

COUNCIL MEETING

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

CITY OF ST. PETERSBURG

July 30, 2015
2:30 PM

A. Meeting Called to Order and Roll Call.

Approval of Agenda with Additions and Deletions.

B. Consent Agenda B

1. [Authorizing the Mayor or his designee to execute a Lease Agreement with Hap O'Neill, Incorporated, a Florida corporation, d/b/a O'Neill's Marina, for the operation of a marina on City-owned waterfront property located at 6701 - 34th Street South, St. Petersburg, for a term of ten \(10\) years. \(Requires affirmative vote of at least six \(6\) members of City Council.\)](#)
2. [Authorizing the Mayor or his designee to execute a License Agreement with the Silver Raiders Corporation, a Florida not-for-profit corporation, for the use of the concession stand/restroom and storage/press box buildings within the James "J.C." Turner Fields on the southwestern portion of City-owned Bartlett Park located at 642 – 22nd Avenue South, St. Petersburg, for a period of thirty-six \(36\) months for a fee of \\$36.00; and to waive the reserve for replacement requirement. \(Requires affirmative vote of at least six \(6\) members of City Council\).](#)

C. Adjournment

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of July 23, 2015

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

SUBJECT: A resolution authorizing the Mayor, or his Designee, to execute a Lease Agreement with Hap O'Neill, Incorporated, a Florida corporation, d/b/a O'Neill's Marina, for the operation of a marina on City-owned waterfront property located at 6701 - 34th Street South, St. Petersburg, for a term of ten (10) years; and to execute all documents necessary to effectuate same; and providing an effective date. *(Requires affirmative vote of at least six (6) members of City Council.)*

EXPLANATION: Real Estate and Property Management ("REPM") received a request from Alan Phillips, president of Hap O'Neill, Incorporated, d/b/a O'Neill's Marina ("O'Neill's") to create a new Lease Agreement ("2015 Lease") for a ten (10) year term for the continued operation of a marina on City-owned waterfront property located at 6701 - 34th Street South, St. Petersburg ("Marina"). Although the last several leases with O'Neill's were limited to five (5) year terms, a ten (10) year term was proposed by O'Neill's to provide sufficient time for amortizing the proposed significant capital improvements that O'Neill's believes must be made for the marina to continue to succeed. After discussion with Administration, REPM proceeded to develop the 2015 Lease which sets forth the required improvements and repairs to the Marina.

O'Neill's and its predecessors in interest have operated a marina facility on the Premises since 1954. Under the current lease, which expires on July 31, 2015 ("2010 Lease"), O'Neill's corrected the deferred maintenance that existed at the time of its commencement and completed the substantive upgrades to the Premises required by the 2010 Lease totaling over \$500,000 of investment in the Premises during the five (5) year term. These investments included the following improvements:

- Seawall and sidewalk improvements
- Electrical upgrades
- Piling and dock replacements
- Boat lift upgrades
- Parking lot improvements
- Building improvements

O'Neill's has executed the 2015 Lease for a term of ten (10) years, commencing on August 1, 2015 and ending on July 31, 2025 ("Term"), subject to City Council approval, on the following conditions:

RENT: O'Neill's will pay the City the greater amount of the following each month during the Term:

- During the first five (5) years of the Term (August 1, 2015 thru July 31, 2020), O'Neill's will pay Percentage Rent at a rate of 10% of all revenues derived in the conduct of its business operations at the Premises, plus applicable sales tax, excluding fuel sales ("Gross Revenues").
- For the remainder of the Term (August 1, 2020 thru July 31, 2025), O'Neill's will pay Percentage Rent at a rate of 15% on Gross Revenues excluding the retail store and repair shop, and 10% on the retail store and repair shop revenues, plus applicable sales tax.
- A minimum rent of Seven Thousand Five Hundred Dollars (\$7,500), plus applicable sales tax.

REQUIRED EXPENDITURES: O'Neill's is required to invest a minimum of \$625,000 throughout the first six (6) years of the Term for the following required capital improvements:

- Dredging of the inlet channel and Marina basin to expand the usability of the facility.
- Seawall replacement along the south side of the marina inlet channel at the entrance to the Marina.
- Continued replacement of various boat lifts, cradle kits, and finger piers.
- Continued piling and dock replacements.
- Roof replacement over portions of the Center Dock.
- Improvements to the parking area on the west side of the Marina basin.

OTHER PROVISIONS

- O'Neill's is responsible for all interior and exterior maintenance of all buildings, improvements and utilities/services including, but not limited to, water, electric, telephone, internet service, sewer, gas, cable/satellite television, trash collection and stormwater fees, in addition to any applicable taxes.
- O'Neill's will maintain a commercial general liability insurance policy in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, protecting the City against all claims or demands that may arise or be claimed on account of O'Neill's use of the Marina.
- As provided for under a separate license agreement, O'Neill's has agreed to continue providing a wet slip location to the City's Fire Department for its rescue vessel ("Rescue Vessel") and waive all rent and fees in consideration of the City having paid for its own cost of build-out of the slip to accommodate the Rescue Vessel.

Pursuant to Section 1.02 (c)(1) and (2) of the City Charter, the subject property is classified on the Parks and Waterfront Property Map as "City owned land with 10-year lease limitation" thereby allowing the lease of the property for ten (10) years or less with approval by an affirmative vote of at least six (6) members of City Council.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a Lease Agreement with Hap O'Neill, Incorporated, a Florida corporation, d/b/a O'Neill's Marina, for the operation of a marina on City-owned waterfront property located at 6701 - 34th Street South, St. Petersburg, for a term of ten (10) years; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Illustration and Resolution

APPROVALS: Administration:

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Budget:

_____ N/A _____

Legal:

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(As to consistency w/attached legal documents)

Legal: 00237259.doc V. 1

ILLUSTRATION



O'Neill's Premises

6701 - 34TH STREET SOUTH

Resolution No. 2015 – _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LEASE AGREEMENT WITH HAP O'NEILL, INCORPORATED, A FLORIDA CORPORATION, D/B/A O'NEILL'S MARINA, FOR THE OPERATION OF A MARINA ON CITY-OWNED WATERFRONT PROPERTY LOCATED AT 6701 - 34TH STREET SOUTH, ST. PETERSBURG, FOR A TERM OF TEN (10) YEARS; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management received a request from Hap O'Neill, Incorporated d/b/a O'Neill's Marina ("O'Neill's") to create a new Lease Agreement ("Lease") allowing for significant capital improvements and a ten (10) year term for the continued operation of a marina on City-owned waterfront property located at 6701 - 34th Street South, St. Petersburg ("Marina"); and

WHEREAS, based upon O'Neill's request, Administration directed Real Estate and Property Management to develop a new Lease permitting O'Neill's to make significant improvements and repairs to the Marina with a ten (10) year term giving O'Neill's sufficient time to amortize the substantial cost associated with doing so; and

WHEREAS, the term of the Lease will be for ten (10) years commencing August 1, 2015 and ending on July 31, 2025 ("Term"), subject to City Council approval; and

WHEREAS, the financial terms of the Lease provide for a monthly percentage rent at a rate of ten percent (10%) on all revenues, excluding fuel sales, derived in the conduct of its business operations at the Premises, increasing to a rate of fifteen percent (15%) after five (5) years with the exception of the retail store and repair shop revenues which would continue to pay at the rate of ten percent (10%), with a minimum rent of \$7,500 per month, plus applicable sales tax; and

WHEREAS, in addition to the rent, O'Neill's is required to invest a minimum of \$625,000 throughout the first six (6) years of the Term for the following required capital improvements:

- Dredging of the inlet channel and Marina basin to expand the usability of the facility.
- Seawall replacement along the south side of the marina inlet channel at the entrance to the Marina.
- Continued replacement of various boat lifts, cradle kits, and finger piers.
- Continued piling and dock replacements.

- Roof replacement over portions of the Center Dock.
- Improvements to the parking area on the west side of the Marina basin; and

WHEREAS, O'Neill's is responsible for all interior and exterior maintenance of all buildings, improvements and utilities/services including, but not limited to, water, electric, telephone, internet service, sewer, gas, cable/satellite television, trash collection and stormwater fees, in addition to any applicable taxes; and

WHEREAS, O'Neill's will maintain a commercial general liability insurance policy in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, protecting the City against all claims or demands that may arise or be claimed on account of O'Neill's use of the Marina; and

WHEREAS, as provided for in a separate license agreement, O'Neill's has agreed to continue providing a wet slip location to the City's Fire Department for its rescue vessel ("Rescue Vessel") and waive all rent and fees in consideration of the City having paid for its own cost of build-out of the slip to accommodate the Rescue Vessel; and

WHEREAS, pursuant to Section 1.02 (c)(1) and (2) of the City Charter, the subject property is classified on the Park and Waterfront Property Map as "*City owned land with 10-year lease limitation*" thereby allowing the lease of the property for ten (10) years or less with approval by an affirmative vote of at least six (6) members of City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor, or his Designee, is hereby to execute a Lease Agreement with Hap O'Neill, Incorporated, a Florida corporation, d/b/a O'Neill's Marina, for the operation of a marina on City-owned waterfront property located at 6701 - 34th Street South, St. Petersburg, for a term of ten (10) years; and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:

City Attorney (Designee)

Legal: 00237259.doc V. 1

APPROVED BY:

Bruce E. Grimes, Director

Real Estate and Property Management

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of July 23, 2015

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

SUBJECT: A resolution authorizing the Mayor, or his Designee, to execute a License Agreement with the Silver Raiders Corporation, a Florida not-for-profit corporation, for the use of the concession stand/restroom and storage/press box buildings within the James "J.C." Turner Fields on the southwestern portion of City-owned Bartlett Park located at 642 – 22nd Avenue South, St. Petersburg, for a period of thirty six (36) months for a fee of \$36.00; to waive the reserve for replacement requirement; and to execute all documents necessary to effectuate same; and providing an effective date. *(Requires affirmative vote of at least six (6) members of City Council.)*

EXPLANATION: Real Estate and Property Management received a request from the Silver Raiders Corporation ("Licensee") to renew its license agreement for the use of the concession stand/restroom and storage/press box buildings within the James "J.C." Turner Fields on the southwestern portion of City-owned Bartlett Park located at 642 – 22nd Avenue South, St. Petersburg ("Premises"). The Licensee, a youth football organization, has utilized the Premises since 2009.

The Licensee has executed a new License Agreement ("License") for a term of thirty-six (36) months, subject to City Council approval, with the terms and conditions providing it with the same basic rights and privileges it has enjoyed during the preceding term. The fee is one dollar (\$1.00) per month or thirty-six dollars (\$36.00) for the entire term. The Licensee is responsible for all interior and exterior maintenance of both buildings and utilities/services including, but not limited to, water, electric, telephone, internet service, sewer, gas, cable/satellite television, trash collection and stormwater fees, in addition to any applicable taxes and insurance. Additionally, the Licensee will maintain a commercial general liability insurance policy in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, protecting the City against all claims or demands that may arise or be claimed on account of the Licensee's use of the Premises. The License may be terminated without cause by either party with ninety (90) days written notice prior to the scheduled date of termination.

City Council Resolution No. 79-740A, dated October 4, 1979, establishes policies for the sale and leasing of City-owned park and waterfront property. This resolution requires that when leasing City property to a non-profit, private organization ". . . the organization pays operating cost plus a reserve for replacement." Due to the limited financial resources of the organization, the City is charging a nominal fee and recommending that the reserve for replacement requirement

be waived in an effort to minimize operating costs. These terms and conditions are consistent with prior licenses with this and other non-profit organizations. Under the terms of the License, the City is under no obligation to provide a replacement facility under any circumstances.

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

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a License Agreement with the Silver Raiders Corporation, a Florida not-for-profit corporation, for the use of the concession stand/restroom and storage/press box buildings within the James "J.C." Turner Fields on the southwestern portion of City-owned Bartlett Park located at 642 – 22nd Avenue South, St. Petersburg, for a period of thirty six (36) months for a fee of \$36.00; to waive the reserve for replacement requirement; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Illustration and Resolution

APPROVALS: Administration:



Budget:

N/A

Legal:



(As to consistency w/attached legal documents)
Legal: 00237421.doc V. 1

ILLUSTRATION



A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH THE SILVER RAIDERS CORPORATION, A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR THE USE OF THE CONCESSION STAND/RESTROOM AND STORAGE/PRESS BOX BUILDINGS WITHIN THE JAMES "J.C." TURNER FIELDS ON THE SOUTHWESTERN PORTION OF CITY-OWNED BARTLETT PARK LOCATED AT 642 - 22ND AVENUE SOUTH, ST. PETERSBURG, FOR A PERIOD OF THIRTY SIX (36) MONTHS FOR A FEE OF \$36.00; TO WAIVE THE RESERVE FOR REPLACEMENT REQUIREMENT; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Silver Raiders Corporation ("Licensee") desires to continue to license certain City-owned property, which is classified as Park Property on the City Park and Waterfront map, for the use of the concession stand/restroom and storage/press box buildings; and

WHEREAS, the proposed License Agreement ("License") will be for a term of thirty-six (36) months for a fee of \$36.00, to be paid at the commencement of the License; and

WHEREAS, the Licensee is responsible for all interior and exterior maintenance of both buildings and utilities/services including, but not limited to, water, electric, telephone, internet service, sewer, gas, cable/satellite television, trash collection and stormwater fees, in addition to any applicable taxes and insurance; and

WHEREAS, the Licensee will maintain a commercial general liability insurance policy in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, protecting the City against all claims or demands that may arise or be claimed on account of the Licensee's use of the Premises; and

WHEREAS, the License may be terminated without cause by either party by providing written notice no less than ninety (90) days prior to the scheduled date of termination; and

WHEREAS, the License is in accordance with the policies established in Resolution No. 79-740A provided, however, that due to the limited financial resources of the organization, the City is charging nominal rent and recommending that the reserve for replacement requirement be waived in an effort to minimize operating costs; and

WHEREAS, these terms and conditions are consistent with prior leases with this and other non-profit organizations; and

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

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

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor, or his Designee, is hereby authorized to execute a License Agreement with the Silver Raiders Corporation, a Florida not-for-profit corporation, for the use of the concession stand/restroom and storage/press box buildings within the James "J.C." Turner Fields on the southwestern portion of the City-owned Bartlett Park located at 642 – 22nd Avenue South, St. Petersburg, for a period of thirty six (36) months for a fee of \$36.00; to waive the reserve for replacement requirement; and to execute all documents necessary to effectuate same.

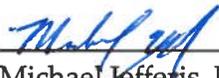
This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (Designee)
Legal: 00237421.doc V. 1

APPROVED BY:



Michael Jefferis, Director
Parks & Recreation

APPROVED BY:



Bruce E. Grimes, Director
Real Estate and Property Management