair
Darden Rice, Vice-Chair
Amy Foster, Councilmember
Charlie Gerdes, Council Chair
James Kennedy, Councilmember



City of St. Petersburg
City Council
Co-Sponsorship Committee

Thursday, February 26, 2015, 2:30 PM

City Hall Room 100

Committee Members

Charlie Gerdes

Jim Kennedy

Steve Kornell

Bill Dudley, Alternate

The Co-Sponsorship Committee met on Thursday, February 26, 2015 with Council Members Gerdes, Kennedy, and Dudley present.

The Committee elected Council Member Gerdes as Chair.

The Committee considered the following action items on the agenda:

- I. Approval of fifteen (15) FY15 Group B and Group C events-**all events approved**, with approval of one event (Unveiling Awards Showcase) St. Pete Grand Prix by the Sea) contingent on the for profit applicants providing a non-profit beneficiary to staff no less than 45 days from the first day of each event.

Going forward, all resolutions for approval of co-sponsored events will contain a requirement that all for-profit applicants provide the name of the non-profit beneficiary no less than 45 days from the first day of the event.

- II. Approval of one (1) Group C for exemption from the beer and wine only restriction-**approved**
- III. Approval of twenty-six (26) FY 16 Group A events-**all events approved**, **all events approved**, with approval of one event (St. Pete Grand Prix by the Sea) contingent on the for profit applicants providing a non-profit beneficiary to staff no less than 45 days from the first day of each event.

- IV. Discussion of event funding-Gary Cornwell, the City Administrator, presented a proposal for funding for co-sponsored events. The specific amount that would be available is not known at this time, (for funding beginning in FY16), however, under Mr. Cornwell's proposal, all co-sponsored events (except those with a for-profit applicant) would be able to apply for funding for their respective events. The committee will discuss this with the full City Council at a Committee of the Whole Meeting at a later date.

Submitted by Lynn Gordon, Parks & Recreation Manager & Co-Sponsorship Committee Liaison

A RESOLUTION IN ACCORDANCE WITH CITY CODE SECTION 21-38(d) EXEMPTING 97X NEXT BIG THING (VINOY PARK), RIBFEST (VINOY PARK), CHILLOUNGE NIGHT (NORTH STRAUB PARK) AND ST PETE POWER AND SAILBOAT SHOW (ALBERT WHITTED 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, 97x Next Big Thing, Ribfest, Chillounge Night, St. Pete Power and Sailboat Show have previously been 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, 97x Next Big Thing will take place December 5 & 6, 2015, between the hours of 12:00 p.m. and 10:00 p.m. in Vinoy Park; and

WHEREAS, Ribfest will take place November 13-15, 2015 between the hours of 11:00 a.m. and 10:00 p.m. in Vinoy Park; and

WHEREAS, Chillounge Night will take place November 21, 2015 between the hours of 6:00 p.m. and 11:00 p.m. in North Straub Park; and

WHEREAS, St. Pete Power and Sailboat Show will take place December 3 – 6, 2015 between the hours of 10:00 a.m. and 7:00 p.m. in Vinoy 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 that 97X Next Big Thing (Vinoy Park), Ribfest (Vinoy Park), Chillounge Night (North Straub Park) and St. Pete Power and Sailboat Show (Albert Whitted 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: /s/ RBB Administration: _____

Legal: 00211976.doc V. 2

Resolution No. 2015-_____

A RESOLUTION APPROVING EVENTS FOR CO-SPONSORSHIP IN NAME ONLY BY THE CITY FOR FISCAL YEAR 2016; WAIVING THE NON-PROFIT REQUIREMENT OF RESOLUTION NO. 2000-562(a)8 FOR THE CO-SPONSORED EVENTS TO BE PRESENTED BY COX MEDIA, LLC, DESIGN OFFRESCO CORP., LIVE NATION WORLDWIDE, INC., LOCAL SHOPPER, LLC, POWERBOAT P1 (USA) LLC, YACHTING PROMOTIONS, 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 2016; 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, Cox Media, LLC, Design Ofresco Corp., Live Nation Worldwide, Inc., Local Shopper, LLC, Powerboat P1 (USA) LLC, Yachting Promotions, 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

(b)

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 2016, provided that the For Profit Entities shall provide evidence to the City of partnering with a non-profit organization 45 days prior to the first day of the event:

Group A Events

Event Name	Non Profit	Profit Organization	Event Dates
Light the Night	THE LEUKEMIA & LYMPHOMA SOCIETY, INC		10/24/15
97x Next Big Thing	PARC, INC.	COX MEDIA, LLC	12/05/16, 12/06/15, 12/12/15, 12/13/15
St. Petersburg Grand Prix by the Sea	TBD	POWERBOAT P1 (USA) LLC	10/23/15 - 10/25/15
Purplestride Run / Walk	PANCREATIC CANCER ACTION NETWORK, INC.		11/07/15
SPIFFS	ST. PETERSBURG INTERNATIONAL FOLK FAIR SOCIETY, INC.		10/29/15 - 11/01/15
Ribfest	NORTHEAST EXCHANGE CLUB OF ST. PETERSBURG, FLORIDA, INC.		11/13/15 - 11/15/15
Boley Centers Jingle Bell Run	BOLEY CENTERS, INC.		12/09/15
St. Pete Power and Sailboat Show	SAIL AMERICA, INC.	YACHTING PROMOTIONS, INC.	12/03/15-12/06/15
Folkfest St Pete	CREATIVE CLAY INC.		11/07/15/ & 11/08/15
Craft Art Festival 2015	FFLORIDA CRAFTSMEN		11/21/15-11/22/15
Out of the Darkness Community Walk	AMERICAN FOUNDATION FOR SUICIDE PREVENTION, INC.		10/24/15
First Night St Pete	FIRST NIGHT ST. PETERSBURG, INC.		12/31/15
Komen Suncoast Race for the Cure	FLORIDA SUNCOAST AFFILIATE OF THE SUSAN G. KOMEN BREAST CANCER FOUNDATION, INC.		10/03/15
Chillounge Night	CREATIVE CLAY INC.	DESIGN OFRESCO CORP.	11/21/15
Get Downtown St. Pete	THE BREAKFAST OPTIMIST CLUB OF ST. PETERSBURG, FLORIDA, INC		1 st Friday of each Month
Shopapalooza	ROTARY CLUB OF ST. PETERSBURG SUNSET INC.	LOCAL SHOPPER, LLC	11/21/15 & 11/28/15
Marinequest	WAIVER	FWC - Florida Fish and Wildlife Research Institute	10/15/15 - 10/17/15
Sunshine Music Fest.	MY HOPE CHEST CORPORATION	LIVE NATION WORLDWIDE, INC.	01/16/16 & 01/17/16
SPCA Petwalk 3K	SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, TAMPA BAY, FLORIDA, INC.		10/10/15
Ties and Tennis Shoes	PINELLAS COUNTY EDUCATION FOUNDATION, INC		12/5/15
Circus McGurkis	SOUTHEASTERN YEARLY MEETING, RELIGIOUS SOCIETY OF FRIENDS, INC.		10/31/15
Bungalow Fest	HISTORIC KENWOOD NEIGHBORHOOD ASSOCIATION, INC.		11/7/15 & 11/8/15
Making Strides	AMERICAN CANCER SOCIETY, INC.		10/15/15
St Pete Science Festival	PIER AQUARIUM, INC		10/16/15 & 10/17/15
Grand Citrus Festival	TBD	GRAND CITRUS GROUP, LLC	2/11/16 - 2/14/16
St. Pete Yacht Club Vintage Motor Classic	ST. PETERSBURG YACHT CLUB		11/08/15
MLK Festival of the Bands	MARTIN LUTHER KING, JR. HOLIDAY & LEGACY ASSOCIATION, INC.		01/17/16

; 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 2016 by Cox Media, LLC, Design Ofresco Corp., Live Nation Worldwide, Inc., Local Shopper, LLC, Powerboat P1 (USA) LLC, and Yachting Promotions, Inc.; 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: /s/ RBB _____

Administration: _____

Budget: _____

Legal: 00212192.doc v. 3

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 CT FITNESS, LLC, BIG CITY EVENTS, LLC, LIVE NATION WORLDWIDE, INC., VISIONNAIRE CREATIONS, 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, CT Fitness, LLC, Big City Events, LLC, Live Nation Worldwide, Inc, Visionnaire Creations, 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-

(c)

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, provided that the For Profit Entities shall provide evidence to the City of partnering with a non-profit organization 45 days prior to the first day of the event:

Group B & C Events

Event Name	Non Profit	Profit Organization	Event Dates
One Step Closer 5K	CELMA MASTRY OVARIAN CANCER FOUNDATION, INC.		09/19/15
Sunrise Run-First to the Cross	FIRST TO THE CROSS MINISTRIES, INC.		09/26/15
Police Appreciation Run	PARTNERS FOR LIFE FOUNDATION, INC.		05/16/15
WOD Jamz Fitness Festival	TEAM RED, WHITE, AND BLUE, INCORPORATED	CT FITNESS, LLC	05/30/15 - 05/31/15
LAO New Year Festival of Florida	LAO ARTS AND CULTURAL FOUNDATION, INC.		05/02/15
Key West Fest	ROTARY CLUB OF ST. PETERSBURG, INC.	BIG CITY EVENTS, LLC	09/26/14
Gulf Coast Wheel Chair Derby	MOUNT ZION PROGRESSIVE MISSIONARY BAPTIST CHURCH HUMAN SERVICES, INC.		07/25/15
Warped Tour	MY HOPE CHEST CORPORATION	LIVE NATION WORLDWIDE, INC.	07/03/15
Back to School Care Fair	THE JUNIOR LEAGUE OF ST. PETERSBURG FLA., INCORPORATED		08/01/15
Drive Electric Day St. Petersburg	THE SIERRA CLUB FOUNDATION, INCORPORATED		09/12/15
International Curry Festival	GEORGETOWN WESLEYAN UNIVERSITY, USA		09/19/15
Walk for Children with Apraxia of Speech	CHILDHOOD APRAXIA OF SPEECH ASSOCIATION OF NORTH AMERICA/SERTOMA CLUB OF ST. PETE, INC.		09/26/15
"Unveiling" Awards Showcase		VISIONNAIRE CREATIONS, LLC	08/20/15 & 08/21/15
St. Petersburg Festival (SPF15)	SUNCOASTERS OF ST.PETERSBURG FOUNDATION, INC.		9/18/15-9/27/15
Dining Out for Life	GULF TO BAY FOOD TRUCK ASSOCIATION, INC.		04/28/15

; 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 CT Fitness, LLC,

Big City Events, LLC, Live Nation Worldwide, Inc., and Visionnaire Creations, 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: /s/ RBB

Administration: _____

Budget: _____

Legal: 00212193.doc v. 2

Resolution No. 2015- _____

A RESOLUTION IN ACCORDANCE WITH CITY CODE SECTION 21-38(d) EXEMPTING THE GREAT BRAINWASH (SOUTH STRAUB 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 THE VENUE, DURING THE EVENT AS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Great Brainwash has previously been approved as a Co-sponsored Event; and

WHEREAS, the promoter of the event has 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 the venue, during the event; and

WHEREAS, The Great Brainwash will take place August 8, 2015 between the hours of 8 a.m. and 4:00 p.m. in South Straub Park; and

WHEREAS, the Co-Sponsored Events Committee has recommended approval of the request of the promoter.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that The Great Brainwash (South Straub Park) is 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 the venue, during the time and on the date of the event as set forth herein.

This Resolution shall become effective immediately upon its adoption.

Approvals:

Legal: /s/ RBB Administration: _____

Legal: 00211858.doc V. 1

(d)

A RESOLUTION OF THE ST. PETERSBURG CITY COUNCIL URGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 4005 AND SENATE BILL 176 WHICH ALLOW CONCEALED CARRY LICENSEES TO CARRY HANDGUNS AND OTHER WEAPONS INTO COLLEGE AND UNIVERSITY FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the University of South Florida – St. Petersburg, Eckerd College and St. Petersburg College are educational institutions located in St. Petersburg that would be affected by HB 4005 and SB 176; and

WHEREAS, the possession of firearms on college and university campuses is very dangerous and threatens the health, safety and welfare of the students and faculty studying and teaching at college and university campuses in the City of St. Petersburg; and

WHEREAS, the possession of firearms on college and university campuses is abhorrent to the ideals of higher education, and anything gained by the perceived safety concealed firearms may provide is far outweighed by the risk and distraction they would bring; and

WHEREAS, allowing the possession of firearms on college and university campuses will discourage in-state, out-of-state and foreign students from attending college in the State of Florida, negatively impacting the flow of talented students into the state and thereby dampening economic growth.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the City Council urges the members of the Florida Legislature to oppose passage of HB 4005 and SB 176, which allow concealed carry licensees to carry concealed handguns and other weapons into college and university facilities.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Governor, Senate President, House Speaker and members of the Pinellas County Legislative Delegation.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:


City Attorney (designee)

A RESOLUTION OF THE ST.
PETERSBURG CITY COUNCIL
URGING MEMBERS OF THE
FLORIDA LEGISLATURE TO
SUPPORT HOUSE BILL 623
WHICH PROHIBITS CERTAIN
DISCHARGE OF FIREARMS;
AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, the discharge of firearms in neighborhoods and other residential areas is extremely dangerous and threatens the health, safety and welfare of all residents of the City of St. Petersburg; and

WHEREAS, the absolute prohibition of discharge of firearms inside and outside of residential property, except for discharges by law enforcement or in the course of self-defense, is necessary to protect the health, safety and welfare of residents of the City of St. Petersburg.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the City Council urges the members of the Florida Legislature to support HB 623, which prohibits the discharge of firearms on residential property, regardless of whether discharge occurs outdoors or in a reckless or negligent manner, except for discharges by law enforcement or in the course of self-defense.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Governor, Senate President, House Speaker and members of the Pinellas County Legislative Delegation.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:


City Attorney (designee)



st.petersburg
www.stpete.org

**Community Redevelopment Agency
Meeting of March 5, 2015**

CRA Case File: IRP 15-1a

REQUEST

Review of the proposed plan to construct an 13-story, 140,000 square foot, 74-unit, multi-family residential development, located at 199 Dali Boulevard South for consistency with the Intown Redevelopment Plan.

APPLICANT INFORMATION

Applicant DDA-Salvador
1215 North Franklin Street
Tampa, FL 33602

Property Owner Second and Five LLC
9 3rd Street North
St Petersburg, FL 33701

Algirdas Bobelis
4010 Belle Vista Drive
St Pete Beach, FL 33706

Architect/Engineer Tim Clemmons
Mesh Architecture
33 6th Street South
St. Petersburg, FL 33701

OVERVIEW OF PROJECT

The subject property is located at the northeast corner of Dali Boulevard South (5th Avenue South) and 2nd Street South. The project, valued at \$ 21-million, consists of constructing a 13-story, 140,000 square foot, 74-unit, multi-family development.

The existing property is developed with three (3) apartment buildings with a total of 26 units. The applicant proposes to demolish the three (3) existing apartment buildings and construct a 13-story residential tower and a 2-story parking garage.

The first 2-floors of the building occupy the majority of the subject property. The residential tower will be "L" shaped and located towards the southwest corner of the subject property. The ground floor of the building will consist of a lobby, retail space, back of house functions and the first level of parking. The second floor of the building will be the second level of parking. The 3rd floor of the proposed tower will have six (6) dwelling units and an amenity space. Floors 4 through 12 will have seven (7) dwelling units per floor. The 13th floor will have five (5) residential units.

The building is sited in the southwest portion of the property toward the intersection of Dali Boulevard South and 2nd Street South. The proposed retail space is located along 2nd Street South with a slight set back off the street to allow an at grade patio. The proposed retail space also screens the parking garage from 2nd Street South. The retail space will be approximately 3,300 square feet. The entrance lobby will be at southwest corner of the building. The lobby entrance is oriented towards Dali Boulevard South. The parking garage will be located along Dali Boulevard South with access to the garage also from Dali Boulevard South. The applicant proposes to screen the garage from Dali Boulevard South with a decorative screen wall. The applicant also proposes to incorporate a rock garden along with the decorative screen wall. The applicant proposes two parking spaces off of Delmar Terrace South for the retail space. The dumpster area and back of house functions will be located along Delmar Terrace South.

The proposed architectural style of the building will be contemporary. The base of the building along 2nd Street South will have ample amount of glazing to help create a more transparent façade along the street level. The base of building along Dali Boulevard South will be finished with a decorative screen wall. The southwest corner of the building will be finished in metal panels utilizing two different colors. The southwest corner of the tower will also have projecting balconies. The remaining portion of the tower incorporates an ample number of windows and glass balconies. The windows themselves are scattered about creating a whimsical façade. The exterior design of the tower was inspired by Salvador Dali.

CONSISTENCY WITH INTOWN REDEVELOPMENT PLAN

The Intown Redevelopment Plan (IRP) requires the Community Redevelopment Agency to evaluate a development proposal to ensure its proposed use and design are consistent with the Plan.

Plan Emphasis

The Project is located within the “Residential” area of Intown, which is one of the four focus areas of the IRP, the others being the Core, Webb’s City, and the Stadium Complex.

The zoning for the site is DC-2, which does allow multifamily dwellings with a floor area ratio of up to 7.0. The Project, with a proposed FAR of 3.5, is therefore consistent with the Intown Redevelopment Plan.

Design Criteria

Design criteria in the IRP that pertain to this project include:

- *architectural, aesthetic and functional integration of buildings within a project;*
- *provision of architectural variety to the area and uses that generate street level activities;*
- *sensitivity of building mass and scale to adjacent existing development and residential areas; and*
- *inclusion of streetscaping features to enhance the pedestrian environment.*

The Project is well-designed and is articulated on all sides of the building. The Project design enhances the pedestrian environment in Downtown.

SUMMARY AND RECOMMENDATION

Administration recommends approval of the attached resolution finding the proposed 13-story, 140,000 square foot, 74-unit, multi-family residential development consistent with the Intown Redevelopment Plan as reflected in report IRP 15-1a based on preliminary plans submitted for review subject to the following conditions:

1. Final building plans must be reviewed and approved by CRA staff;
2. Applicant complies with any conditions of approval required by Development Review Services staff.

EXHIBIT A
Site Data

Location	199 Dali Boulevard South 19/31/17/74466/078/0090, 19/31/17/74466/078/0091, 19/31/17/74466/078/0110, 19/31/17/74466/078/0120
Redevelopment Area	Intown Redevelopment Area
Zoning District	DC-2
Existing Land Use	Multi-family residential
Proposed Uses	13-story, 74-unit multi-family development
Site Area	40,000 sq. ft. or 0.92 acres
Proposed FAR	3.5 FAR
Existing FAR	0.31 FAR
Permitted FAR	7.0 FAR bonus
Number of Residential Units	74
Existing Parking	15 spaces
Proposed Parking	128 spaces

CRA RESOLUTION NO.

RESOLUTION OF THE ST. PETERSBURG COMMUNITY REDEVELOPMENT AGENCY (CRA) FINDING THE 140,000 SQUARE FOOT, 74-UNIT, MULTI-FAMILY RESIDENTIAL DEVELOPMENT, LOCATED AT 199 DALI BOULEVARD SOUTH CONSISTENT WITH THE INTOWN REDEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE (CITY FILE IRP 15-1A).

WHEREAS, the Community Redevelopment Agency of the City Council of the City of St. Petersburg has adopted the Intown Redevelopment Plan and established development review procedures for projects constructed within designated redevelopment areas;

WHEREAS, the Community Redevelopment Agency has reviewed the plans to construct a 140,000 square foot, 74-unit, multi-family residential development described and reviewed in CRA Review Report No. IRP 15-1a; and

BE IT RESOLVED that the Community Redevelopment Agency of the City of St. Petersburg, Florida, finds the plans to construct a 140,000 square foot, 74-unit, multi-family residential development consistent with the Intown Redevelopment Plan, with the following conditions:

1. Final building plans must be reviewed and approved by CRA staff;
2. Applicant must comply with any conditions of approval required by Development Review Services staff.

This resolution shall become effective immediately upon its adoption.

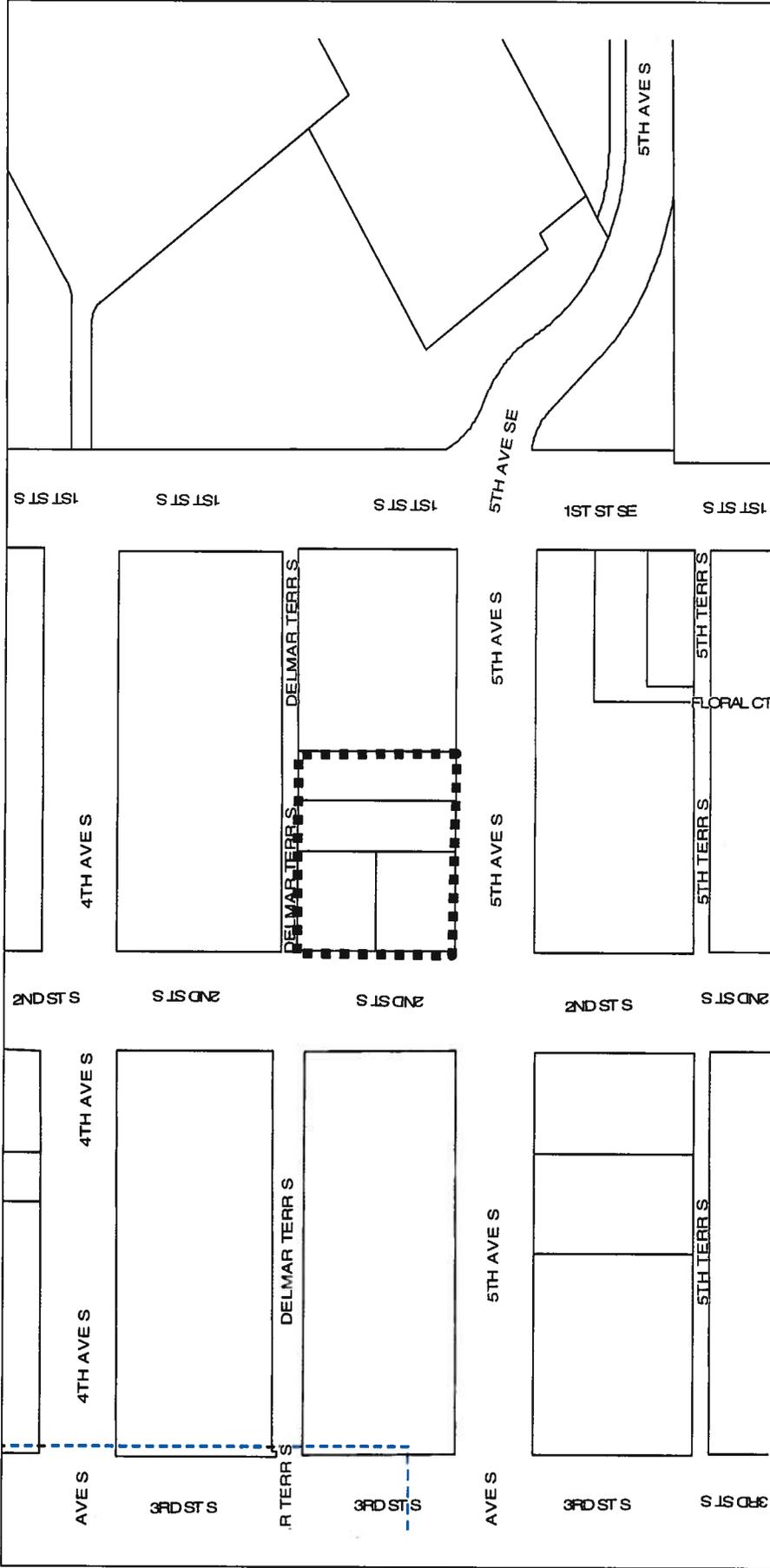
APPROVED AS TO FORM AND CONTENT



City Attorney (designee)



Dave Goodwin, Director
Planning & Economic Development Department



Planning & Economic Development Department
 Case No.: 15-1a
 Address: 199 Dali Boulevard North



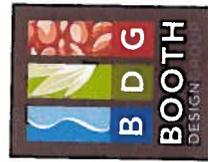


Planning & Economic Development Department
Case No.: IRP 15-1a
Address: 199 Dali Boulevard South

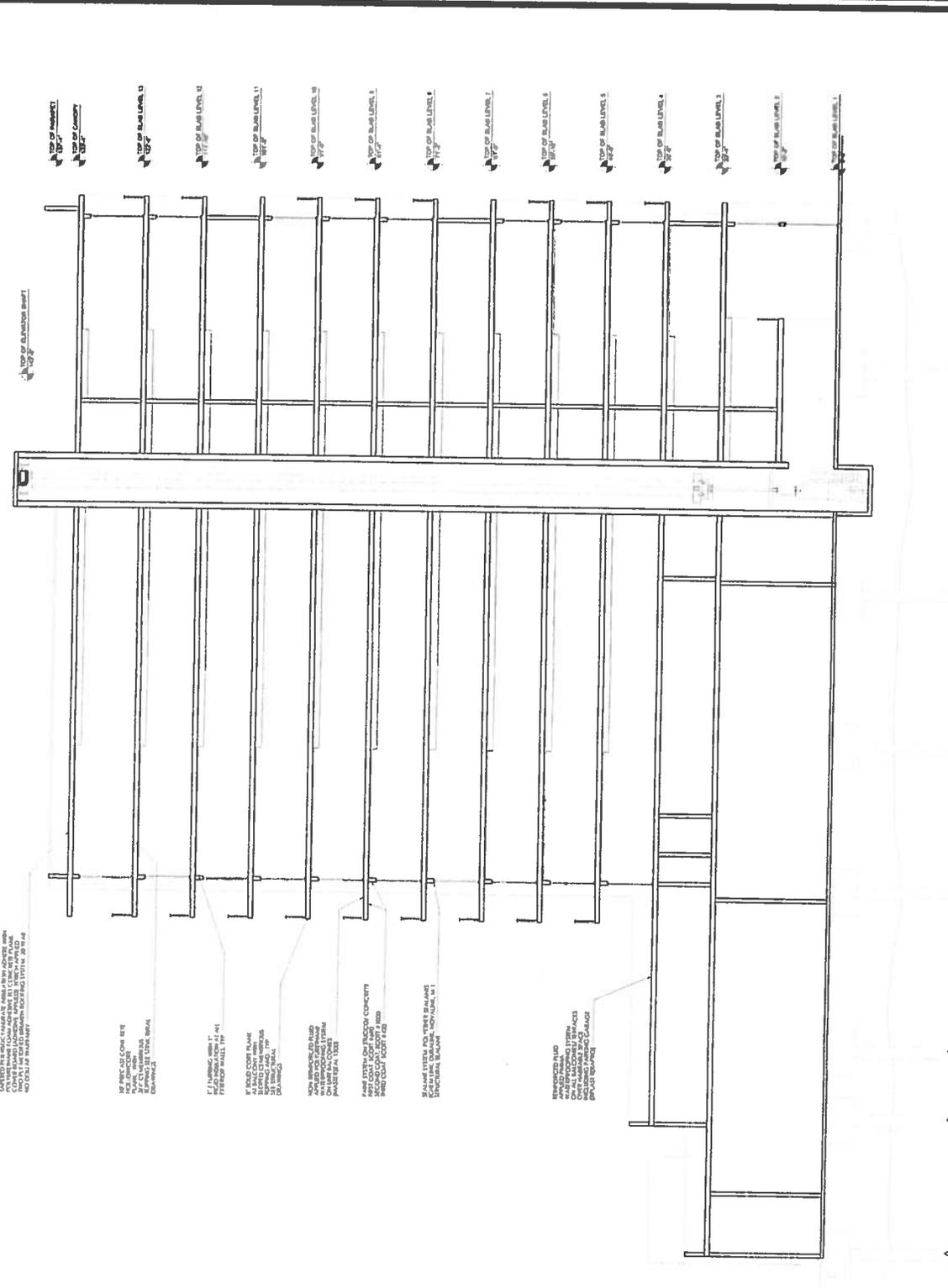


LANDSCAPE LEGEND

-  EXISTING TREE
-  SHADE TREE
-  PALM TREE
-  FLOWERING TREE
-  BAMBOO
-  GROUNDCOVER/
LANDSCAPE
-  SOD
-  EXISTING BOLLARDS
-  ROCK GARDEN/
STORMWATER FEATURE



THE SALVADOR
 199 DALI BOULEVARD SOUTH
 ST. PETERSBURG, FL
 DRC SUBMITTAL AUGUST 11, 2014



1 NORTH / SOUTH BUILDING SECTION
 SCALE: 1/8" = 1'-0"

THE SALVADOR
 199 Delt Boulevard South
 St. Petersburg, Florida 33701

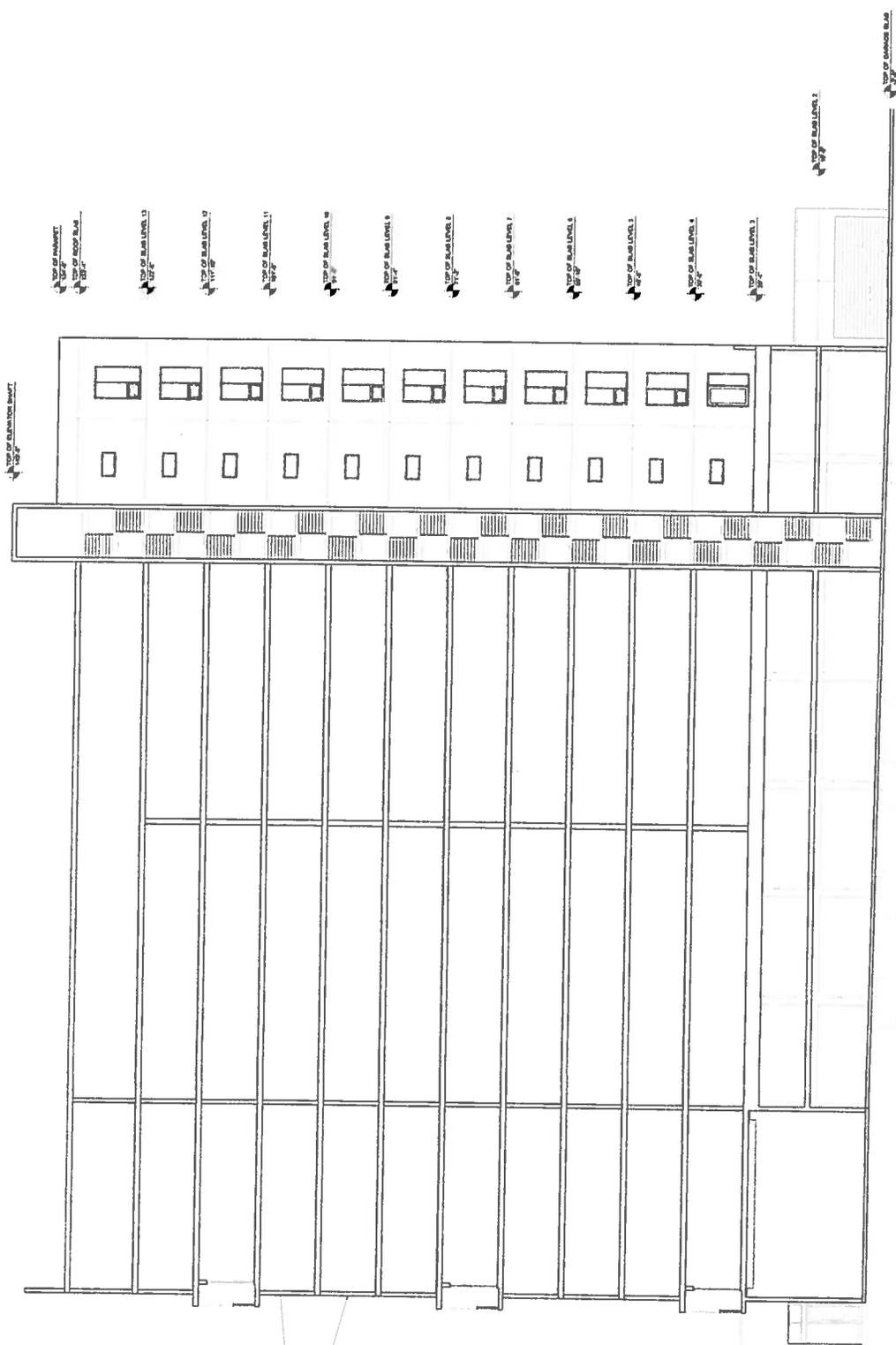
DATE: 12/21/14
 DRAWN BY: SA
 CHECKED BY: TC

DESIGN
 DEVELOPMENT
 (program not
 not for construction)

BUILDING
 SECTION

A.6.3

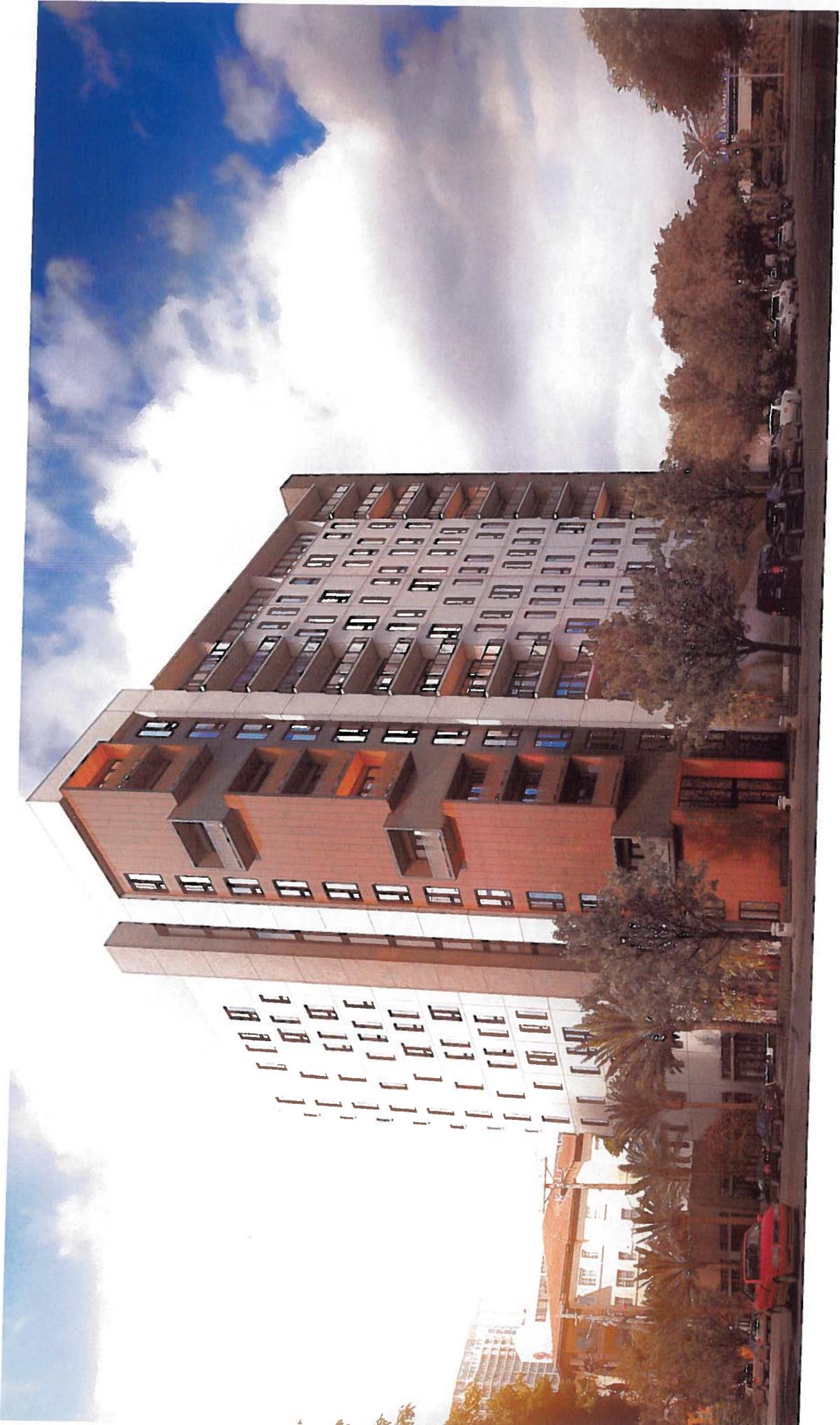
mesh
 ARCHITECTURE
 33 4th Street S #400
 St. Petersburg, FL 33701
 T 727.399.6980
 F 727.822.3747
 W W.W.M.S.
 A A # 26002337

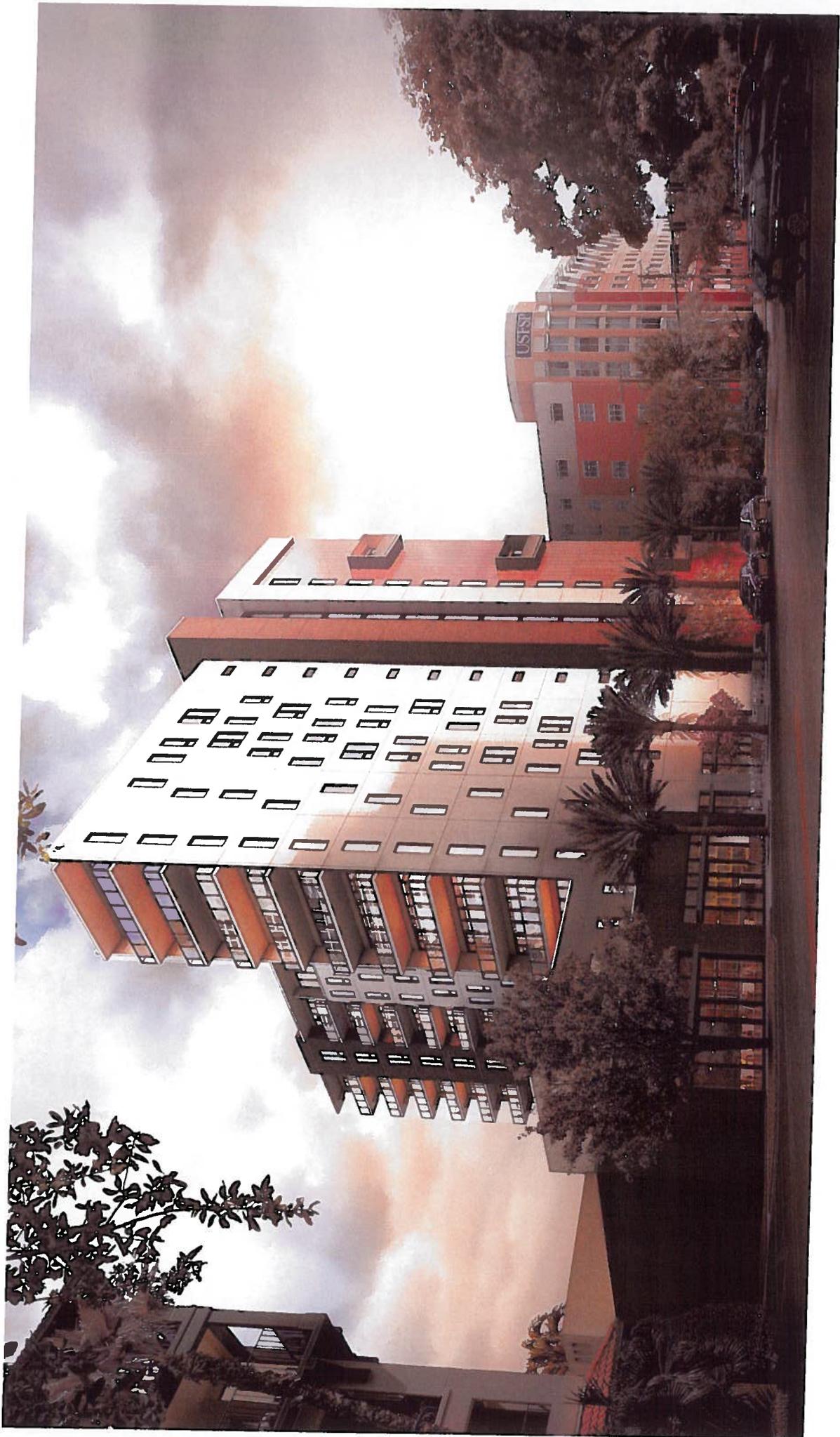


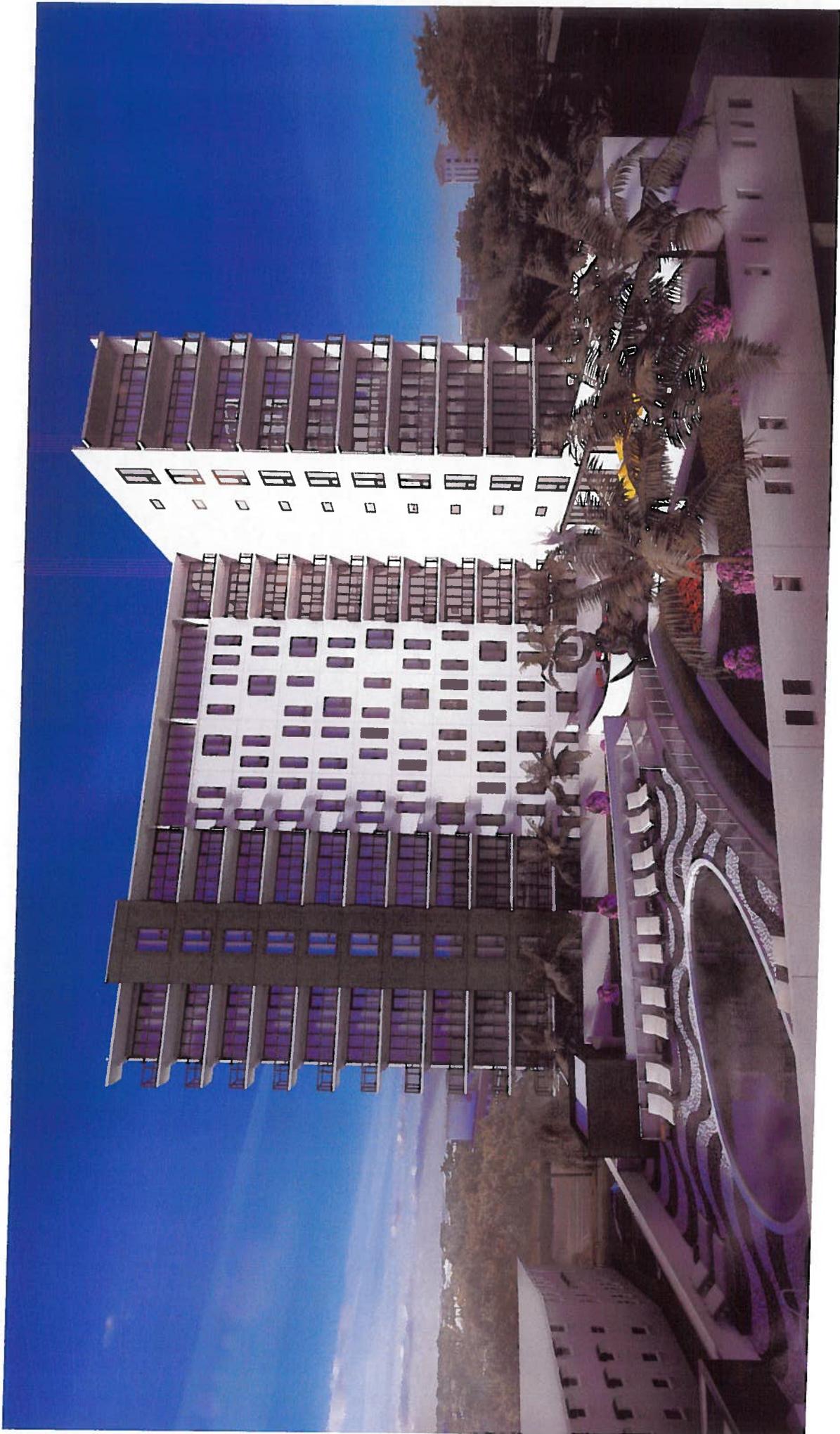
1 EAST / WEST BUILDING SECTION
 SCALE: 1/8" = 1'-0"

LOADS BY FLOOR FINISHED
 IN CONFORMITY WITH
 ALL APPLICABLE CODES

PAVED DRIVE







ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of March 5, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Awarding a contract to Layne Inliner, LLC for Roser Park Sanitary Sewer Improvements (Engineering Project No. 14088-121; Oracle Nos. 14563 and 14805) in the amount of \$927,636.00.

Explanation: The Procurement Department received six responsive bids for Roser Park Sanitary Sewer Improvements (see below). The work consists of furnishing all labor, materials and equipment necessary to rehabilitate approximately 2,600 LF of existing 42-inch diameter concrete gravity sanitary sewer pipe and approximately 70 LF of existing triple 24-inch diameter cast iron gravity sanitary sewer pipe (inverted siphons) utilizing the trenchless Cured-In-Place (CIPP) lining method. The Work includes traffic control, bypass pumping for diversion of sanitary sewer flows, pipe and manhole cleaning, closed circuit television video inspection, furnish and construct cured in place fiberglass pipe liner, rehabilitation of 12 manholes with polymer coatings, and restoration of right-of-way.

The 42-inch and 24-inch diameter sanitary sewers have been in service for more than 50 years and are in deteriorated condition. The CIPP lining process provides a cost effective method of restoring the structural capacity and flow characteristics of deteriorated gravity sanitary sewer pipe under roadways, using a fiberglass liner, without the need for dewatering, sheeting and shoring, excavating and roadway replacement. The deteriorated pipe to be rehabilitated is located along the centerline of Roser Park Drive, from Martin Luther King, Jr. Street South to 5th Street South. Lane closures and detours will be required along Roser Park Drive during the work to allow access to the manholes. Access to properties and businesses will be maintained at all times during the work.

The contractor will begin work approximately ten calendar days from written Notice to Proceed and is scheduled to complete the work within 150 consecutive calendar days thereafter. The Bids were opened on January 29, 2015 and are tabulated as follows:

<u>Bidder</u>	<u>Base Bid</u>
Layne Inliner, LLC (Sanford, FL)	\$927,636.00
Insituform Technologies, LLC (Chesterfield, MO)	\$975,510.20
SAK Construction, LLC (O'Fallon, MO)	\$993,800.00
Miller Pipeline, LLC (Indianapolis, IN)	\$1,103,835.00
Lanzo Lining Services, Inc. - Florida d/b/a Lanzo Trenchless Technologies South (Deerfield Beach, FL)	\$1,134,422.00
Spiniello Companies (Livingston, NJ)	\$1,466,570.00

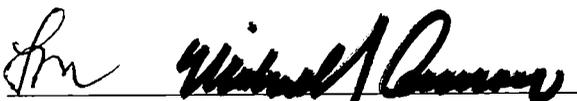
Layne Inliner, LLC, the lowest responsive and responsible bidder, has met the specifications, terms and conditions of RFQ 5657 dated December 31, 2014. They have satisfactorily completed similar work for the City. The Managing Member of Layne Inliner, LLC is Layne Heavy Civil, Inc. whose principals are Larry D. Purlee, President; Mark M. Harris, Vice President; James R. Easter, Vice President/Chief Financial Officer; and Steven F. Crooke, Vice President/ Secretary.

Recommendation: Administration recommends awarding this contract to Layne Inliner, LLC in the amount of \$927,636.00

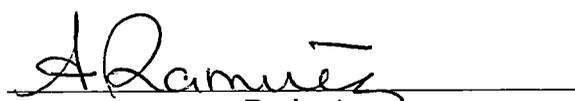
Cost/Funding/Assessment Information: Funds have been previously appropriated in the Water Resources Capital Projects Fund (4003), to the SAN Roser Pk Dr Rehab FY15 Project (14805).

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO LAYNE INLINER, LLC FOR COMPLETION OF THE ROSER PARK SANITARY SEWER IMPROVEMENT PROJECT (ORACLE NOS. 14563 AND 14805) IN AN AMOUNT NOT TO EXCEED \$927,636; 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 six bids for completion of the Roser Park Sanitary Sewer Improvements Project (Oracle Nos. 14563 and 14805) pursuant to RFQ 5657 dated December 31, 2014; and

WHEREAS, Layne Inliner, LLC has met the specifications, terms and conditions of RFQ 5657; and

WHEREAS, the Administration recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bid is accepted and the award of an agreement to Layne Inliner, LLC for completion of the Roser Park Sanitary Sewer Improvements Project (Oracle Nos. 14563 and 14805) at a total cost not to exceed \$927,636 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)

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of March 5, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: A resolution declaring that a broken sewage pipe at the NE Water Reclamation Facility warrants emergency procurement; accepting the proposal and approving an agreement to have Rowland, Inc. construct 265' of new pipe at a cost of \$850,000; approving a Supplemental appropriation in the amount of \$550,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003); and authorizing the Mayor or his designee to execute all documents necessary to ratify and approve these transactions.

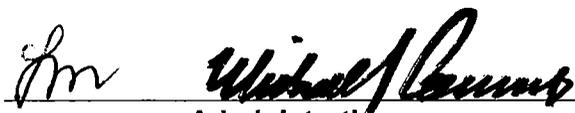
Explanation: In accordance with Section 2-250 Emergency Procurement of the Procurement Code, City Administrative Policy 050100, and with the City's Procurement Policies and Procedures, Chapter 5, IVF3c, Council is advised that the City Administrator has authorized waiver of normal competitive bidding procedures and engaged the services of Rowland, Inc. The attached report to the City Administrator dated September 2, 2014 details how a permanent repair could not be made due to the extent of the corrosion of the inner pipe wall and that the pipe is past its expected service life.

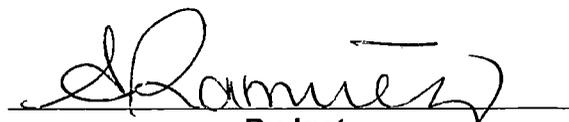
Recommendation: Administration recommends ratifying and approving an Agreement with Rowland, Inc. These services were secured under Section 2-250 of the City Procurement Code, which allows the Mayor or his designee to exempt a purchase of materials or services from the competitive sealed bidding process where the delay in securing formal bids would be detrimental to City services.

Cost/Funding/Assessment Information: Funds will be available in the Water Resources Capital Projects Fund (4003) WRF NE Emergency Influent Pipe Repair FY15 Oracle Project (14909) following a supplemental appropriation of \$550,000 from the unappropriated balance of the Water Resources Capital Projects Fund.

Attachments: Report to City Administrator
Resolution

Approvals:


Administrative


Budget

MEMORANDUM



DATE: February 6, 2015
TO: Gary Cornwell, City Administrator
FROM: Steven Leavitt, P.E., Water Resources Director *SKL*
SUBJECT: Pipe Repair at Northeast Water Reclamation Facility

A critical 36" diameter buried wastewater pipe failed October 31, 2014 at the NEWRF. An average of 8 million gallons per day of wastewater passes through this pipe which connects the plant influent structures to the aeration process tanks. City crews were forced to work in the wastewater several hours to make a temporary repair which stopped the leak prior to the collection system overflowing. A permanent repair could not be made due to the poor condition of the pipe which was observed to be cracked and corroded from years of exposure to wastewater. Engineers evaluated and concluded that 265 feet of the 40 year old steel/iron pipe was likely in similar condition and, if left in service, other failures in the short term are likely. The decision was made to replace the pipe as soon as possible.

Subsurface utility locates and design were completed in November. Given the long lead time for delivery of specialty pipe, fittings and valves, the City's Unscheduled Repair Contractor, Rowland Inc. was given a work order in December to order the materials; expected delivery is in March. Due to the high costs of materials and construction, which exceed the blanket contract's approved amount, staff is now requesting authorization to engage the services of Rowland to perform this work in accordance with the Emergency Procurement Agreement and in accordance with the terms, conditions and pricing of the Contractor's existing agreement pursuant to IFB 7126.

This purchase is hereby authorized under the Emergency Purchase Policy in accordance with St. Petersburg City Code Chapter 2, Article V, Division 3, Procurement Code 2-250.

Approved: _____

[Handwritten Signature]
Gary Cornwell
City Administrator

c: Michael Connors, Public Works Administrator
Louis Moore, Procurement & Supply Management Director

A RESOLUTION DECLARING THAT THE BROKEN SEWAGE PIPE AT THE NE WATER RECLAMATION FACILITY WARRANTS EMERGENCY PROCUREMENT; RATIFYING AND APPROVING THE AWARD OF AN AGREEMENT TO ROWLAND INC. FOR CONSTRUCTION OF 265' OF NEW PIPE AT A COST NOT TO EXCEED \$850,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$550,000 FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECT FUND (4003) TO THE WRF NE EMERGENCY INFLUENT PIPE REPAIR FY15 PROJECT (ORACLE NO. 14909); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a report dated September 2, 2014 details how a permanent repair could not be made to the broken sewage pipe at the NE Water Reclamation Facility due to the extent of the corrosion of the inner pipe wall and the pipe being past its expected service life; and

WHEREAS, pursuant to Section 2-250 of the Emergency Procurement Code, City Administrative Policy 050100 and the City's Procurement Policies and Procedures, Chapter 5, IVF3c the City Administrator authorized a waiver of normal competitive bidding procedures and engaged the services of Rowland Inc. to make the necessary repairs; and

WHEREAS, the Administration recommends ratifying and approving the agreement with Rowland Inc.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that this Council declares that the broken sewage pipe at the NE Water Reclamation Facility warranted emergency procurement; and

BE IT FURTHER RESOLVED that the award of an agreement to Rowland Inc. for construction of 265' of new pipe at the NE Water Reclamation Facility at a cost of \$850,000 is hereby ratified and approved; and

BE IT FURTHER RESOLVED that the following supplemental appropriation for Fiscal Year 2015 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) is hereby approved:

<u>Water Resources Capital Projects Fund (4003)</u>	
WRF NE Influent Pipe Repair FY15 Project	
(Oracle No. 14909)	\$550,000

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Budget

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of March 5, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Approving American Housing Builders, Inc., and Griffin Contracting, Inc. as qualified developers to design, build and market single family residential homes on City acquired parcels using program income earned pursuant to the sale of properties through the Neighborhood Stabilization Program and NSP-3 grants awarded to the City by the U.S. Department of Housing and Urban Development (HUD); providing that there is currently \$800,000 plus future program income as specified in the HUD approved plan for the above-referenced developers to design, build and market single family residential homes; authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate these transactions; and providing an effective date.

Explanation: The Procurement Department received three offers for residential design/build development services.

Developers were asked to submit floor plans and elevations for single family homes. These homes will be constructed on properties acquired by the City pursuant to NSP and NSP-3 funding. The homes will have three bedrooms and two bathrooms and will contain hurricane hardening features. In addition, the structures will be energy efficient based on the Florida Green Building Coalition HERS Index, meet the city's zoning requirements for Neighborhood Traditional 1 and 2 and Neighborhood Suburban 1, and comply with the city's Visibility Ordinance. Though not mandatory, the solicitation indicated that preference in awarding contracts would be given to plans with garages and construction costs not exceeding \$120,000.

An evaluation committee was assembled to review the plans based on the developers' experience in designing and constructing single family, detached, scattered site housing in the State of Florida. The committee also reviewed each preliminary home plan and elevation submitted against the city's specifications. Three developers submitted offers that meet the guidelines and the minimum quality standards. These developers were invited to submit pricing (see attached developer profiles and pricing).

The selected developers will submit floor plans for use by the city in its marketing efforts. Developers will be chosen by the city by matching the developers' plans to the appropriately sized vacant city owned lots. One year agreements will be executed with each developer to include two mutual one year renewal options.

The Procurement Department, in cooperation with the Housing and Community Development Department recommends for award:

NSP Developer Designed Homes..... \$800,000 (plus future program income)

American Housing Builders, Inc. (Pinellas Park, FL), SBE
Griffin Contracting, Inc. (Tampa, FL), SBE

These developers have met the terms and conditions of IFB No.7776 dated November 20, 2014. American Housing Builders, Inc. and Griffin Contracting, Inc. have performed similar single family

Continued on Page 2

construction projects for the City in the past and have performed satisfactorily.

Award is not recommended to General Home Development Corporation of Pinellas, Inc. as the developer is not currently in good standing with the City with regards to one open building permit and two pending special assessments.

With current funding available from program income of \$800,000, the amounts paid to developers pursuant to these agreements will increase with additional funding provided by program income receipts.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Neighborhood Stabilization Program Fund (1114).

Attachments: Developer Profiles
Resolution

Approvals:



Administrative



Budget

Two Step Bid NSP-3 Developer Designed Homes

COMPANY	Officers:	MODEL	Traditional Price	Suburban Price
American Housing Builders, Inc.	Stuart Cohen, Pres Walter McKenzie, VP/T Ralph Kretzer, VP/S	NSP Franklin price- 1292 Sq. ft.	\$132,860	\$131,360
		Bond Cost	\$4,000	\$4,000
		NSP Franklin - Total	\$136,860	\$135,360

COMPANY	Officers:	MODEL	Traditional Price	Suburban Price	
Griffin Contracting, Inc.	Chris Risdon, Pres/S/T Jeffrey Adams, VP	RB 1101	\$125,915	\$125,915	
		Bond Cost	\$3,000	\$3,000	
		RB 1101 - Total	\$128,915	\$128,915	
			RB 1345	\$135,874	\$135,874
			Bond Cost	\$3,000	\$3,000
			RB 1345 - Total	\$138,874	\$138,874

A RESOLUTION APPROVING AMERICAN HOUSING BUILDERS, INC. AND GRIFFIN CONTRACTING, INC. AS QUALIFIED DEVELOPERS TO DESIGN, BUILD AND MARKET SINGLE FAMILY RESIDENTIAL HOMES ON CITY ACQUIRED PARCELS USING PROGRAM INCOME EARNED PURSUANT TO THE SALE OF PROPERTIES THROUGH THE NEIGHBORHOOD STABILIZATION PROGRAM AND NSP-3 GRANTS AWARDED TO THE CITY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); PROVIDING THAT THERE IS CURRENTLY \$800,000 PLUS FUTURE PROGRAM INCOME AS SPECIFIED IN THE HUD APPROVED PLAN FOR THE ABOVE-REFERENCED DEVELOPERS TO DESIGN, BUILD AND MARKET SINGLE FAMILY RESIDENTIAL HOMES; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received three offers for residential design/build development services pursuant to IFB No. 7776 dated November 20, 2014; and

WHEREAS, American Housing Builders, Inc. and Griffin Contracting, Inc. ("Vendors") have met the qualification requirements of IFB No. 7776; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Housing and Community Development Department, recommends approval of the Vendors as qualified developers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that American Housing Builders, Inc. and Griffin Contracting, Inc. are hereby approved as qualified developers to design, build and market single family residential homes on City acquired parcels using program income earned pursuant to the sale of properties through the Neighborhood Stabilization Program and NSP-3 grants awarded to the City by the U.S. Department of Housing and Urban Development (HUD).

BE IT FURTHER RESOLVED that there is currently \$800,000 plus future program income as specified in the HUD approved plan for the above-referenced developers to design, build and market single family residential homes.

BE IT FURTHER RESOLVED that the Mayor or Mayor's designee is authorized to execute all documents necessary to effectuate these transactions.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)
Final

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of March 5, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: A resolution approving and consenting to the assignment and assumption of the equipment lease agreement between the City and Schwing Bioset, Inc. to Biosolids Distribution Services LLC; accepting a proposal from Biosolids Distribution Services LLC for the purchase of the biosolids treatment system at the Southwest Water Reclamation Facility (SWWRF) at a total cost of \$545,000, authorizing the Mayor, or his Designee, to execute all documents necessary to effectuate the same; and providing an effective date.

Explanation: The city will purchase a biosolids treatment system as currently leased and installed at the SWWRF. This purchase is made in accordance with Section 2-249 of the Sole Source Procurement of the Procurement Code, which authorizes City Council to approve the purchase of a supply or service over \$100,000 without competitive bidding if it has been determined that the supply or services is available from only one source. Because the equipment is used, it is considered one of a kind under the City Code.

Administration has determined that it is advantageous for the city to purchase the biosolids treatment system and to discontinue the current lease. The biosolids treatment system is intended to bridge the city's biosolids treatment requirements at the SWWRF through the completion of the Biosolids to Energy project. After a review of the lease amount over the confirmed project schedule, it was determined that the purchase of the equipment was in the best interest of the city. To effectuate the transaction, the current equipment and equipment lease agreement with Schwing Bioset, Inc. must be assigned to Biosolids Distribution Services LLC ("BDS"), a wholly owned subsidiary of Schwing Bioset. Therefore, Council consent to and approval of the assignment is also requested.

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

Biosolids Distribution Services LLC.....\$545,000

Cost/Funding/Assessment Information: Funds are available in the Water Resources Operating Fund (4001).

- Attachments: Bill of Sale
Assignment and Assumption of Equipment Lease Agreement (3 pages)
Agreement for the Purchase of Equipment and Exhibits (10 pages)
Sole Source
Resolution

Approvals:

Handwritten signature of Walter J. Cannon
Administrative

Handwritten signature of A. Ramirez
Budget

**BILL OF SALE ON
BIOSOLIDS EQUIPMENT**

Biosolids Distribution Service LLC ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration as set forth in Equipment Purchase Agreement between Biosolids Distribution Services LLC and the City of St. Petersburg dated _____, 2015, the receipt and adequacy of which is hereby acknowledged, does hereby grant, bargain, sell, assign, and transfer to the City of St. Petersburg, Florida a municipal corporation, 175 Fifth Street North, St. Petersburg, Florida 33701 ("Grantee"), all of its right, title, and interest in certain equipment located at the City of St. Petersburg Southwest Water Reclamation Facility in Pinellas County, Florida previously leased to Grantor pursuant to an Equipment Lease Agreement dated March 28, 2012 and as depicted in Appendix A & B to that agreement, ("Equipment") as of the date of this Bill of Sale.

TO HAVE AND TO HOLD, the said Equipment, together with every privilege, right, title, interest and estate thereto belonging or in anywise appertaining. The intent and purpose of this document being to transfer all of the Grantor's interest in the Equipment to Grantee, Grantor hereby covenants that Grantor is the lawful owner of the Equipment and the Equipment is free and clear from any and all encumbrances. Grantor further covenants that it has the authority to sell and dispose of the Equipment and shall warrant and defend title thereto against all claims. Grantor hereby assigns to the Grantee all applicable warranties, both express and implied, and contractual rights from the Contractor, subcontractors, suppliers and Engineers relating to the design and construction of the Equipment.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name by its proper officials duly authorized on the date acknowledged below.

WITNESSES TO GRANTOR: BIOSOLIDS DISTRIBUTION SERVICES LLC.:

Sign: _____ By: _____ Date _____

Print: _____ (TITLE)

Sign: _____

Print: _____

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this ___ day of _____, 2015, by _____ as _____ of Biosolids Distribution Services LLC. He/She is personally known to me or produced _____ as identification and appeared before me at the time of notarization. He/She warrants that he/she is duly authorized by all necessary actions of Biosolids Distribution Services LLC in accordance with the governing documents of Biosolids Distribution Services LLC to execute the foregoing instrument.

Notary Signature

(Affix Notarial Seal)

**ASSIGNMENT AND ASSUMPTION OF EQUIPMENT
LEASE AGREEMENT (WITH CONSENT)**

This Assignment and Assumption of Equipment Lease Agreement (the "Assignment") is made and effective, _____, 2015,

BETWEEN: Schwing Bioset, Inc., (the "Assignor"), a corporation organized and existing under the laws of the State of Minnesota, with its head office located at:

350 SMC Drive
Somerset, WI 54025

AND: Biosolids Distribution Services, LLC, (the "Assignee"), a corporation organized and existing under the laws of the State of Minnesota, with its head office located at:

320 Tower Road
Somerset, Wisconsin 54025

FOR VALUE RECEIVED, the undersigned Assignor hereby assigns, transfers and sets over to Assignee all rights, title and interest held by the Assignor and Assignee hereby accepts and assumes all of Assignor's rights, title and interest in and to the following described Equipment Lease Agreement, subject to the City of St. Petersburg's ("City") consent:

St. Petersburg Blanket Purchase Order 170335 Rev. 7 Dated November 5, 2013 and Equipment Lease Agreement between Schwing Bioset, Inc. and The City of St. Petersburg Florida dated March 28, 2012 and First and Second Amendments to the Equipment Lease Agreement ("Equipment Lease").

1. TERMS.

- a. The Assignor warrants and represents that said Equipment Lease is in full force and effect. Assignor hereby represents and warrants that: (a) it has not previously assigned the Equipment Lease; (b) Assignor is in substantial compliance with the terms of the Equipment Lease; and (c) there are no known defaults under the Equipment Lease existing at the time of the execution of this Assignment.
- b. Assignor shall defend, indemnify and save harmless Assignee from and against any and all liability, demands, obligations, claims, liens, encumbrances, damages, costs, expenses, actions, and causes of action (together with reasonable attorneys fees and costs), arising out of or accruing under the Equipment Lease relating to the time period prior to the Effective Date.

- c. Assignor shall sell and transfer to Assignee by appropriate Bill of Sale or other legal transfer document, all rights, title and interest in the Equipment leased to the City as described in Appendix A to the Equipment Lease.
- d. The Assignee hereby assumes and agrees to perform all the remaining and executory obligations of the Assignor under the Equipment Lease and agrees to indemnify and hold the Assignor harmless from any claim or demand resulting from non-performance by the Assignee. Assignee hereby accepts the assignment of the Equipment Lease Agreement, subject to the terms and conditions hereof, and from and after the Effective Date assumes and becomes responsible for and agrees to perform and observe Assignor's covenants to be performed as under the covenants of the Equipment Lease Agreement.
- e. The Assignee shall be entitled to all monies remaining to be paid under the contract, which rights are also assigned hereunder.
- f. The Assignor warrants that the Equipment Lease is without modification, and remains on the terms contained.
- g. The Assignor further warrants that it has full right and authority to transfer the Equipment and that the Equipment herein transferred is free of liens, encumbrances or adverse claims.

2. **GOVERNING LAW.** The parties agree that the law of the State of Florida shall govern the construction, interpretation and enforcement of this Assignment.

IN WITNESS WHEREOF, the parties have executed this Assignment on the day and year first above written.

ASSIGNOR
SCHWING BIOSET, INC.

ASSIGNEE
BIOSOLIDS DISTRIBUTION SYSTEMS, LLC.

 Authorized Signature Date

 Authorized Signature Date

Tom Anderson, President
 Print Name and Title

Daniel Anderson, Managing Member
 Print Name and Title

[THIS SPACE INTENTIONALLY LEFT BLANK]

**CITY OF ST. PETERSBURG CONSENT TO ASSIGNMENT
AND ASSUMPTION OF EQUIPMENT LEASE AGREEMENT**

Whereas the City of St. Petersburg, Florida ("City") is party to the above referenced Equipment Lease with Schwing Bioset, Inc. dated March 28, 2012 as amended; and

Whereas the Equipment Lease may not be assigned without the City's prior written consent; and

Whereas, Schwing has agreed to transfer the Equipment which is the subject matter of the Equipment Lease to BDS; and

Whereas, Schwing and BDS have executed the Assignment and Assumption of the Equipment Lease Agreement subject to the City's consent to the same,

Now, therefore, the City acknowledges notice of the aforesaid Assignment and Assumption of the Equipment Lease and hereby consents to the same, subject to the terms and conditions of that Assignment and Assumption.

Signed, sealed and delivered
in the presence of:

CITY OF ST. PETERSBURG, FLORIDA

By: _____
Louis Moore, FNIGP, CPPO, Director
Procurement & Supply Management

ATTEST:

(SEAL)

City Clerk (Designee)

Provisions of Contract Approved:

Approved as to Form and Content:

By: Steven Leavitt, P.E.
Water Resources Director

City Attorney (Designee)

AGREEMENT FOR THE PURCHASE OF EQUIPMENT

This Agreement for the Purchase of Equipment, ("Agreement") is made and entered into on the _____ day of _____, 2015, by and between Biosolids Distribution Services, LLC ("BDS") a foreign limited liability company registered to do business in Florida, with its head office located at 320 Tower Road, Somerset, WI 54025 ("BDS") and the City of St. Petersburg, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with a post office address of P.O. Box 2842, St. Petersburg, FL 33731 ("City") (collectively, "Parties").

WITNESSETH:

Whereas, the City leases certain equipment pursuant to the St. Petersburg Blanket Purchase Order 170335 Rev. 7 Dated November 5, 2013 and Equipment Lease Agreement between Schwing Bioset, Inc. ("Schwing") and the City dated March 28, 2012 and First and Second Amendments to the Agreement ("Equipment Lease"); and

Whereas the leased equipment has been transferred from Schwing to BDS; and

Whereas the Equipment Lease has been assigned from Schwing to BDS and the City has consented to that assignment; and

Whereas the Equipment Lease expires March 31, 2015 and the City has determined it to be in its best interest to purchase the currently leased Equipment from BDS;

NOW, THEREFORE, in consideration of the promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Purchase of Equipment.** BDS shall sell and the City shall purchase the following described equipment and related facilities:

A Bioset Class AA Biosolids Treatment System as currently leased by the City pursuant to the Equipment Lease and installed at the Southwest Water Reclamation Facility ("SWWRF") located at 3800 54th Avenue South, St. Petersburg, FL 33711. ("Equipment")

Immediately upon receipt of full payment for the Equipment, BDS shall execute and deliver to the City the Bill of Sale attached hereto and incorporated by reference herein as Exhibit A.

2. **Consideration and Discount.** The CITY agrees to pay the sum of Five Hundred Forty-Five Thousand Dollars (\$545,000.00) for the Equipment purchase and maintenance services referenced in Paragraph 8 of this Agreement. However, if payment is made by the City in full

on or before March 31, 2015, the purchase price shall be reduced by ten percent (10%) to the sum of Four Hundred Ninety Thousand and Five Hundred Dollars (\$490,500.00).

3. **Warranty of Title.** BDS warrants that the Equipment is the property of BDS and is free from any and all security interests or other liens or encumbrances. In addition, BDS warrants that as of the date of this Agreement, BDS neither knows, nor has reason to know, of the existence of any outstanding title or claim of title hostile to the rights of BDS in the Equipment.

4. **Warranty.** The Equipment has been inspected by BDS and BDS has determined that the Equipment is in working order and good condition as of the date of this Agreement. The Equipment is of merchantable quality and is fit for processing Class AA Biosolids. BDS shall enforce any warranty or indemnity against the supplier or manufacturer of the Equipment in its own name and at its own expense.

5. **Maintenance.** For a period of three (3) years from the date of the executed Bill of Sale and at its sole cost and expense, BDS shall perform all periodic maintenance and make all required repairs to and replacement of the Equipment to keep it in good operating condition, except for the daily and weekly maintenance tasks identified in the Schwing Bioset Standard Bioset System Maintenance document dated March 2012 attached to the Equipment Lease as Appendix C ("Manual"), which shall be the City's responsibility. The services required to be performed by BDS pursuant to this agreement will be performed in a workmanlike manner consistent with industry standards reasonably applicable to the performance of such services. BDS shall not be responsible for repairs to the Equipment that has been operated beyond its rated capacity or for a purpose not intended as indicated in the Manual. The City agrees not to alter, modify or attach anything to the Equipment unless the alteration, modification or attachment is easily removable without damaging the functional capabilities or economic value of the Equipment and the City has obtained BDS's prior written approval. Any alterations, modifications or attachments made prior to the date of the executed Bill of Sale are hereby considered approved by BDS. The City will, at its own expense, keep the Equipment in good repair, appearance and condition, including providing routine daily and weekly maintenance, cleaning and lubrication in accordance with the Manual, normal and reasonable wear and tear excepted.

6. **Buy Back Provision.** In the event the City determines it no longer has need for the Equipment the City may notify BDS of its decision to sell the Equipment. Provided the Equipment has been maintained by the City in accordance with the requirements of this Agreement and the Manual, BDS agrees to "Buy Back" the Equipment from the City within sixty (60) days in accordance with and at the purchase price established in the following schedule:

- During calendar year 2018, the Buy Back price shall be \$100,000.
- During calendar years 2019 through 2025, the Buy Back price shall be decreased by a value of \$7,000 per calendar year.

If the Equipment has been damaged due to negligence or misuse by the City, it shall not be eligible for Buy Back. Normal wear and tear shall not constitute damage, excessive wear or use. The City shall remove any equipment installed by City prior to surrendering the Equipment. Upon surrender of the Equipment, BDS shall notify the City in writing of acceptance of the Equipment and shall promptly dismantle and remove the Equipment from the Project Site at no charge.

Should this Agreement be fully executed and payment made in full by March 31, 2015, the Equipment Buy Back price shall be increased as follows:

- During calendar year 2017, the Buy Back price shall be \$200,000.
- During calendar year 2018, the Buy Back price shall be \$150,000.
- During calendar year 2019, the Buy Back price shall be \$125,000.
- During calendar year 2020, the Buy Back price shall be \$100,000.
- During calendar years 2020 through 2025, the Buy Back price shall be decreased by a value of \$7,000 per each calendar year.

7. Indemnification.

BDS shall defend at its expense, pay on behalf of, hold harmless and indemnify the City, its officers, employees, agents, 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' and experts' fees at trial and on appeal (collectively, "Claims") for damage to property or bodily or personal injuries, including death at any time resulting there from, sustained by any persons or entities, 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:

- 1) The performance of this Agreement (including any amendments thereto) by BDS, its employees, agents, representatives or subcontractors; or
- 2) The failure of BDS, its employees, agents, representatives or subcontractors to comply and conform with applicable Laws, as hereinafter defined; or
- 3) Any negligent act or omission of the BDS, its employees, agents, representatives, or subcontractors, whether or not such negligence is claimed to be either solely that of the BDS, its employees, agents, representatives or subcontractors, or to be in conjunction with the claimed negligence of others, including that of any of the Indemnified Parties; or
- 4) Any reckless or intentional wrongful act or omission of the BDS, its employees, agents, representatives, or subcontractors.

5) Any claim the Equipment or work performed infringes on an intellectual property right, any taxes payable by Lessor, any alleged violation of law.

The provisions of this paragraph are independent of, and will not be limited by, any insurance required to be obtained by BDS pursuant to this Agreement or otherwise obtained by BDS, and shall survive the expiration or earlier termination of this Agreement with respect to any claims or liability arising in connection with any event occurring prior to such expiration or termination.

BDS shall not be responsible for any and all losses that the City incurs, or claims, demands, or rights of action that may be asserted at any time against BDS, which arise as a result of (i) City's breach of this Agreement; (ii) the City's failure to maintain the Equipment in accordance with the Agreement, or (iii) City's improper use of the Equipment.

8. **BDS Insurance.** BDS will carry the following minimum types and amounts of insurance at its own expense:

1) Commercial general liability insurance in an amount of at least One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate in occurrences form. This policy shall include coverage for (i) personal injury or death or property damage or destruction; (ii) business interruption, (iii) fire legal liability in the minimum amount of One Hundred Thousand Dollars (\$100,000); and (iv) contractual liability under this Agreement.

2) Automobile liability insurance of One Million Dollars (\$1,000,000) combined single limit covering all owned, hired and non-owned Equipment.

3) Workers' Compensation insurance as required by Florida law and Employers' Liability Insurance in an amount of at least One Hundred Thousand Dollars (\$100,000) each accident, One Hundred Thousand Dollars (\$100,000) per employee, and Five Hundred Thousand Dollars (\$500,000) for all diseases.

All of BDS's insurance policies, except Workers' Compensation, shall name the Indemnified Parties as additional insureds.

All policies shall provide that the City will be provided notice at least thirty (30) days prior to any cancellation, reduction or material change in coverage.

BDS shall provide the City with Certificates of Insurance on a standard ACORD form reflecting all required coverage. At the City's request, BDS shall provide copies of current policies with all applicable endorsements.

All insurance required shall be provided by responsible insurers licensed in the State of Florida and rated at least "A-" and ten (10) in the then current edition of Best's Insurance Guide.

BDS hereby waives all subrogation rights of its insurance carriers in favor of the Indemnified Parties. This provision is intended to waive fully and for the benefit of the Indemnified Parties, any rights or claims which might give rise to a right of subrogation in favor of any insurance carrier.

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

CITY:

City of St. Petersburg
Procurement and Supply Management Department
P. O. Box 2842
St. Petersburg, FL 33731
Phone: 727-893-7220
Attention: Louis Moore, FNIGP, CPPO
Director, Procurement & Supply Management
louis.moore@stpete.org

BDS:

Biosolids Distribution Services LLC
320 Tower Road
Somerset, WI 54025
Attn: Mike Ladin
Controller
mladin@biosolidsservices.com
612-816-7036

10. **Severability.** Should any paragraph or portion of any paragraph of this Agreement be rendered void, invalid or unenforceable by any court of law for any reason, such determination shall not render void, invalid or unenforceable any other paragraph or portion of this Agreement.

11. **Due Authority.** Each party to this Agreement that is not an individual represents and warrants to the other party that (i) it is a duly organized, qualified and existing entity authorized to do business under the laws of the State of Florida, and (ii) all appropriate authority exists so as to duly authorize the person executing this Agreement to so execute the same and fully bind the party on whose behalf he or she is executing.

12. **Assignment.** The BDS shall make no assignment of this Agreement without the prior written consent of the City. Any assignment of this Agreement contrary to this paragraph shall be void and shall confer no rights upon the assignee.

13. **Termination.**

A. This Agreement may be terminated at any time by the City for convenience upon thirty (30) days written notice to BDS.

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

C. Termination of this Agreement shall act as a termination of the blanket purchase agreement.

14. **Governing Law and Venue.** The laws of the State of Florida shall govern this Agreement. 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, whether asserted by motion or pleading, that the aforementioned courts are an improper or inconvenient venue. Moreover, the Parties consent to the personal jurisdiction of the aforementioned courts and irrevocably waive any objections to said jurisdiction.

15. **Amendment.** This Agreement may be amended only in writing executed by the Parties.

16. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior and contemporaneous agreements, whether oral or written, between them.

17. **Compliance With Laws.** The BDS shall comply at all times with all federal, state, and local statutes, rules, regulations and ordinances, the federal and state constitutions, and the orders and decrees of lawful authorities having jurisdiction over the matter at issue (collectively, "Laws"), including but not limited to Laws governing public records (e.g., Chapter 119, Florida Statutes).

18. **Third Party Beneficiary.** Notwithstanding anything to the contrary contained in this Agreement, persons or entities not a party to this Agreement may not claim any benefit hereunder or as third party beneficiaries hereto.

19. **No Liens.** BDS shall not suffer any liens to be filed against any City property by reason of any work, labor, services or materials performed at or furnished to City property, to BDS, or to anyone using City property through or under BDS. Nothing contained in this Agreement shall be construed as consent on the part of the City to subject City property or any part thereof to any lien or liability under any Laws.

20. **No Construction Against Preparer of Agreement.** This Agreement has been prepared by the City and reviewed by the BDS and its professional advisors. The City, BDS and BDS's professional advisors believe that this Agreement expresses their agreement and that it should not be interpreted in favor of either the City or the BDS or against the City or the BDS merely because of their efforts in preparing it.

21. **Use of Name.** Subject to the requirements of Florida public records laws, neither party shall use the other party's name in conjunction with any endorsement, sponsorship, or advertisement without the written consent of the named party, except that BDS may refer to the City in client list.

22. **Non-appropriation.** The obligations of the City as to any funding required pursuant to this Agreement shall be limited to an obligation in any given year to budget, appropriate and pay from legally available funds, after monies for essential City services have been budgeted and appropriated, sufficient monies for the funding that is required during that year. Notwithstanding the foregoing, the City shall not be prohibited from pledging any legally available non-ad valorem revenues for any obligations heretofore or hereafter incurred, which pledge shall be prior and superior to any obligation of the City pursuant to this Agreement.

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

24. **Survival.** All obligations and rights of any party arising during or attributable to the period prior to expiration or earlier termination of this Agreement, including but not limited to those obligations and rights related to indemnification, shall survive such expiration or earlier termination.

25. **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 of like nature 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.

26. **No Waiver.** No provision of this Agreement will be deemed waived by either party unless expressly waived in writing signed by the waiving party. No waiver shall be implied by

delay or any other act or omission of either party. No waiver by either party of any provision of this Agreement shall be deemed a waiver of such provision with respect to any subsequent matter relating to such provision, and the City's consent respecting any action by BDS shall not constitute a waiver of the requirement for obtaining the City's consent respecting any subsequent action.

27. **Permits and Licenses.** BDS shall be responsible for obtaining any and all necessary permits, licenses, certifications and approvals which may be required by any government agency in connection with BDS's performance of this Agreement. Upon request of the City, the BDS shall provide the City with written evidence of such permits, licenses, certifications and approvals.

28. **Successors and Assigns.** This Agreement shall inure to the benefit of and be enforceable by and against the Parties, their heirs, personal representatives, successors, and assigns, including successors by way of reorganization.

29. **Subcontract.** The hiring or use of outside services or subcontractors in connection with the performance of BDS's obligations under this Agreement shall not be permitted without the prior written approval of the City, which approval may be withheld by the City in its sole and absolute discretion. BDS shall promptly pay all subcontractors and suppliers.

30. **Relationship of Parties.** Nothing contained herein shall be deemed or construed by the Parties, or by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the Parties, it being understood and agreed that nothing contained herein, nor any acts of the Parties, shall be deemed to create any relationship between the Parties other than the relationship of independent contractors and principals of their own accounts.

31. **Acceptance.** The City shall accept services which are provided in accordance the terms and conditions of this Agreement.

32. **BDS Personnel.** The City reserves the right to require BDS to replace any persons performing services pursuant to this Agreement, including but not limited to BDS's employees and any affiliates' or subcontractors' employees, whom the City judges to be incompetent, careless, unsuitable or otherwise objectionable, or whose continued use is deemed contrary to the best interests of the City.

33. **Public Records.**

A. BDS shall (i) keep and maintain public records (as defined in Florida's Public Records law) that ordinarily and necessarily would be required by the City in order to perform the services pursuant to this Agreement; (ii) subject to subsection B. below, provide the public with access to public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided under Florida's Public Records law; (iii) ensure that public records that are exempt or confidential and exempt from public records

disclosure requirements are not disclosed except as authorized by applicable Laws; and (iv) meet all requirements for retaining public records and transfer, at no cost, to the City all public records in possession of the BDS within ten (10) days following the expiration or earlier termination of this Agreement and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All public records stored electronically by BDS shall be provided to the City in a format approved by the City.

B. BDS shall immediately notify the City Clerk in writing after receiving a public records request. BDS shall obtain written approval from the City Clerk prior to releasing or disclosing public records and shall comply with instructions of the City Clerk and all City policies and procedures regarding public records.

C. Nothing in this Agreement shall be construed to affect or limit BDS's obligations including but not limited to BDS's obligations to comply with all other applicable Laws and to maintain books and records pursuant to this Agreement.

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their duly authorized representatives on the day and date first above written.

CITY OF ST. PETERSBURG, FLORIDA

By: _____

Print: Louis Moore
Title: Director, Procurement and Supply Management

ATTEST:

(SEAL)

City Clerk (Designee)

Provisions of Contract Approved: Approved as to Form:

By: _____
Print: Steve Leavitt
Title: Director, Water Resources
Project Manager

City Attorney (Designee)

BIOSOLIDS DISTRIBUTION SERVICES, LLC.

By: _____

Print: Daniel Anderson
Title: Managing Member

By: _____
Print: _____
Title: Corporate Secretary

(SEAL)

(Acknowledgment of BDS)

State of _____)
County of _____) ss:
City of _____)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2015,
By Daniel Anderson, Managing Member of Biosolids Distribution Services LLC ("Company"),
on behalf of the Company. He/She is personally known to me or has produced _____
_____ as identification and appeared before me at the time of notarization.
Daniel Anderson warrants that he/she is authorized by the Company to execute the foregoing
Agreement.

(SEAL)

NOTARY PUBLIC:

My commission expires:

City of St. Petersburg
Sole Source Request

Department: Water Resources Requisition No. _____

Check One: Sole Source Proprietary Specifications

Proposed Vendor: Biosolids Distribution Services, LLC (BSD)

Estimated Total Cost: \$545,000 – 10% if executed by March 31, 2015

Description of Items (or Services) to be purchased:

A proprietary class AA biosolids treatment system and all associated equipment. The equipment is presently leased and installed at Southwest Water Reclamation Facility.

Purpose of Function of items:

The system will provide a fully functioning class AA biosolids treatment system and the equipment to be used on an interim basis until a permanent biosolids processing system that will produce renewable energy can be designed and constructed.

Justification for Sole Source of Proprietary specification:

The Southwest Water Reclamation Facility is in a transition phase between an obsolete class B biosolids processing system and a class AA biosolids to energy system. The Schwing Bioset equipment is presently being leased and based on design/construction schedule for the Biosolids to Energy Project purchasing the equipment is the most cost effective choice.

I hereby certify that in accordance with Section 2-232(d) of the City of St. Petersburg Procurement Code, I have conducted a good faith review of available sources and have determined that there is only one potential source for the required items per the above justification. I also understand that under Florida Statute 838.22(2) it is a second degree felony to circumvent a competitive bidding process by using a sole-source contract for commodities or services.

Steve Leavitt

Department Director

01/27/15

Date

Michael [Signature]

1-29-15

Administrator/Chief

Date

Louis Moore

2/3/15

Louis Moore, Director
Procurement & Supply Management

Date

A RESOLUTION APPROVING AND CONSENTING TO THE ASSIGNMENT OF THE EQUIPMENT LEASE AGREEMENT BETWEEN THE CITY AND SCHWING BIOSSET, INC. TO BIOSOLIDS DISTRIBUTION SERVICES LLC; ACCEPTING A PROPOSAL AND APPROVING THE PURCHASE OF THE BIOSOLIDS TREATMENT SYSTEM AT THE SOUTHWEST WATER RECLAMATION FACILITY ("SWWRF") AT A TOTAL COST NOT TO EXCEED \$545,000; DECLARING THE PURCHASE OF THE BIOSOLIDS TREATMENT SYSTEM AT THE SWWRF TO BE A SOLE SOURCE PURCHASE PURSUANT TO SECTION 2-249 OF THE CITY'S PROCUREMENT CODE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City currently has an equipment lease agreement with Schwing Bioset, Inc. ("Schwing") for the biosolids treatment system at the Southwest Water Reclamation Facility ("SWWRF"); and

WHEREAS, the Schwing desires to assign that equipment lease agreement to Biosolids Distribution Services LLC, a wholly owned subsidiary of Schwing Bioset; and

WHEREAS, the proposed assignment requires the City's consent; and

WHEREAS, Biosolids Distribution Services LLC has made a proposal for the City to purchase the biosolids treatment system at the SWWRF; and

WHEREAS, the Administration has determined that it is advantageous for the City to purchase the biosolids treatment system at the SWWRF; and

WHEREAS, pursuant to Section 2-249 of the City Code authorized City Council to approve the purchase of a supply or service over \$100,000 without competitive bidding if the it has been determined that the supply or services is available from only one source; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Water Resources Department, recommends approval of the assignment of the equipment lease agreement between the City and Schwing Bioset, Inc. to Biosolids Distribution Services LLC; and.

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Water Resources Department, recommends approval of the purchase of the biosolids treatment system at the SWWRF; and

WHEREAS, the Mayor or his designee has prepared a written statement to the City Council certifying the condition and circumstances for the sole source purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the City consents to the assignment of the equipment lease agreement between the City and Schwing Bioset, Inc. to Biosolids Distribution Services LLC and the same is hereby approved; and

BE IT FURTHER RESOLVED that the proposal for the purchase of the biosolids treatment system at the Southwest Water Reclamation Facility at a total cost not to exceed \$545,000 is hereby approved; and

BE IT FURTHER RESOLVED that the purchase of the biosolids treatment system at the Southwest Water Reclamation Facility is hereby declared to be a sole source purchase pursuant to Section 2-249 of the City's Procurement Code; and

BE IT FURTHER RESOLVED that the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions; and

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 March 5, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Approving the purchase of Sanitary (SAN) Sewer Lateral Lining FY 2015 from BLD Services, LLC for the Water Resources Department at an estimated annual cost of \$450,000.

Explanation: This purchase is being made from City of Largo's Bid No. 14 C-461. The vendor will provide cured-in-place pipe lining rehabilitation of the public portion of sewer service laterals within the gravity wastewater collection system. The Water Resources Department's strategy for the renewal/rehabilitation of the wastewater collection system utilizes open-cut and trenchless methods under annual contracts to supplement the work performed by the Water Resources Department's maintenance staff.

The Procurement Department in cooperation with the Water Resources Department, recommends for award utilizing City of Largo's Bid No. 14 C-461:

BLD Services, LLC.....\$450,000

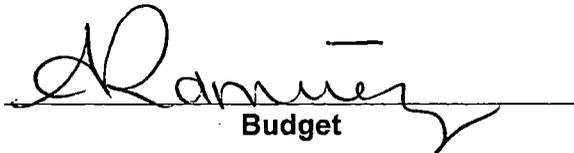
BLD Services, LLC has met the specifications, terms and conditions of Bid No. 14 C-461 dated November 1, 2013. BLD is headquartered in Kenner Louisiana with a Florida presence in Miami. They were founded in 2002 and specialize in sewer repairs including cured-in-place lateral lining. This purchase is made in accordance with Section 2-256 (2) of the Procurement Code which authorizes the Mayor or his designee to utilize competitively bid contracts of other governmental entities. A blanket purchase agreement will be issued to the vendor and will be binding only for actual services rendered. This agreement will be effective through September 30, 2015 and has a one year renewal option.

Cost/Funding/Assessment Information: Funds are available in the Water Resources Capital Projects Fund (4003) SAN Pipe Repair & Replacement FY15 Project (14802).

Attachments: Resolution.

Approvals:


Administrative


Budget

A RESOLUTION APPROVING THE AWARD OF AN AGREEMENT (BLANKET AGREEMENT) WITH A ONE-YEAR RENEWAL OPTION TO BLD SERVICES LLC FOR THE PURCHASE OF SANITARY SEWER LATERAL LINING FY 2015 AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$450,000 UTILIZING CITY OF LARGO'S BID NO. 14 C-461; 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 cured-in-place pipe lining rehabilitation of the public portion of sewer service laterals within the gravity wastewater collection system; and

WHEREAS, pursuant to Section 2-256(2) of the City Code the City is permitted to utilize competitively bid contracts governmental entities when it is in the best interest of the City; and

WHEREAS, BLD Services, LLC has met the specifications, terms and conditions of City of Largo's Bid No. 14 C-461; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Water Resources Department, recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the award of an agreement (Blanket Agreement) with a one-year renewal option to BLD Services, LLC for the purchase of Sanitary Sewer Lateral Lining FY 2015 at an estimated annual cost not to exceed \$450,000 utilizing City of Largo's Bid No. 14 C-461 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 shall be effective from the date of award through September 30, 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 March 5, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Awarding a contract to Florida Environmental Construction, Inc. in the amount of \$399,000 for the OBE/WAS Storage Tank FY14/15 project (Oracle Project No. 14214).

Explanation: The Procurement Department received one bid for the storage tank cover repairs for pumping stations project (see below). The work is located at the Washington Terrace and Oberly Pumping Stations respectively, and includes repairs to five aluminum dome structures on potable water storage tanks. The work consists of furnishing all labor, materials, equipment and services necessary to replace all batten strips and hub covers with newly designed batten strips that do not allow for any gasket exposure to the elements. Work also includes re-sealing, adding a painters hook and safety cable for each of three 117 foot diameter and two 146 foot diameter aluminum dome covers.

The aluminum dome covers were constructed in 1999 and are leaking due to the deterioration of the gaskets and caulking between the batten strip and hub covers that connect the aluminum triangular dome panels. Weather and age contribute to this deterioration.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within two hundred ten (210) consecutive calendar days thereafter. Bids were opened on January 8, 2015, and are tabulated as follows:

<u>Bidder</u>	<u>Total Bid</u>
Florida Environmental Construction, Inc. (Howey In The Hills, FL)	\$399,000

Florida Environmental Construction, Inc., a responsible and responsive bidder, has met the specifications, terms and conditions of RFQ No. 5638 dated December 4, 2014, and has satisfactorily performed similar work for the cities of Altamonte Springs, Yankeetown, Oviedo, Port St. Lucie, and Leesburg. The Principals of the firm are Robert Lightsey, President and Karen Lightsey, Vice President/Secretary/Treasurer.

Recommendation: Administration recommends awarding this contract to Florida Environmental Construction, Inc. in the amount of \$399,000 for the OBE/WAS Storage Tank FY14/15 project (Oracle No. 14214).

Cost/Funding/Assessment Information: Funds are available in the Water Resources Capital Projects Fund (4003), OBE/WAS Storage Tank FY14/15 project (14214).

Attachments: Resolution

Approvals:




Administrative


Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO FLORIDA ENVIRONMENTAL CONSTRUCTION, INC. TO COMPLETE THE OBE/WAS STORAGE TANK FY 14/15 PROJECT (ORACLE NO. 14214) IN AN AMOUNT NOT TO EXCEED \$399,000; 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 one bid to complete the OBE/WAS Storage Tank FY 14/15 Project (Oracle No. 14214) pursuant to RFQ 5638 dated December 4, 2014; and

WHEREAS, Florida Environmental Construction, Inc. has met the specifications, terms and conditions of RFQ 5638; 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 bid is accepted and the award of an agreement to Florida Environmental Construction, Inc. to complete the OBE/WAS Storage Tank FY 14/15 Project (Oracle No. 14214) in an amount not to exceed \$399,000 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)

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of March 5, 2015

To: The Honorable Charles Gerdes, Chair, and Members of City Council

Subject: Renewing a blanket purchase agreement with Xerox Corporation for the lease and maintenance of copiers at an estimated annual amount of \$375,000.

Explanation: The purchase was made from the State of Florida contract number 600-000-11-1 dated August 4, 2010. On November 3, 2011 and November 7, 2013 respectively, City Council approved an agreement and a renewal option for citywide copiers with Xerox. This is the final renewal through August 3, 2015.

The vendor provides approximately 97 leased copiers with pricing based on a fixed monthly rate plus cost per impression for a specified period. These copiers will replace equipment currently under leases that expire over the next year. These agreements include maintenance based on copy volume and include supplies such as toner and developer. At the end of the new lease agreements, the city has the option to: (a) renew the lease, (b) return the copier or (c) purchase the copier as negotiated in the initial agreement.

The Xerox copiers on the State of Florida contract number 600-000-11-1 are Energy Star compliant, utilize environmentally friendly toner, and cover a broad range of volume and functionality requirements. The State of Florida contract's lease rates are based on a statewide volume of 40,000 copiers and its cost per impression is approximately 42 percent lower than standard Xerox agreements. In addition, the cost per impression structure of the contract is more economical for the city than a monthly copier allowance structure due to the city's increased use of document scanning.

The Purchasing Department recommends renewal utilizing State of Florida contract number 600-000-11-1:

Xerox Corporation\$375,000

The vendor has agreed to uphold the specifications, terms and conditions of State of Florida contract number 600-000-11-1 dated August 4, 2010. This purchase is made in accordance with Section 2-234 (e) of the City Code which authorizes the Mayor or his designee to participate in a cooperative bid process with other governmental entities. The renewal will be effective from date of approval through August 3, 2015 and will be binding only for actual services provided.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the FY15 Budget in the respective funds for each user department.

Attachments: Projected Requirements (2 pages)
Resolution

Approvals:



Administrative



Budget

**Projected Requirements
985-26 Copiers; Lease, Maint., Rental**

Mfg	Model	City Department Location	Monthly Lease Amt.	Monthly Maint Amt	Main/Lease Term
Xerox	MPF3635X	Audit Services (was Internal Audit)	OWN	\$16.10	September-15
Xerox	WC7556P	Billing & Collections, Business Tax	\$260.52	included in lease	February-17
Xerox	WC3550X	Billing & Collections, Finance-Mezzanine	\$65.18	included in lease	February-16
Xerox	WC7556P	Billing & Collections, Admin. Office	\$260.52	included in lease	February-17
Xerox	W7535P	Billing & Collections, Utility Accounts	\$189.96	included in lease	September-17
Xerox	WC7535P	Budget & Management	\$170.53	included in lease	August-16
Xerox	W7545P	Business Assistance Center	\$215.50	included in lease	September-15
Xerox	WCM20i	Central Records	OWN	\$23.10	September-15
Xerox	2CQ9302	City Clerk's Office	\$421.79	included in lease	June-15
Xerox	WC7535P	City Council's Office	\$197.89	included in lease	September-15
Xerox	2CQ9303	City Development Administration	\$426.92	included in lease	November-15
Xerox	WC7835P	Codes Enforcement Dept	\$214.72	included in lease	July-17
Xerox	WC7845PT	Codes Enforcement Dept	\$207.58	included in lease	July-17
Xerox	WC6605DN	Coliseum	\$51.89	included in lease	December-16
Xerox	WCP215	Credit Union (Not Handled by PURCHASING)	OWN	\$0.00	
Xerox	W7535P	Downtown Enterprise, Albert Whited Airport	\$204.35	included in lease	June-17
Xerox	WC7855PT	Downtown Enterprise-City Hall Admin.	\$328.64	included in lease	July-16
Xerox	3CQ9201	Downtown Enterprise - Bayfront Ctr Mahaffey	\$567.90	included in lease	December-16
Xerox	W7545P	Downtown Enterprise, Marina	\$202.48	included in lease	March-15
Xerox	W7535P	Downtown Enterprise, Port	\$188.92	included in lease	December-15
Xerox	WC7120PT	Downtown Enterprise, Sunken Gardens	\$61.89	included in lease	December-16
Xerox	WC5845APT	Engineering-MSC 6th Floor	\$233.33	included in lease	June-16
Xerox	WC5845APT	Engineering-MSC 7th Floor	\$233.33	included in lease	June-16
Xerox	WC7120PT	Enoch Davis Center	\$189.44	included in lease	September-17
Xerox	W7535P	Fleet - Maintenance	\$137.11	included in lease	August-15
Xerox	1 Line Fax	Fleet - Maintenance	\$17.86	included in lease	August-15
Xerox	WC5150PT	Fleet - Operation	\$128.96	included in lease	December-15
Xerox	WC4118X	Fire Rescue-Shop & Supply	OWN	\$17.00	July-15
Xerox	WC7775P	Fire Rescue-Mail Room	\$278.70	included in lease	July-17
Xerox	MFP6180N	Fire - Station No. 13	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 12	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 11	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 10	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 9	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 8	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 7	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 6	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 4	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Station No. 3	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Master Station	\$28.90	included in lease	March-15
Xerox	MFP6180N	Fire - Master Station	\$28.90	included in lease	March-15
Xerox	WC5755APT	HR, Employment Svcs - 4th Floor	\$233.76	included in lease	September-15
Xerox	W5745PT	HR Admin. & Labor Relations	\$247.76	included in lease	December-16
Xerox	W5755PT	HR, Records - 4th Floor	\$247.76	included in lease	September-15
Xerox	WC7855PT	HR, Workers Comp	\$251.55	included in lease	June-16
Xerox	WC6400S	ICS	\$149.83	included in lease	September-15
Xerox	WC5845APT	ICS - Copy Room	\$194.86	included in lease	July-16
Xerox	4112CPC	ICS, DataCenter - MSC	OWN	\$952.00	July-15
Xerox	LPFFSVRC Freeflow 4112/27 Server			\$110.00	July-15
Xerox	4112CPC	ICS, Print Shop - City Hall	OWN	\$952.00	July-15
Xerox	LPFFSVRC Freeflow 4112/27 Server			\$265.00	July-15
Xerox	X770	ICS, Print Shop - City Hall	\$1,165.59	included in lease	April-16
Xerox	FFPS Stand		\$260.31	included in lease	April-16
Xerox	WC3550X	Jamestown Apts	\$62.08	included in lease	June-17
Xerox	WC7845PT	Legal Department - Attorney's Office	\$208.43	included in lease	September-15
Xerox	WC4250	Legal Department - Attorney's Office	\$93.00	included in lease	October-16
Xerox	5865APT	Library, Main	\$207.66	included in lease	December-18
Xerox	WC3615DN	Library, Mirror Lake	\$58.37	included in lease	October-17
Xerox	WC5855APT	Mangrove Bay Golf Course	\$177.33	included in lease	May-16
Xerox	W7556P	Mayor's Office - City Hall	\$275.17	included in lease	September-15
Xerox	WC7545P	Marketing & Communications - City Hall	\$263.45	included in lease	October-15
Xerox	2CQ9303	Real Estate & Property Mgt. - Housing	\$393.61	included in lease	September-15
Xerox	WC7845PT	Neighborhood Partnership - Housing, Annex	\$242.39	included in lease	July-16
Xerox	W7535P	North Shore Pool	\$166.32	included in lease	December-15
Xerox	WC3550X	Parks and Recreation - Athletic Field Office	\$40.20	included in lease	February-16
Xerox	2CQ9303	Parks and Recreation - Leisure Services	\$428.81	included in lease	December-15
Xerox	WC7845PT	Parks and Recreation - Boyd Hill Nature	\$195.50	included in lease	May-18
Xerox	WC7435P	Parking Mgmt, Transportation	\$257.36	included in lease	December-15
Xerox	2CQ9303	Planning & Economic Dev-MSC 8th Floor	\$473.54	included in lease	December-15
Xerox	WC5755APT	Planning & Economic Dev, Zoning-MSC 1st Floor	\$158.04	included in lease	December-15
Xerox	W5865APT	Planning & Economic Dev, Permitting - 1st Fir)	\$263.40	included in lease	February-16
Xerox	WC3550X	Police - Comm Center	\$62.44	included in lease	September-15
Xerox	WC5755T	Police - Comm Center	\$220.64	included in lease	September-15

**Projected Requirements
985-26 Copiers; Lease, Maint., Rental**

Xerox	WC5755APT	Police - Crime Awareness	\$205.33	included in lease	September-15
Xerox	W7775P	Police - Crime Awareness	\$475.60	included in lease	April-17
Xerox	WC7855APT	Police - Uniform Support	\$247.76	included in lease	May-16
Xerox	WC5875APT	Police - Copy Center - 2nd Flr	\$467.12	included in lease	May-16
Xerox	WC5855APT	Police, Internal Affairs	\$194.51	included in lease	September-16
Xerox	WC3550X	Police - Street Crimes Unit	\$49.04	included in lease	September-15
Xerox	DCOL12	Police - Photo Lab	OWN	\$0.00	September-14
Xerox	WC3550X	Police - Property & Evidence Maintenance	\$49.04	included in lease	September-15
Xerox	WC5755A	Police - Records	\$258.96	included in lease	June-15
Xerox	WC5755A	Police - Records	\$258.96	included in lease	June-15
Xerox	WC5755A	Police - Copy Room - 3rd Flr	\$314.96	included in lease	June-15
Xerox	WC3550X	Police - Computer Project, ITS	\$71.43	included in lease	August-15
Xerox	WC3550X	Police - Maintenance	\$61.44	included in lease	August-15
Xerox	WC5755APT	Police - Training	\$233.33	included in lease	August-15
Xerox	WC5150PT	Police - Vice	\$121.87	included in lease	August-15
Xerox	WC5855APT	Police -Youth Division	\$177.33	included in lease	May-16
Xerox	WC5855APT	Procurement & Supply Mgt - MSC	\$284.63	included in lease	July-17
Xerox	WC3550X	Procurement & Supply Mgt - Consolidated Whse	\$38.46	included in lease	July-17
Xerox	W7535P	Sanitation - Administration	\$181.93	included in lease	March-15
Xerox	WC7120P	Sanitation - Operations	\$104.71	included in lease	November-16
Xerox	WC5755APT	Stormwater, Traffic Operations	\$177.33	included in lease	December-15
Xerox	WC5755P	Sunshine Senior Center	\$169.43	included in lease	May-15
Xerox	3CQ9201	Water Resources-Admin	\$445.16	included in lease	December-15
Xerox	WC7970P	Water Resources-Admin	\$262.69	included in lease	December-18
Xerox	WC7835PT	Water Resources-Admin (training)	\$214.79	included in lease	August-17
Xerox	W7535P	Water Resources-Cosme	\$161.87	included in lease	June-15
Xerox	WC3550X	Water Resources - H Building	\$42.70	included in lease	December-15
Xerox	WC4118X	Water Resources - Cosme Water Plant	OWN	\$16.00	September-15
Xerox	WC4118X	Water Resources-Cosme Water Plant	OWN	\$16.00	September-15
Xerox	WC3550X	Water Resources, Environmental Comp. Division -Lab	\$53.94	included in lease	January-16
Xerox	WC3550X	Water Resources (Lift Stations)	\$36.54	included in lease	May-16
Xerox	WC4118X	Water Resources-Oberly Pumping Station	OWN	\$17.00	September-15
Xerox	W5755PT	Water Resources Ops Bldg-Work Control	\$185.65	included in lease	September-15
Xerox	WC5755APT	Water Resources, WSMD (Water Maintenance)	\$245.58	included in lease	December-15
Xerox	WC3550X	Water Resources - Lab Admin	\$53.94	included in lease	February-16

A RESOLUTION APPROVING THE THIRD AND FINAL RENEWAL OPTION TO THE AGREEMENT (BLANKET AGREEMENT) WITH XEROX CORPORATION FOR THE LEASE AND MAINTENANCE OF COPIERS AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$375,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 3, 2011 City Council approved the award of a one-year agreement (Blanket Agreement) with three one-year renewal options for copier leases utilizing State of Florida Contract No. 600-000-11-1 dated August 4, 2010; and

WHEREAS, City Council approved the first one-year renewal option on November 19, 2013; and

WHEREAS, City Council approved the second one-year renewal option on November 7, 2013; and

WHEREAS, the City desires to exercise the third and final renewal option to the Agreement; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the third and final renewal option of the agreement (Blanket Agreement) with Xerox Corporation for the lease and maintenance of copiers at an estimated annual cost not to exceed \$375,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective from the date of award through August 3, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of March 5, 2015

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Renewing a blanket purchase agreement with Interconn Resources, LLC for natural gas at an estimated annual cost of \$336,840.

Explanation: This purchase is being made from the Pinellas County Bid No. 123-0180-B. On December 5, 2013 City Council approved a two-year agreement with a two-year renewal option. This is the only renewal option.

The vendor supplies and manages natural gas delivered by pipeline to city facilities. The gas is used for running refuse trucks, generators, boilers (humidity control, heating, hot water, showers, digester heaters) and cooking equipment. The vendor provides one invoice per account that includes the monthly TECO infrastructure charges and pays TECO directly. Pricing structure is based on the purchase of gas at the wellhead in Florida Gas Transmission Zone 3, pass thru costs (pipeline transport to TECO) and Interconn's operational costs and profit. TECO's costs include pipeline transport to City users and the cost to maintain the pipeline infrastructure and customer meters.

The primary users are Sanitation, Water Resources, Police, Libraries and Parks & Recreation departments.

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

Interconn Resources, LLC.....	\$336,840
475,000 therms/yr @ \$0.362/therm	\$171,950
Pass thru @ \$0.085/therm	40,376
Fixed Marketer fee @ \$0.0095/therm	4,514
TECO charges/year	120,000

The contractor has agreed to hold prices firm under the terms of Pinellas County Bid No. 123-0180-B dated March 8, 2013. Administration recommends renewal of the agreement based on the vendor's past satisfactory performance, demonstrated ability to comply with the terms of the contract, and no requested increase in the unit price. The renewal will be effective from date of approval through June 30, 2017.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001) [\$80,000], Police Building Maintenance (1401393); Fire Suppression (1501497), Fire Gandy Station (1501501); Parks & Recreation Sunshine Center (1901661), North Shore Pool (1901677), Fossil Park Pool (1901697), Walter Fuller Pool (1901709), Treasure Island Concessions (1901713), Parks Facility Systems (1902469); Main Library (2001165); Traffic Markings (4001277); Water Resources Operating Fund (4001) [\$67,000], Water Maintenance Administration (4202105), Wastewater Maintenance Administration (4202141), Albert Whitted WRF (4202169), Northeast WRF (4202173), Northwest WRF (4202177), Southwest WRF (4202181), Lift Station Maintenance (4202205); Sanitation Operating Fund (4021) [\$160,000], Sanitation Commercial Support (4502265), Sanitation Residential Support (4502277); Fleet Management Fund (5001) [\$15,000] Fleet Services (8002521); Marina Operating Fund (4041), [\$5,000] Marina (2821885); Municipal Office Buildings Fund 5005 [\$4,000] Municipal Services Center (3602617); Emergency Medical Services Fund (1009) [\$3,000] EMS (1501513) and Mahaffey Theater Operating Fund (1201) [\$2,500], Mahaffey Administration (2821817).

Attachments: Resolution

Approvals:


Administrative


Budget

A RESOLUTION APPROVING THE TWO-YEAR RENEWAL OPTION OF THE AGREEMENT (BLANKET AGREEMENT) WITH INTERCONN RESOURCES, LLC FOR THE PURCHASE OF NATURAL GAS AT AN ANNUAL COST NOT TO EXCEED \$336,840; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 5, 2013 City Council approved the award of a two-year agreement with one two-year renewal option to Interconn Resources, LLC for the purchase of natural gas utilizing Pinellas County Bid No. 123-0180-B dated March 8, 2013; and

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

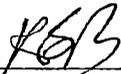
WHEREAS, the Procurement & Supply Management Department recommends approval of this renewal.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the two-year renewal option to the Agreement (Blanket Agreement) with Interconn Resources, LLC for the purchase of natural gas at an estimated annual cost not to exceed \$336,840 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective through June 30, 2017.

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 March 5, 2015

Received
FEB 13 15
Mayor's Office

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Accepting a proposal from GrayRobinson, P.A. for disclosure counsel services for the Finance Department at an estimated three-year amount of \$210,000.

Explanation: The Procurement Department received six proposals for disclosure counsel services. The vendor will serve as disclosure counsel to the City in connection with the issuance of municipal debt instruments and providing advice concerning any matters related to the City's outstanding debt instruments. Services include serving as a member of the City's financing team, advising disclosure requirements relative to issuance of the debt instruments, preparing the Preliminary Official Statement and Official Statement and any amendments in connection with City financing. In addition, the disclosure counsel will research to assure that all material facts are fully disclosed to potential investors, and that they contain no material omissions or misstatements of fact regarding a financing. They will also render appropriate legal opinions as to the adequacy and completeness of information included in the offering documents relating to City financings.

Proposals were received from:

- Broad and Cassel, P.A.
- Edwards Wildman Palmer LLP
- GrayRobinson, P.A.
- Greenberg Traurig, P.A.
- Nabors, Giblin & Nickerson, P.A.
- Squire Patton Boggs LLP

The proposals were evaluated by a team from Finance, Budget & Management, Administration & Finance and Water Resources. The evaluation criteria was based on qualifications and experience of assigned staff, experience and capabilities of the firm, availability of personnel and facilities and the cost of the services to be provided.

The Procurement Department, in cooperation with the Finance Department, recommends:

GrayRobinson, P.A.....	\$210,000
Three years @ estimated \$70,000/year	

GrayRobinson, P.A is the responsible offeror whose proposal was determined to be most advantageous to the city, taking into consideration price and the evaluation criteria set forth in RFP No. 7733, dated October 21, 2014. They have performed these services for the city in the past and have performed satisfactorily. References have been checked and are satisfactory.

A blanket purchase agreement will be issued and will be binding only for actual services rendered. This agreement will be effective through March 31, 2017.

Cost/Funding/Assessment Information: The cost for services will come from the proceeds of each debt issuance.

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE PROPOSAL AND APPROVING THE AWARD OF A THREE-YEAR AGREEMENT (BLANKET AGREEMENT) TO GRAYROBINSON, P.A. FOR DISCLOSURE COUNSEL SERVICES FOR THE FINANCE DEPARTMENT AT AN ESTIMATED THREE-YEAR COST NOT TO EXCEED \$210,000; 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 six proposals for disclosure counsel services for the Finance Department pursuant to RFP 7733 dated October 21, 2014; and

WHEREAS, the proposal of GrayRobinson, P.A. was determined to be the most advantageous to the City pursuant to the criteria set forth in RFP 7733; and

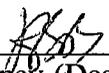
WHEREAS, the Procurement & Supply Management Department, in cooperation with the Finance Department, recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the proposal is accepted and the award of an agreement (Blanket Agreement) to GrayRobinson, P.A. for disclosure counsel services for the Finance Department at an estimated three-year cost not to exceed \$210,000 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the Agreement will be effective from through March 31, 2017.

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 March 5, 2015**

To: The Honorable Charlie Gerdes, Chair, and Members of City Council

Subject: Accepting a bid from Gemini Enterprises of South Florida, Inc. d/b/a Electro Mechanical South of Sarasota, Inc. to furnish and install motors for intermediate pumps at Northwest Water Reclamation Facility in the amount of \$116,270 (Oracle Project No. 14226).

Explanation: The Procurement Department received two bids for motors for the Intermediate Pumps at Northwest Water Reclamation Facility. The vendor will furnish and install five 460 volt vertical solid shaft inverter rated continuous duty electric motors. Three pumps will be rated at 125 horsepower and two at 200 horsepower.

The motors are used to power 5 pumps that pump chlorinated filtered reclaimed water to the NWWRF Storage Tanks or 2 Injection Wells. They will replace existing 125hp motors that were more than 30 years old. The 200hp motors will replace existing motors that have more than 90,000 hours of operation each. All existing motors have been remanufactured several times in their operational life. The old motors will be disposed of according to City policy.

Bids were opened on January 13, 2015 and are tabulated as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Gemini Enterprises of South Florida, Inc. d/b/a Electro Mechanical South of Sarasota, Inc. (Sarasota, FL)	\$116,270
Tampa Armature Works, Inc. d/b/a TAW Tampa Service Center (Tampa, FL)	\$225,161

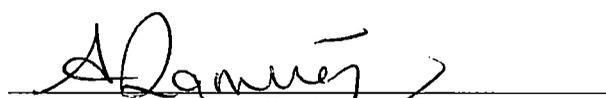
Gemini Enterprises of South Florida, Inc. doing business as Electro Mechanical South of Sarasota, Inc., the lowest responsive and responsible bidder, has met the specifications, terms and conditions of RFQ No. 5611 dated November 25, 2014.

Cost/Funding/Assessment Information: Funds are available in the Water Resources Capital Projects Fund (4003) WRF NW Intermediate Motors FY14 Project 14226.

Attachments: Resolution

Approvals:


Administrative


Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO GEMINI ENTERPRISES OF SOUTH FLORIDA, INC. D/B/A ELECTRO MECHANICAL SOUTH OF SARASOTA, INC. TO FURNISH AND INSTALL MOTORS FOR INTERMEDIATE PUMPS AT THE NORTHWEST WATER RECLAMATION FACILITY (ORACLE NO. 14226) IN AN AMOUNT NOT TO EXCEED \$116,270; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received two bids to furnish and install motors for intermediate pumps at the Northwest Water Reclamation Facility (Oracle No. 14226) pursuant to RFQ 5611 dated November 25, 2014; and

WHEREAS, Gemini Enterprises of South Florida, Inc. d/b/a Electro Mechanical South of Sarasota, Inc. has met the specifications, terms and conditions of RFQ 5611; 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 bid is accepted and the award of an agreement to Gemini Enterprises of South Florida, Inc. d/b/a Electro Mechanical South of Sarasota, Inc. to furnish and install motors for intermediate pumps at the Northwest Water Reclamation Facility (Oracle No. 14226) in an amount not to exceed \$116,270 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)

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of March 5, 2015

To: The Honorable Charles Gerdes, Chair, and Members of City Council

Subject: A resolution accepting the bid from Fallbrook Credit Finance, LLC to provide broker services for the sale of Florida Department of Environmental Protection Voluntary Cleanup Tax Credits; authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate the sale of these tax credits including an asset purchase agreement; approving a supplemental appropriation in the amount of \$167,465.84 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001) to the Dome Industrial Park Infrastructure Improvement Project (tbd); providing that this resolution shall supersede Resolution No. 2014-535; and providing an effective date.

Explanation On December 4, 2014, Administration presented a resolution to City Council approving the sale of Florida Department of Environmental Protection Voluntary Cleanup Tax Credits ("VCTC") that the City received for Brownfield site remediation to Fallbrook Credit Finance, LLC. In recent conversations with Fallbrook it became apparent that Fallbrook would not be purchasing the tax credits, rather Fallbrook will be providing broker services to secure a client(s) that will purchase the tax credits and provide an 89% return to the City.

The City has received tax credits in the amount of \$188,163.86 for Brownfield site remediation from the Florida Department of Environmental Protection VCTC program. As local governments do not have Florida corporate income tax liability, the City sells its tax credits. Through an online auction conducted by the Procurement Department the City obtained bids from two brokers to sell said tax credits to yield the highest possible return to the City.

The broker will secure client(s) to purchase the tax credits, draft all legal documents between the City and purchaser, assist with the required transfer documents and forms with the State, and manage the transfer of funds from the Purchaser to the City. The tax credit transfer shall be conducted in accordance with Florida Statutes Section 220.1845(1) (g).

In accordance with Section 2-184 of the City Code, which requires approval for the sale of any item at a price of \$10,000 or more, Council approval is requested.

The Procurement Department recommends Fallbrook to provide broker services for the sale of Florida Department of Environment Protection Voluntary Cleanup Tax Credits at a price that will provide the City with an 89% return, which is \$167,465.84.

Fallbrook Credit Finance, LLC has met the specifications, terms and conditions of RFI No. 5568 dated October 8, 2014.

Cost/Funding/Assessment Information: Revenues of up to \$167,465.84 are to be received from the sale of the Florida Department of Environment Protection Voluntary Cleanup Tax Credits (VCTC) program. A supplemental appropriation in the amount of \$167,465.84 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001) resulting from these additional revenues, to the Dome Industrial Park Infrastructure Improvement Project (TBD) will be necessary.

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE BID FROM FALLBROOK CREDIT FINANCE, LLC TO PROVIDE BROKER SERVICES FOR THE SALE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION VOLUNTARY CLEANUP TAX CREDITS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SALE OF THESE TAX CREDITS INCLUDING AN ASSET PURCHASE AGREEMENT; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$167,465.84 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001) TO THE DOME INDUSTRIAL PARK INFRASTRUCTURE IMPROVEMENT PROJECT (TBD); PROVIDING THAT THIS RESOLUTION SHALL SUPERSEDE RESOLUTION NO. 2014-535; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received two bids for broker services for the sale of Florida Department of Environmental Protection Voluntary Cleanup Tax Credits pursuant to RFI No. 5568 dated October 8, 2014; and

WHEREAS, Fallbrook Credit Finance, LLC ("Fallbrook") has met the specifications, terms and conditions of RFI No. 5568; and

WHEREAS, the Procurement & Supply Management Department recommends approval of Fallbrook to provide broker services for the sale of certain tax credits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bid is accepted and the award of an agreement to Fallbrook Credit Finance, LLC to provide broker services for the sale of Florida Department of Environmental Protection Voluntary Cleanup Tax Credits is hereby approved.

BE IT FURTHER RESOLVED that the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate the sale of these tax credits including as asset purchase agreement.

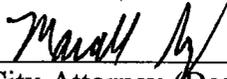
BE IT FURTHER RESOLVED that the following supplemental appropriation in the amount from the increase in the unappropriated balance of the General Capital Improvement Fund (3001) is hereby approved:

<u>General Capital Improvement Fund (3001)</u>	
Dome Industrial Park Infrastructure	
Improvement Project (tbd)	\$167,465.84

BE IT FURTHER RESOLVED that this resolution shall supersede Resolution No. 2014-535.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)



Budget

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of March 5, 2015

TO: The Honorable Charlie Gerdes, Chair and Members of City Council

SUBJECT: Approving an Agreement for Wastewater Service with Pinellas County, in the unincorporated area known as the Bear Creek Sanitary District, and Approving a Pretreatment Agreement between the City of St. Petersburg and Pinellas County.

EXPLANATION: On January 21, 1975, St. Petersburg entered into an agreement with Pinellas County for wholesale wastewater service. This thirty (30) year agreement expired on January 20, 2005. The agreement was renewed on March 22, 2005 and will expire on March 21, 2015. Pinellas County would like St. Petersburg to continue serving this area with wholesale wastewater service.

Some minor changes have been made to the new service agreement, including, revised language to address billing procedures should Bear Creek's meter be taken off line for servicing. Reference to strong waste surcharges was deleted. The monthly payment term was changed from forty-five (45) days to thirty (30) days to be consistent with St. Petersburg's financial policies. Wastewater collected from the Bear Creek Sanitary District is pumped to the Pasadena Master Lift Station and treated at the Northwest Water Reclamation Facility.

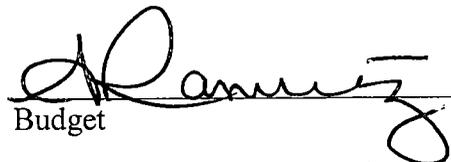
Exhibit D of the new Interlocal agreement is an updated Pretreatment Agreement, which is necessary due to the expiration of the wholesale wastewater service agreement. Our wholesale wastewater customers are required to adopt and enforce a sewer use ordinance which is no less stringent than St. Petersburg's pretreatment sewer use ordinance. The Pretreatment Agreement calls for such action and provides for additional notification to St. Petersburg about the presence of significant industrial users (SIUs) within those communities. The expiration of the Pretreatment Agreement is tied to the terms of the Interlocal agreement.

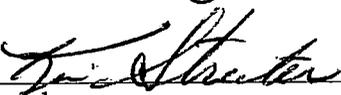
Administration recommends approving an Interlocal Agreement for wholesale wastewater service and a Pretreatment Agreement with Pinellas County for the unincorporated area known as the Bear Creek Sanitary District.

COST/FUNDING/ASSESSMENT INFORMATION: No funds are required for this action.

APPROVALS:


Administration SKL


Budget


Legal

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH PINELLAS COUNTY TO PROVIDE WASTEWATER SERVICES FOR A TERM OF TEN YEARS; AUTHORIZING THE MAYOR TO EXECUTE A PRETREATMENT AGREEMENT WITH PINELLAS COUNTY FOR A TERM OF TEN YEARS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pinellas County provides wastewater collection services to certain real property located within Pinellas County, Florida, known as the Bear Creek Sanitary District; and

WHEREAS, St. Petersburg owns and operates a wastewater collection, treatment, and disposal system; and

WHEREAS, the Bear Creek Sanitary District is located within St. Petersburg's wastewater service area as identified in the City's 201 facilities plan; and

WHEREAS, St. Petersburg and Pinellas County have an existing Agreement for Wastewater Services dated March 22, 2005, which terminates on March 21, 2015; and

WHEREAS, both parties wish to enter into a new agreement for wastewater service for a term of ten (10) years; and

WHEREAS, St. Petersburg is required by federal and state law to administer an approved Industrial Pretreatment Program; and

WHEREAS, both parties recognize the need to enter into a Pretreatment Agreement for the term of the wastewater service agreement addressing industrial pretreatment responsibility in order to comply with existing federal and state pretreatment regulations;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg, Florida, that the Mayor is hereby authorized to execute an Agreement for Wastewater Services and to execute a Pretreatment Agreement with Pinellas County for the Bear Creek Sanitary District, both for a term of ten (10) years.

This Resolution shall take effect immediately upon adoption.

Approved as to form and content:



City Attorney (Designee)

**AGREEMENT FOR
WASTEWATER SERVICES**

THIS AGREEMENT made and entered into this ___ day of _____, 2015 by and between the CITY OF ST. PETERSBURG, a Florida municipal corporation, herein referred to as "St. Petersburg," and PINELLAS COUNTY, a political subdivision of the State of Florida, for the Bear Creek Sanitary District, herein referred to as "Pinellas County". Both St. Petersburg, as a provider of wholesale wastewater services, and Pinellas County, as a recipient of wholesale wastewater services, collectively hereafter sometimes referred to as the "Parties," are located in Pinellas County Florida.

WITNESSETH:

WHEREAS, St. Petersburg owns and operates a wastewater collection, treatment, and disposal system, herein referred to as "the System"; and

WHEREAS, Pinellas County provides wastewater collection services to certain real property located within Pinellas County, Florida, known as the Bear Creek Sanitary District, more specifically described in Exhibit "A", attached hereto and incorporated by reference herein; and

WHEREAS, St. Petersburg and Pinellas County are parties to an existing agreement for wholesale wastewater service dated March 22, 2005 terminating on March 21, 2015; and

WHEREAS, St. Petersburg agrees to provide, and Pinellas County agrees to pay for wastewater transmission, treatment, and disposal service ("Wastewater Services") subject to the terms of this Agreement; and

WHEREAS, St. Petersburg and Pinellas County are committed to comply with all Federal, State and Local statutes, rules and regulations governing wastewater systems and with the terms of this Agreement; and

WHEREAS, St. Petersburg and Pinellas County covenant and agree that they have the power and authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties hereby agree as follows:

1. **SERVICE**

(a) St. Petersburg agrees to provide and Pinellas County agrees to pay for Wastewater Services during the term of this Agreement and in accordance with the terms and conditions hereinafter set forth.

(b) St. Petersburg will treat wastewater flow from 0.3 million gallons per day (mgd) up to a maximum daily flow of 0.65 mgd within St. Petersburg's wastewater treatment system in accordance with the terms of this Agreement and in accordance with the standards of applicable rules and regulations.

2. POINT OF CONNECTION

(a) All wastewater flows delivered to St. Petersburg from Pinellas County under this Agreement shall be delivered to a point of connection between the St. Petersburg wastewater system and the Pinellas County wastewater system.

(b) The point of connection shall be that point where the conveyance system of St. Petersburg is physically connected with the conveyance system of Pinellas County and is more specifically described in Exhibit "B" attached hereto and incorporated by reference herein. St. Petersburg shall own all wastewater facilities and appurtenances from the point of connection to the wastewater treatment facility, unless otherwise agreed. Pinellas County shall own all wastewater facilities up to the point of connection.

3. METERING

(a) Pinellas County shall be responsible for the installation, operation, maintenance and replacement of an eight-inch (8") diameter wastewater meter together with appurtenant equipment at such location as shown in Exhibit "C" (hereafter "the Meter"). Pinellas County shall inspect and calibrate the Meter at least once each year. The metering equipment shall record total flow from Pinellas County with an error tolerance not to exceed \pm five percent (5%) of the full scale reading, suitable for billing purposes.

(b) St. Petersburg shall read Pinellas County's meter for billing purposes each month. No later than January 31st of each year, Pinellas County shall calibrate the Meter and provide the results of the certified calibration to St. Petersburg in writing.

(c) St. Petersburg shall have the right to check the accuracy of the Meter at any time by notifying Pinellas County in writing and requesting that Pinellas County conduct an inspection of the Meter. Pinellas County shall arrange for an inspection and provide at least three (3) business days advance written notice to St. Petersburg of the date of such inspection. Pinellas County shall provide a report of the inspection findings to St. Petersburg within thirty (30) days of the completion of such inspection. If the Meter is found to be recording flows within \pm five percent (5%), St. Petersburg shall bear the cost of such inspection and shall reimburse Pinellas County for the inspection costs within thirty (30) days of receipt of invoice for those costs. The term "inspected" used in this Paragraph 3 shall mean an inspection by personnel certified by the manufacturer of the flow meter to test and calibrate the accuracy of the flow meter.

(d) If the Meter is found to be in error exceeding \pm five percent (5%) of true accuracy, it shall be re-calibrated in accordance with the manufacturer's recommended standards at Pinellas County expense. The Parties shall then review the monthly wastewater service bills since the last inspection or calibration of the Meter to attempt to identify when the error rate began to

exceed \pm five percent (5%). In conducting their review, the Parties shall consider relevant historical wastewater flow data from previous years, seasonal and unseasonable weather conditions, significant events impacting Pinellas County's collection system (e.g., malfunctions, repairs and improvements), significant construction and development activities, as well as any other matters which may account for material changes in the amount of wastewater produced by Pinellas County. If the Parties are unable to establish, to a reasonable degree of certainty, a time since the Meter was last inspected or calibrated where it appears that the monthly wastewater flow from Pinellas County, as measured by the Meter, began differing from actual monthly wastewater flow from Pinellas County by more than \pm five percent (5%), it shall be presumed the error began occurring on the mid-point date between the previous inspection or calibration and the date on which the error rate was confirmed through inspection or re-calibration. The monthly wholesale wastewater service bills paid by Pinellas County to St. Petersburg since the date the Parties identify as the date on which the Meter began malfunctioning, shall be adjusted. Pinellas County shall pay to or receive from St. Petersburg the sum of the difference between the wastewater service bills invoiced since the Meter began malfunctioning and the re-computed wastewater service bills for that period. Amounts due or owed by Pinellas County will be paid in equal monthly installments over the number of months the error rate exceeded \pm five percent (5%) beginning the month following re-computation of the wastewater service bills for that period.

(e) If it is necessary for Pinellas County to take the Meter offline for required maintenance or if it is known by Pinellas County that a meter is functioning improperly, Pinellas County shall promptly notify St. Petersburg. For any time period during which the Meter is offline or was known to be functioning improperly, St. Petersburg will apply and Pinellas County shall pay the average of the prior six (6) months to the volume charge until such time that the Meter is online and functioning properly.

4. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REQUIREMENTS

(a) Pinellas County and St. Petersburg agree to comply with all applicable Federal, State, and Local regulations including, but not limited to, Federal pretreatment and cross connection control regulations. Pinellas County shall execute the Industrial Pretreatment Agreement attached as Exhibit "D" and incorporated by reference herein. This Industrial Pretreatment Agreement shall supersede all previous Pretreatment Agreement entered into between Pinellas County and St. Petersburg.

(b) If at any time Pinellas County shall not comply with the restrictions imposed upon it in this Agreement, or if Pinellas County shall create any condition or allow any condition to persist which St. Petersburg determines harmful, disruptive, or destructive to any of its wastewater facilities which carry, treat and dispose of wastewater discharged by Pinellas County, St. Petersburg shall give thirty (30) days written notice by certified mail to Pinellas County to discontinue such harmful operation or practice. Should Pinellas County refuse to correct such harmful condition within thirty (30) days of such written notice, St. Petersburg may, at its sole discretion, provide remedies to such conditions and charge all costs of said remedy to Pinellas County, including the cost of repairing damage directly associated with St. Petersburg's

wastewater system, including intercepting sewers and pumping stations. Pinellas County shall be responsible for any costs, fees, fines or penalties assessed against St. Petersburg as a result of permit or other regulatory violations caused as a result of any act, omission, or negligence by Pinellas County, or its officers, agents or employees in the operation of its wastewater collection system. Such costs, fee, fines or penalties shall be in addition to any other damages Pinellas County is responsible for pursuant to paragraph 14 of this Agreement.

(c) Pinellas County understands and acknowledges that the infiltration of fresh or saltwater into Pinellas County's wastewater system causes the capacity of St. Petersburg to treat domestic or industrial wastewater to be diminished and creates problems with St. Petersburg's ability to treat and dispose of wastewater. Pinellas County agrees that at the point of connection to St. Petersburg's system, chloride levels shall not exceed the local limit established for chlorides in the City of St. Petersburg City Code, unless such chloride levels are due to extreme natural disaster or Act of God. (i.e. hurricane, tropical storm event.) Pinellas County shall provide appropriate sampling locations for St. Petersburg to sample Pinellas County's wastewater to verify Pinellas County's compliance with this Agreement. Pinellas County further agrees to keep its wastewater collection system in such repair or conditions so that infiltration and inflow will be controlled. Pinellas County shall undertake a comprehensive sanitary sewer evaluation study to identify excess inflow and infiltration and implement a program to control excess inflow and infiltration through a sewer rehabilitation program and shall submit annual reports to St. Petersburg concerning its capacity, maintenance, operation and management program. Upon adoption of any applicable Federal, State or Local regulations relating to the maintenance, operation and management of sanitary sewer systems, Pinellas County agrees to comply with the same.

(d) Pinellas County agrees to deliver primarily domestic sewage to the St. Petersburg system. Pinellas County agrees to prohibit the delivery of wastewater to the St. Petersburg system that will interfere with the treatment process and agrees to provide or require such pretreatment of sewage to meet acceptable effluent standards of the St. Petersburg wastewater system. The delivery of wastewater from the Pinellas County system to the St. Petersburg system shall be regulated and shall conform with the prohibitions and limitations established in the St. Petersburg City Code as the same now exists and/or as the same shall be hereafter amended from time to time. St. Petersburg shall adopt such local standards by Ordinance for Industrial Pretreatment for all of its customers, including wholesale users of the St. Petersburg wastewater system from time to time for protection of its wastewater system. St. Petersburg agrees to begin discussion with Pinellas County no less than six (6) months prior to any changes to St. Petersburg's Industrial Pretreatment Ordinance that would change the local standards for Industrial Pretreatment.

5. PROJECTIONS AND WASTEWATER FLOWS

(a) No later than January 30 of each year, Pinellas County will give written notice to St. Petersburg of its projected wastewater flows for the current year and the five (5) years following the year in which such notice is given. Such projections shall include maximum and average flows stated in gallons per day. Flow projections shall be based upon the sanitary sewer service district population projection, per capita daily demand projection, average daily wastewater projection, and average inflow and infiltration flow projections based upon historical records.

(b) In the event that the performance of this Agreement by either Party to this Agreement is prevented or interrupted in consequence of any cause beyond the control of either Party, including, but not limited to Acts of God, allocations or other governmental restrictions upon the use of or availability of plant capacities, rationing, windstorm, hurricane, earthquake, or other casualty or disaster or catastrophe, unforeseeable failure or breakdown of pumping transmission or other facilities, any and all governmental rules or acts or orders or restrictions or regulations or requirements, acts or actions of any government or public or governmental authority or commission or board or agency or agent or official or officer, the enactment of any statute or ordinance or resolution or regulation or rule or ruling or order, order of decree or judgment or restraining order of injunction of any court, said Party shall not be liable for such non-performance. Both Parties agree to promptly notify the other Party of any such event that would prevent it from performing its obligations pursuant to this Agreement. Each Party shall provide the other with a contact name and phone number for 24-hour availability in the event of an emergency.

(c) St. Petersburg reserves the right to restrict or otherwise limit the amount of capacity available to any customer during periods of emergency, storms, or other intermittent or temporary events when, in the sole discretion of St. Petersburg, such restrictions or limitations are necessary for the efficient and effective operation of its system. St. Petersburg agrees to notify Pinellas County in advance, if practicable, and to promptly notify Pinellas County of any such event that would require it to restrict or otherwise limit its ability to treat wastewater from Pinellas County.

6. RATES AND CHARGES

(a) St. Petersburg agrees to provide and Pinellas County agrees to pay for Wastewater Services on the basis of the rates, fees, charges, and surcharges established by the St. Petersburg City Council by Ordinance. Pinellas County shall also pay a twenty-five percent (25%) outside St. Petersburg city limit surcharge. St. Petersburg shall provide preliminary notice to Pinellas County at least ninety (90) days prior to the effective date of any increases to the rates, fees, charges and surcharges. St. Petersburg shall also provide notice at least ten (10) days prior to the public hearing scheduled to increase the rates, fees, charges or surcharges.

(b) St. Petersburg shall bill Pinellas County monthly based on the meter reading of the Meter, in accordance with the rates, fees, charges, and surcharges which are duly in effect at the time service is delivered. Meter readings for the month shall be made on or about the last day of

the month and payment shall be made upon receipt of invoice. Payments received after thirty (30) days shall be subject to reasonable late charges as established by St. Petersburg and published in the St. Petersburg City Code. Failure of Pinellas County to pay charges shall constitute a breach of this Agreement.

7. NO ACQUIRED RIGHTS

Neither Party shall, by reason of any provision of this Agreement, or the use of facilities thereunder, or otherwise, acquire any vested or adverse right or future right, in law or equity, in the treatment, collection or disposal system owned by the other Party. The use, rental, or license of treatment services after the expiration of the initial term of this Agreement or under any renewal thereof shall not be deemed to initiate, create or vest any rights, save those herein expressly stated and enumerated.

8. OWNERSHIP

It shall be understood between the Parties hereto that each Party owns its own wastewater collection system and each is a separate and independent system from the other.

9. DISCONNECTION

Should this Agreement terminate for any reason, the connections, pipes and appliances connected to the St. Petersburg system shall be disconnected, and the St. Petersburg system left in as good condition as before connection was made therewith, normal wear and tear excepted.

10. DEFAULTS

In addition to other legal remedies, if either Party shall fail to comply with the provisions of this agreement, the other has the option to cancel this Agreement by giving the other Party ninety (90) days written notice.

11. TERM

The term of this Agreement shall be for ten (10) years, renewable by mutual consent of the Parties for an additional ten (10) years on the same terms and conditions.

12. ASSIGNMENT

Pinellas County may not assign its rights under this Agreement without prior written approval of CITY which shall not be unreasonably withheld. Any assignment so approved shall be in writing and shall be executed with the same formalities as this Agreement. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns, whether by merger, consolidation, conveyance or otherwise.

13. SUPERSEDES

This Agreement replaces and supersedes all previous agreement by and between St. Petersburg and Pinellas County regarding Wastewater Services for the Bear Creek Sanitary District.

14. HOLD HARMLESS

To the extent authorized by law and subject to the limitations of Section 768.28 Florida Statutes, Pinellas County agrees to indemnify, defend, save, and hold harmless St. Petersburg from all claims, demands, liabilities, and suits of any nature whatsoever arising out of, or due to, the breach of this Agreement by Pinellas County, its agents or employees, or due to any act, occurrence, omission, or negligence of Pinellas County, its agents or employees in the operation of its system. To the extent authorized by law and subject to the limitations of Section 768.28 Florida Statutes, St. Petersburg agrees to indemnify, defend, save, and hold harmless Pinellas County from all claims, demands, liabilities, and suits of any nature whatsoever arising out of, or due to, the breach of this Agreement by St. Petersburg, its agents or employees, or due to any act, occurrence, omission, or negligence of St. Petersburg, its agents or employees in the operation of its system. Nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the limitations set forth in Section 768.28, Florida Statutes.

15. NOTICE

All notices, requests, and other communications which are required or permitted pursuant to this Agreement shall be in writing and shall be deemed to have been duly given or delivered personally when sent by facsimile, telex or telegram, or when mailed, registered or certified, first-class postage pre-paid as set forth below:

If to St. Petersburg, to:

Director Water Resources Department
City of St. Petersburg
1650 Third Avenue North
St. Petersburg, FL 33713

with a copy to:

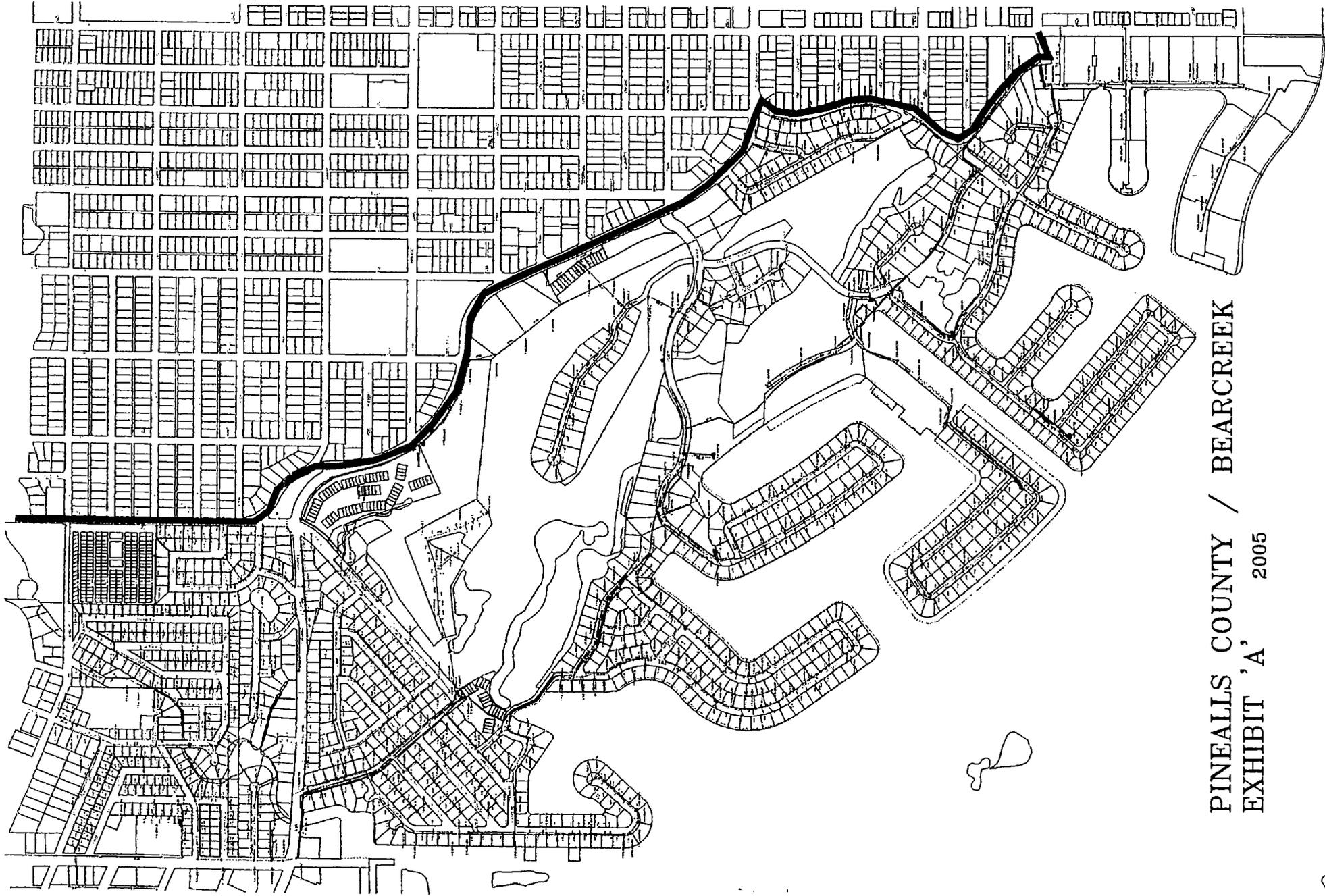
City Attorney
P.O. Box 2842
One 4th Street North
St. Petersburg, FL 33701

If to Pinellas County to:

Director of Utilities
Pinellas County
14 South Ft. Harrison Ave.
Clearwater, FL 33756

with a copy to:

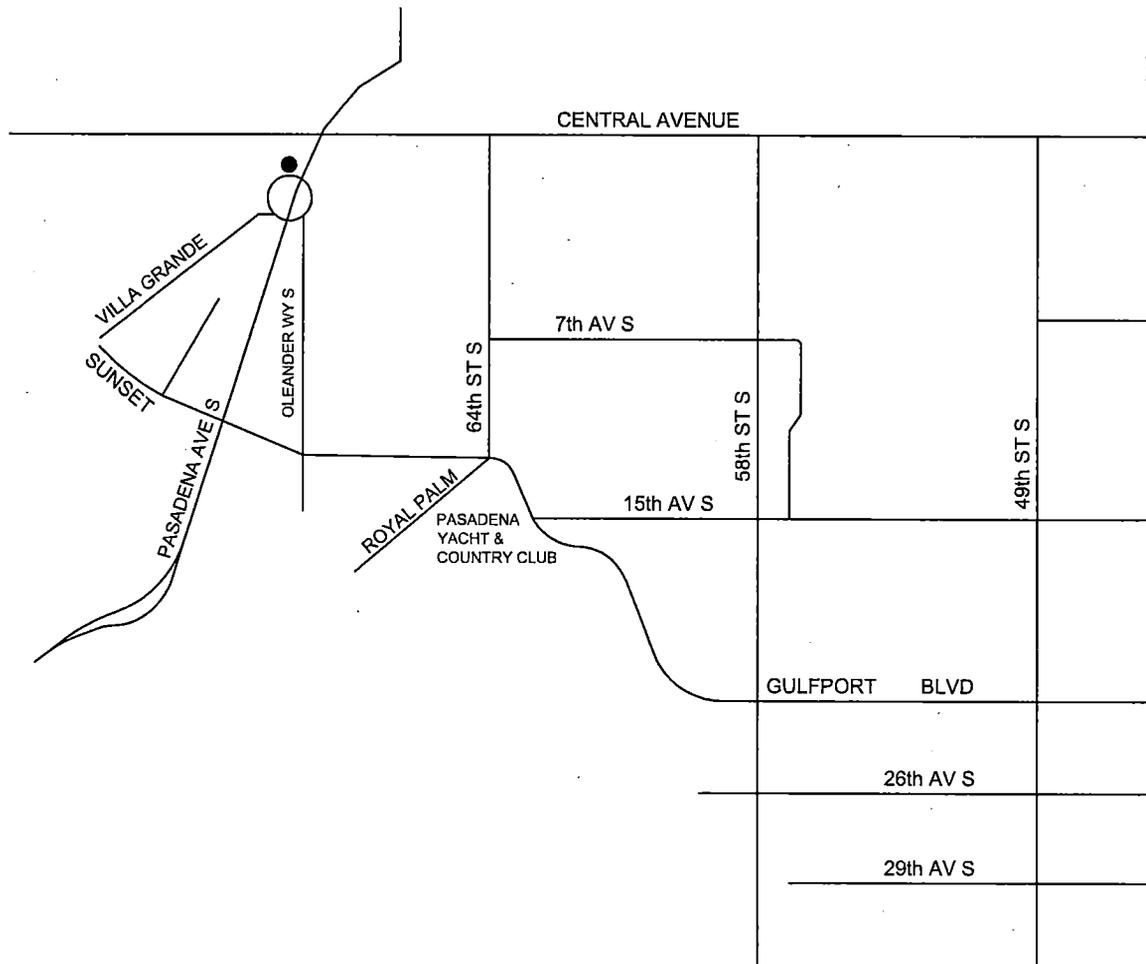
County Attorney
Pinellas County
315 Court St.
Clearwater, FL 33756



PINEALLS COUNTY / BEARCREEK
EXHIBIT 'A' 2005



EXHIBIT "B"



PINELLAS COUNTY/BEAR CREEK WHOLESALE SERVICE AGREEMENT

DATE: 9/11/14

● WASTEWATER CONNECTION LOCATION
PASADENA MASTER LIFT STATION

CITY OF ST. PETERSBURG, WATER RESOURCES DEPARTMENT



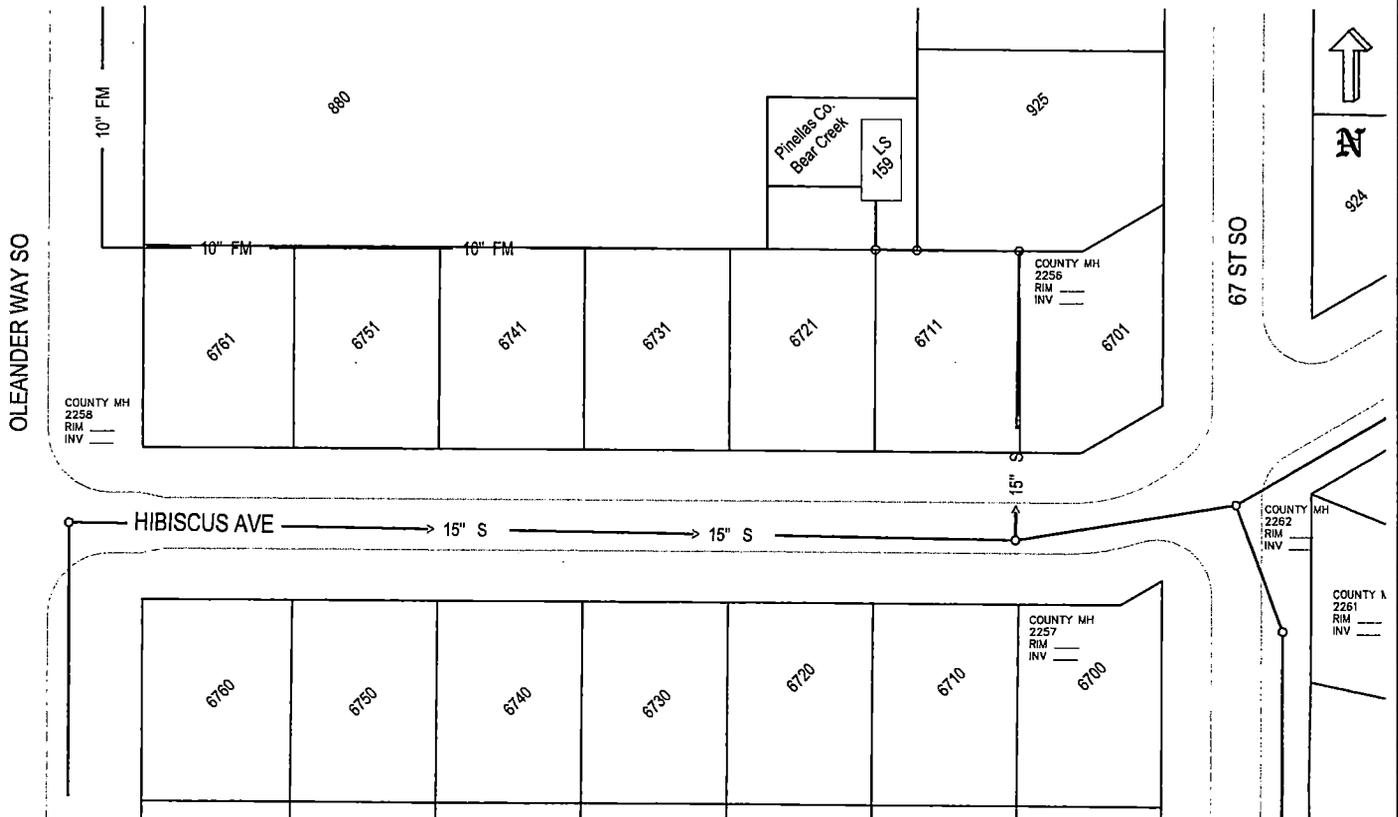
Drawn By: JRM
Tech Support
Scale: NTS
DATE: 09-11-14

EXHIBIT "B"
PINELLAS COUNTY/BEAR CREEK
WHOLESALE SERVICE AGREEMENT

1

1

EXHIBIT "C"



CITY OF ST. PETERSBURG, WATER RESOURCES DEPARTMENT



Drawn By: JRM
 Tech Support
 Scale: NTS
 DATE: 12-9-14

EXHIBIT "C"
 PINELLAS COUNTY/BEAR CREEK
 WHOLESALE SERVICE AGREEMENT

1
 1

Exhibit D

PRETREATMENT AGREEMENT

Between

CITY OF ST. PETERSBURG and PINELLAS COUNTY

THIS PRETREATMENT AGREEMENT entered into this ___ day of _____, 20___, by and between the CITY OF ST. PETERSBURG, a municipal corporation of the State of Florida, herein referred to as "St. Petersburg", and PINELLAS COUNTY, a political subdivision of the State of Florida, for the Bear Creek Sanitary District, herein referred to as "Pinellas County" (collectively "Parties").

WITNESSETH

WHEREAS, St. Petersburg owns, operates and maintains a wastewater collection, treatment, and disposal system which is permitted by the Florida Department of Environmental Protection (FDEP); and

WHEREAS, St. Petersburg provides wastewater service to Pinellas County pursuant to an agreement dated _____, 2015 (the "Agreement"); and

WHEREAS, St. Petersburg is required by federal and state law to administer an approved industrial pretreatment program ("Program"); and

WHEREAS, St. Petersburg presently operates a Program which is approved by the FDEP as delegated by the U.S. Environmental Protection Agency (EPA); and

WHEREAS, both parties recognize their industrial wastewater control obligations pursuant to 40 CFR 403 and Rule 62-625, Florida Administrative Code (F.A.C.);

NOW, THEREFORE, in consideration of the following terms and conditions, St. Petersburg and Pinellas County agree:

1. The terms of this Pretreatment Agreement shall apply only to the Bear Creek Sanitary District for which St. Petersburg provides wastewater service to Pinellas County.
2. Pinellas County shall adopt and diligently enforce a sewer use ordinance for the Bear Creek Sanitary District which is no less stringent than St. Petersburg's pretreatment sewer use ordinance, Chapter 27, Article III, Division 3 of the St. Petersburg City Code. Such ordinance shall include local limits for industrial discharge that are no less stringent than the local limits established in the St. Petersburg City Code.

3. St. Petersburg shall notify Pinellas County in writing of any amendments to its pretreatment ordinance within five (5) business days of the enactment thereof. Pinellas County agrees that it will enact amendments to its own ordinance for the Bear Creek Sanitary District at least as stringent as those adopted by St. Petersburg within ninety (90) days of such notification.
4. Pinellas County certifies that there currently are no significant industrial users ("SIUs") as that term is defined by 62-625.200 F.A.C., located within the Bear Creek Sanitary District. Pinellas County shall designate an appropriate official or employee to perform an ongoing industrial waste survey according to procedures established by Chapter 3 of the State of Florida manual entitled "Florida Guidance Manual for Pretreatment Programs". The official shall review, on a quarterly basis, all pertinent records (e.g., connection permits, business licenses, water use records), to determine if any new SIUs will be locating or have located within the Bear Creek Sanitary District.
5. If no SIUs are discovered, Pinellas County shall certify in writing and document that there are no SIUs, as defined above, connected to Bear Creek Sanitary District sewer system. This written certification and documentation shall be signed by an appropriate official and shall be submitted to St. Petersburg's Industrial Pretreatment Program on an annual basis in the last week of June of each year.
6. If any prospective or existing SIU is identified, Pinellas County shall immediately provide written notification to St. Petersburg and the provisions of paragraph 8 shall apply. Pinellas County shall provide St. Petersburg access to these records for independent verification of both Pinellas County's review procedures and records.
7. If Pinellas County identifies any existing industrial user who subsequently changes its manufacturing or other processes which cause it to be reclassified as an SIU, or, if Pinellas County identifies any existing industrial user which subsequently becomes an SIU due to Federal or State regulatory changes, Pinellas County shall immediately provide written notification to St. Petersburg and the provisions of paragraph 8 shall apply.
8. Pinellas County shall not authorize any new or reclassified SIUs located within the Bear Creek Sanitary District to commence discharges to the sewer system until provision has been made between Pinellas County and St. Petersburg to oversee the industrial user's compliance with all applicable Federal, State, and local pretreatment requirements. This shall be accomplished by renegotiation of this Pretreatment Agreement to establish and

designate administrative responsibilities between Pinellas County and St. Petersburg for all pretreatment legal and programmatic functions required by 40 CFR Part 403 and Rule 62-625, (F.A.C).

9. Upon St. Petersburg's request, any authorized officer or employee of St. Petersburg may enter and inspect at any reasonable time any part of the Bear Creek Sanitary District sewer system, provided an officer or employee of Pinellas County accompanies any representative of St. Petersburg. The right of entry and inspection shall extend to public streets, easements and property within which the system is located. At St. Petersburg's request, St. Petersburg shall be permitted, as appropriate, to enter onto private property to inspect industrial dischargers. Pinellas County shall make all necessary legal and administrative arrangements for these inspections. The right of inspection shall include on-site inspection of pretreatment and sewer facilities, observation, measurement, sampling, testing and access to (with the right to copy) all pertinent compliance records located on the premises of the industrial user. Pinellas County agrees to cooperate with St. Petersburg in performing any necessary inspections to ensure that all users of the sewer system comply with Federal and State Pretreatment Regulations. Pinellas County agrees to cooperate with St. Petersburg in performing any necessary inspections to ensure that all users of the sewer system comply with Federal and State Pretreatment Regulations.
10. This Pretreatment Agreement shall expire upon expiration of the Agreement.
11. If any one or more sections, clauses, sentences or parts of this Pretreatment Agreement shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions hereof, and the inapplicability or invalidity of any section, clause, sentence, part or provision of this Pretreatment Agreement in any one or more instances shall not affect or prejudice in any way its applicability or invalidity in any other instances.
12. This written Pretreatment Agreement constitutes the entire agreement between the parties relating to the subject matter hereof. This Pretreatment Agreement may be executed in several counterparts, each of which, if properly executed by the parties, shall be considered an original. This Pretreatment Agreement shall become effective immediately upon a certified copy hereof being filed with the Clerk of the Circuit Court for Pinellas County, Florida.



MEMORANDUM

Council Meeting March 5, 2015

TO: Members of City Council

FROM: Mayor Rick Kriseman

RE: Appointment of Timothy P. Driscoll as Hearing Officer for Appeals from Demolition Orders

I respectfully request that Council appoint Timothy P. Driscoll, Esq. as a Hearing Officer for Appeals from Demolition Orders to serve an indefinite at-will term.

A copy of Mr. Driscoll's bio has been provided to the Council office for your information.

RK/cs

Attachment

cc: T. Yost, Codes Compliance and Assistance Director

A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY P. DRISCOLL AS HEARING OFFICER FOR APPEALS OF DEMOLITION ORDERS AS PROVIDED IN SECTION 8-63 OF THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that Section 8-63 of the City Code provides for the appointment and confirmation of a Hearing Officer for Appeals from Demolition Orders.

BE IT FURTHER RESOLVED THAT Timothy P. Driscoll, Esq. is a resident of the City and is otherwise qualified for appointment to the office of Hearing Officer.

THEREFORE, BE IT RESOLVED that this Council hereby appoints Timothy P. Driscoll, Esq. as a Hearing Officer for Appeals from Demolition Orders to serve an indefinite at-will term.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney or (Designee)