

COUNCIL MEETING

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

CITY OF ST. PETERSBURG

September 3, 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.

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

Constable Edward A. George - September 16, 1908

Officer Charles L. Eustes - September 24, 1967

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. RECESS CITY COUNCIL MEETING & CONVENE CRA MEETING.
2. [Ordinance 192-H adopting amendments to the Intown Redevelopment Plan \(IRP\) to increase the redevelopment program budget by \\$20 million to fund improvements identified in the Downtown Waterfront Master Plan for the Pier District; update descriptions to reflect current conditions on downtown blocks; update maps and graphics; amending Appendix A to contain a summary of the IRP's legal documents; and correct scrivener's errors.](#)

3. [Resolution by City Council approving the Fourth Amendment to the April 21, 2005, Intown Redevelopment Plan Interlocal Agreement.](#)
4. [Resolution by City Council approving the Bayboro Harbor CRA Interlocal Agreement.](#)

E. Reports

1. Land Use & Transportation: (Councilmember Kennedy) (Oral)
 - (a) Pinellas Planning Council (PPC).
 - (b) Metropolitan Planning Organization (MPO).
 - (c) Tampa Bay Transportation Management Area (TBTMA).
 - (d) MPO Action Committee.
 - (e) PSTA - (Councilmember Rice)
2. [Eckerd Community Alternatives and the need for Foster Families. \(Vice-Chair Foster\)](#)
3. Public Arts Commission. (Oral) (Councilmember Rice)
4. [Resolution recommending that Inside Sales Solutions FL, Inc. \(“Project”\) be approved as a Qualified Target Industry \(“QTI”\) Business pursuant to Section 288.106, Florida Statutes.](#)
5. Arts & Culture Economic Impact. (Oral) (Wayne Atherholt)
6. SHINE: St Petersburg Mural Festival. (Oral) (Wayne Atherholt)
7. SPF15, the St. Petersburg Festival 2015. (Oral) (Wayne Atherholt)
8. [Resolution declaring the results of the Special Primary Election held on August 25, 2015. \(Chan Srinivasa\)](#)
9. [Approving a resolution approving a First Amendment to the Construction Manager at Risk Agreement \(“CMAR”\) with the Haskell Company for additional pre-construction phase services associated with the Biosolids to Energy Project to include State Revolving Fund Assistance and the Southwest Water Reclamation Facility Gas Generator and Electrical Improvements Project, in an amount not to exceed \\$106,000; and approving a supplemental appropriation in the amount of \\$132,000 which includes the CMAR Agreement costs as well as additional engineering project management costs in the amount of \\$25,144, from the unappropriated balance of the Water Resources Capital Project Fund \(4003\) to the WRF SW Biosolids CMAR FY15 Project \(14855\). \[DELETE\]](#)

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

Setting September 17, 2015 as the public hearing date for the following proposed Ordinance(s):

1. [Approving the vacation of a 20-foot east-west alley in the block bounded by Central Avenue and 1st Avenue South between 60th Street South and 61st Street South. \(City File 15-33000013\)](#)

2. [Utility Rates for FY 2016:](#)

(a) Ordinance relating to utility rates and charges; amending Chapter 27, Subsections 27-141 (a), 27-142 (a), 27-144 (c), 27-177 (a), 27-283 (a), and Subsections 27-284 (a) and 27-284 (d) of the St. Petersburg City Code; amending base charges and volume charges for water service; amending wholesale water service charges for the City of Gulfport; amending base and volume charges for irrigation only accounts; amending reclaimed water rates and charges; amending base and volume charges for wastewater service; amending wastewater service charges for wholesale customers; providing for severability of provisions; providing an explanation of words struck through and underlined; and establishing a date to begin calculating new rates for billing purposes.

(b) Sanitation Rate Study.

(c) Stormwater Rate Recommendation.

3. [Ordinance amending St. Petersburg City Code, Chapter 16, Land Development Regulations \(LDRs\) pertaining to nonconforming lots. \(City File LDR-2015-04\)](#)

4. [Ordinance amending St. Petersburg City Code, Chapter 16, Land Development Regulations \(LDRs\) pertaining to tree protection and landscaping requirements. \(City File LDR-2015-05\)](#)

5. [Ordinance of the City of St. Petersburg, Florida, relating to Code Enforcement; Amending Chapter 9 of the City Code to clarify the powers of the Code Enforcement Board to certify, assess, and reduce liens on properties which are found to be in violation of City Code; adding posting of notices as a means of service; and adding criteria for vehicle, vessel, and equipment violation notices.](#)

G. New Business

1. [Requesting to schedule a Committee of the Whole or Workshop prior to Administration bringing an extension to the Grand Prix contract for Council approval. \(Councilmember Nurse\)](#)

2. [Referring to a Committee of the Whole to discuss funding from Weeki Wachee Funds, the purchase of land adjacent to Boyd Hill Nature Preserve. \(Councilmember Kornell\)](#)

H. Council Committee Reports

1. [Legislative Affairs & Intergovernmental Relations \(LAIR\). \(08/20/15\)](#)

(a) Resolution supporting the United States Departments of Housing and Urban Development (“HUD”) Home Investment Partnerships (“HOME”) Program; and urging the Federal Delegation to support and pass legislation for funding.

2. [Budget, Finance & Taxation Committee. \(08/20/15\)](#)

(a) Resolution of the City of St. Petersburg, Florida authorizing the issuance of not to exceed \$50,000,000 in aggregate principal amount of City of St. Petersburg, Florida Public Service Tax Revenue Bonds, Series 2015A for the purpose of financing, refinancing and/or reimbursing the costs of any design, and the planning, site preparation, acquisition, installation, construction, and equipping of a City-owned municipal pier, commonly referred to as the Pier Project, as more particularly

described herein; authorizing the issuance of not to exceed \$23,000,000 in aggregate principal amount of City of St. Petersburg, Florida Public Service Tax Revenue Bonds, Series 2015B for the purpose of financing, refinancing and/or reimbursing the costs of capital projects designed to integrate the Pier Project with the surrounding downtown environment, commonly referred to as the Pier Approach Project, as more particularly described herein; pledging Public Service Tax revenues to secure payment of the principal of and interest on such Bonds; making certain covenants and agreements for the benefit of the Holders of such Bonds; authorizing Bond validation; authorizing certain officials and employees of the city to take all actions required in connection with the sale, issuance and delivery of such Bonds; and making certain covenants and agreements in connection therewith.

(b) Approving the agreement between the City of St. Petersburg, Florida and Morgan Stanley Smith Barney, LLC for investment manager services for the St. Petersburg Parks Preservation Fund (Weeki Wachee Proceeds); and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.

3. Budget, Finance & Taxation Committee. (08/27/15) [DELETE]

4. [Energy, Natural Resources & Sustainability Committee \(ENRS\). \(08/20/15\)](#)

5. [Public Services & Infrastructure Committee. \(08/27/15\)](#)

6. [Housing Services Committee. \(08/27/15\)](#)

(a) Authorizing the Mayor or his designee to dispose of Unbuildable Surplus real property to abutting residential property owner(s) for nominal consideration with the purchaser paying all closing costs; and approving and adopting Policies and Procedures to provide for said disposition and to execute all documents necessary to effectuate same.

(b) Resolution superceding resolutions No. 2012-515 and No. 2013-498 and approving the policies and procedures set forth herein (“Policies and Procedures”) establishing a Special Assessment Lien Modification Program that authorizes the Mayor or his designee to take the actions set forth therein on requests for relief from Special Assessment Liens pursuant to the Policies and Procedures; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution and the Policies and Procedures.

I. Legal

J. Open Forum

K. First Public Hearing -- Fiscal Year 2016 Budget - 6:30 P.M.

1. [Fiscal Year 2016 Tentative Budget and Proposed Millage Rate](#)

(a) Resolution adopting a proposed millage rate for the Fiscal Year ending September 30, 2016.

(b) Ordinance (number to come) making appropriations for the fiscal year ending September 30, 2016; making appropriations for the payment of the operating expenses of the City of St. Petersburg, Florida, including its utilities, and for the payment of principal and interest of revenue bonds, and other obligations of the City of St. Petersburg, Florida; making appropriations for the Capital Improvement Program of

the City of St. Petersburg, Florida; making appropriations for the dependent special districts of the City; adopting this appropriation ordinance as the budget for the City for fiscal year ending September 30, 2016; and providing for related matters.

- (c) Resolution adopting the tentative budget for the Fiscal Year ending September 30, 2016.

L. Adjournment

**St. Petersburg
Community Redevelopment Agency (CRA)
September 3, 2015**

1. City Council convenes as Community Redevelopment Agency.
2. [Resolution of the St. Petersburg Community Redevelopment Agency recommending City Council approve amendments to the Intown Redevelopment Plan.](#)
3. Adjourn Community Redevelopment Agency. ~RECONVENE CITY COUNCIL MEETING~
(City Council takes action on Ordinance 192-H adopting amendments to the Intown Redevelopment Plan (IRP).

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda A September 3, 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. [Approving the purchase of fuel from Indigo Energy Partners, LLC and J.H. Williams Oil Company, Inc. for the Fleet Management Department at an estimated annual cost of \\$4,943,497.](#)

(Public Works)

2. [Gandy Boulevard Limited Access Road Improvements Project:](#)
 - (a) Authorizing the Mayor or his designee to execute a Utility Work Agreement (“UWA”) Amendment No. 2 between the City of St. Petersburg and Condotte/De Moya JV, LLC who is under contract with the Florida Department of Transportation (“FDOT”) to design and build the Gandy Boulevard Limited Access Road Improvements (the “Project”), in the estimated sum of \$933,217 for a total revised Utility Work cost of \$3,525,434, to relocate identified City utilities in conflict with the FDOT’s Limited Access roadway, bridge and drainage improvements at Gandy Boulevard (SR 694) within the Segment 4 Tinney Creek and 4th Street area (FPID # 256931-2-52-01); and reducing the storm drainage improvements work to be performed under the UWA in the amount of \$300,000. (Engineering Project No. 14069-111; Oracle Nos. 13853, 13854 and Engineering Project 15054-110; Oracle No. 14923)
 - (b) Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-04-LWES/GC to the agreement between the City of St. Petersburg and Land & Water Engineering Science, Inc. (LWES) in the amount of \$160,531 for engineering design services pertaining to the Oak Street Stormwater Drainage Improvements for a total amount not to exceed \$192,119. (Engineering Project No. 15046-110; Oracle No. 14640)

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda B September 3, 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. [Awarding a five year blanket purchase agreement for office supplies to Staples Contract and Commercial, Inc., at an estimated annual cost of \\$480,000.](#)
2. [Awarding a contract to Cathey Construction & Development, LLC in the amount of \\$289,615 for the construction of a Fleet Maintenance Vehicle Wash Facility. \(Engineering Project No. 15063-115; Oracle No. 14604\).](#)
3. [Accepting a proposal from the Florida Department of Management Services, a sole source supplier, for communications services through the State's CentraNet \(CNET\) SUNCOM program for the Department of Technology Services at an estimated annual cost of \\$130,000.](#)

(City Development)

4. [Authorizing the Mayor or his designee to execute a one \(1\) year agreement with the Pinellas Suncoast Transit Authority in an amount not to exceed \\$75,000 to operate a daily fixed route trolley service program from St. Pete Beach to the eastern terminus of 2nd Avenue NE in downtown St. Petersburg including service to the Dolphin and Pelican Parking Lots.](#)
5. [Authorizing the Mayor or his designee to sell the surplus, unimproved City-owned parcel located at approximately 747 – 4th Avenue North, St. Petersburg, to Marcal Investments, LLC for \\$32,000, with net proceeds of \\$2,800 to the City.](#)
6. [Authorizing the Mayor or his designee to execute a License Agreement with St. Petersburg Warehouse Arts District, Inc., a Florida non-profit corporation, for use of three \(3\) unimproved parcels located on the westerly side of 22nd Street South between 6th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, for a period of twenty-four \(24\) hours at a nominal fee, to provide overflow parking for the public while hosting a community art event.](#)

(

(Appointments)

7. Confirming the appointment of Ashley C. Burke as a regular member to the Arts Advisory Committee to serve an unexpired three-year term ending September 30, 2015.

(Miscellaneous)

8. Authorizing the Mayor or his designee to accept a grant from WorkNet Pinellas, Inc. d/b/a CareerSource Pinellas in the amount of \$30,000 for the specific purpose of continuing education and training of current Fire & Rescue Department employees as paramedics; and to execute all documents necessary to effectuate this transaction; and approving a supplemental appropriation in the amount of \$30,000 from the increase in the unappropriated balance of the Emergency Medical Services fund (1009) resulting from these additional revenues, to the CareerSource Pinellas 2015 project (14996).
9. Approving the agreement between the City of St. Petersburg (“City”), Pinellas County Property Appraiser (“Property Appraiser”), and Pinellas County Tax Collector (“Tax Collector”) for Tax Management Associates, Inc. (“TMA”) to receive thirty percent (30%) of any tax, penalties, and interest collected from back taxes assessed or tax liens filed by the Property Appraiser on parcels in the City, which undeserved personal exemptions were discovered through a TMA audit pursuant to the agreement between TMA, the Property Appraiser, and the Tax Collector; and authorizing the Mayor or his designee to execute all documents necessary to effectuate the transaction.

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

Budget, Finance & Taxation Committee

Thursday, August 27, 2015, 8:00 a.m., Room 100

Public Services & Infrastructure Committee

Thursday, August 27, 2015, 9:15 a.m., Room 100

Housing Services Committee

Thursday, August 27, 2015, 10:30 a.m., Room 100

CRA/ Agenda Review and Administrative Update (for 9/3)

Thursday, August 27, 2015, 1:30 p.m., Room 100

CITY OF ST. PETERSBURG
Board and Commission Vacancies



Civil Service Board
1 Alternate Member
(Term expires 6/30/17)

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.

ST. PETERSBURG CITY COUNCIL
Meeting of September 3, 2015

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

SUBJECT Second Reading and Public Hearing of Ordinance amending the Intown Redevelopment Plan to increase its program budget by \$20 million in tax increment financing to fund Downtown Waterfront Master Plan improvements; update descriptions to reflect current development conditions; update maps and graphics; amending Appendix A to provide a summary of all IRP legal documents; provide for severability; and correct scrivener's errors.

RECOMMENDATION Administration recommends City Council approve the attached Ordinance and adopt the Amendments to the Intown Redevelopment Plan.

BACKGROUND

City Administration is proposing a series of amendments to the Intown Redevelopment Plan (IRP) highlighted by increased budgetary authority in the IRP redevelopment program for \$20 million in improvements to the Pier Approach that will be funded through tax increment financing. These improvements were identified in the Downtown Waterfront Master Plan that was adopted by City Council on June 4, 2015. On September 3, 2015, City Council will be asked to approve a "Fourth Amendment to the April 21, 2005, Intown Redevelopment Plan Interlocal Agreement" in advance of second reading and public hearing on this subject ordinance in order to authorize the amendments to the IRP discussed herein.

The proposed IRP amendments are necessary to effectuate the terms of an agreement between the City of St. Petersburg and Pinellas County to establish a tax increment financing (TIF) district for the entire 7,400-acre South St. Petersburg Community Redevelopment Area (CRA). To garner County support for the South St. Petersburg TIF district, the City agreed, among other items, to reduce Pinellas County's annual percentage contribution to the CRA redevelopment trust funds for both Intown and Bayboro Harbor from 95 percent to 85 percent of the annual tax increment. Pinellas County, while approving the South St. Petersburg TIF district also agreed to the \$20 million increase in the IRP redevelopment program budget that can be funded with tax increment financing. The major components of this deal are memorialized in the "South St. Petersburg CRA Interlocal Agreement (June 3, 2014)", which was approved by City Council on May 21, 2015.

Amendments to community redevelopment plans (CRPs) require adoption by ordinance and must comply with procedures established by Florida's Community Redevelopment Act. Each CRP amendment must be found in conformance with the City's comprehensive plan by the Community Planning and Preservation Commission (CPPC), reviewed by the Community Redevelopment Agency, and approved by City Council and the Pinellas County Board of County Commissioners (BCC). The CPPC found the amendments consistent with the comprehensive plan. If the amendments are approved, Pinellas County will be taking action on the amendments by October 20, 2015.

SUMMARY OF AMENDMENTS

The proposed amendments include

- Increasing the redevelopment program budget identified in Table 2 by \$20 million in tax increment financing to fund improvements to the Pier District identified in the Downtown Waterfront Master Plan. Briefly describe the same in other sections throughout the document.
- Creating a new consistent graphic and map format throughout the document.
- Changing references from "Progress Energy" to "Duke Energy".
- Changing references from "BayWalk" to "Sundial" and adding information on the current condition of the development.
- Amending Figure 1 to include aerial view of Duke Energy Center for the Arts and environs.
- Adding current development information to description of Webb's City area and Map 6.
- Adding section entitled "Downtown Waterfront Master Plan" to describe in detail the project to be funded with tax increment financing.
- Amending Figure 1 to add boundaries for the "Character Districts" described in the Downtown Waterfront Master Plan.
- Updating data on number of residential units constructed since 1982 in Intown and the rest of downtown.

- In Table 2
 - Extend the completion date of the "Municipal Pier Project" from 2016 to 2018
 - Add "\$" to total cost of "Duke Energy Center for the Arts"
 - Extend the completion date of the "Mixed Use Transportation Facility" from 2016 to 2018.
 - Increase the amount of "Maximum TIF Funds Required" from \$97.354 million to \$117.354 million.
- Replacing select legal instruments related to the IRP from Appendix A with a summary of all pertinent legal documents.

RECOMMENDATION

Administration recommends City Council approve the attached Ordinance and adopt the amendments to the Intown Redevelopment Plan.

Attachments: Ordinance
Amended Chapters of Intown Redevelopment Plan

NO. 2015 -

AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE INTOWN REDEVELOPMENT PLAN (IRP) OF THE CITY OF ST. PETERSBURG, PURSUANT TO PART III OF CHAPTER 163 OF THE FLORIDA STATUTES; EXPANDING THE REDEVELOPMENT PROGRAM BUDGET BY \$20 MILLION IN TAX INCREMENT FINANCING TO FUND IMPROVEMENTS IDENTIFIED IN THE DOWNTOWN WATERFRONT MASTER PLAN FOR THE PIER DISTRICT; UPDATING DESCRIPTIONS TO REFLECT CURRENT DEVELOPMENT CONDITIONS; UPDATING MAPS AND GRAPHICS; CORRECTING SCRIVENER'S ERRORS; AMENDING APPENDIX A TO PROVIDE A SUMMARY OF ALL IRP LEGAL DOCUMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg approved the Intown Redevelopment Plan (IRP) to revitalize the City's original downtown core area and waterfront for urban entertainment, sports, residential, commercial, institutional and office uses; and

WHEREAS, the Waterfront Plan section of the IRP calls for the continued renovation of the waterfront parks and Pier area and the development of specialty retail and cultural and recreational facilities; and

WHEREAS, on June 4, 2015, City Council approved the Downtown Waterfront Master Plan, which was mandated by an amendment to the City Charter approved by referendum on November 8, 2011; and

WHEREAS, the Downtown Waterfront Master Plan identified potential future public improvements throughout the waterfront planning area, including the Pier District; and

WHEREAS, the Pier District provides a vital link between the new Municipal Pier and the Downtown Core and public improvements are necessary to energize and connect activity between both to ensure the long-term success of the Municipal Pier; and

WHEREAS, the St. Petersburg City Council and the Pinellas County Board of County Commissioners approved the "Interlocal Agreement between the City of St. Petersburg, Florida and Pinellas County, Florida for Governance of the South St. Petersburg Community Redevelopment Area (June 2, 2015)" (Interlocal Agreement); and

WHEREAS, the Interlocal Agreement calls for the reduction in Pinellas County's annual tax increment contribution to the IRP Redevelopment Trust Fund in exchange for - among other items - an increase in the IRP redevelopment budget from \$97.4 million to \$117.4 million to fund improvements identified in the Downtown Waterfront Master Plan; and

WHEREAS, the IRP has undergone significant development since its adoption in 1982, and the IRP should reflect the current development condition of key blocks in downtown; and

WHEREAS, the IRP maps and graphics will occasionally need updating; and

WHEREAS, revisions to grammar, usage and scrivener's errors are necessary to ensure the IRP's clarity; and

WHEREAS, Appendix A of the IRP contains select legal documents relating to adoption of the IRP as well as recent major amendments, and replacing them with a short summary of all IRP legal documents will be more useful for readers.

THE CITY OF ST. PETERSBURG DOES HEREBY ORDAIN:

Section 1. Exhibit A of Ordinance 557-F, as amended, is hereby amended to read as provided in the Attachment to this ordinance, which is attached hereto and incorporated herein.

Section 2. Words that are ~~struck through~~ shall be deleted from the existing Intown Redevelopment Plan (IRP) and language that is underlined shall be added to the existing IRP. Provisions not specifically amended shall continue in full force and effect.

Section 3. Severability. The provisions of this ordinance shall be deemed to be severable. If any portion of this ordinance is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this ordinance.

Section 4. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective when the Board of County Commissioners approves it as an amendment to the Intown Redevelopment Plan. 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 described above.

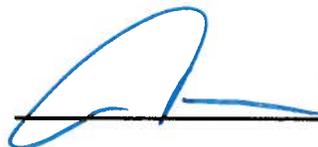
First Reading conducted on 20th day of August, 2015.

Passed by St. Petersburg City Council on second and final reading held on the 3rd day of September, 2015.

 8/10/15

City Attorney

Date

 8-10-15

Director, Planning & Economic Development

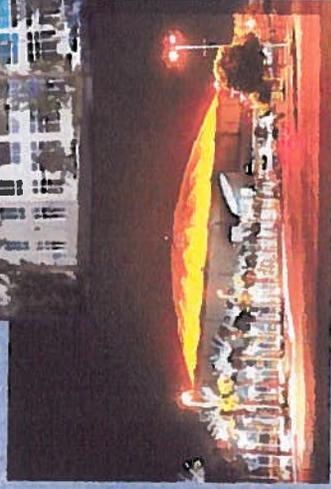
Date

Approved as to Form and Substance

Attachment

Amendments to Exhibit A of Ordinance 557-F

Intown Redevelopment Plan



St. Petersburg, Florida

Intown Redevelopment Plan

An aerial photograph of a city skyline, likely New York City, showing several tall buildings, a river, and a bridge. The image is oriented vertically on the page.

MAYOR/CRA EXECUTIVE DIRECTOR

Rick Kriseman

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)

Charlie Gerdes, Chair

Amy Foster, Vice Chair

Bill Dudley

Jim Kennedy

Steve Kornell

Wengay Newton

Karl Nurse

Darden Rice

ADMINISTRATION

Gary Cornwell, City Administrator

Alan Delisle, City Development Administrator

Originally Adopted in March 1982

Approved as Amended on September 3, 2015

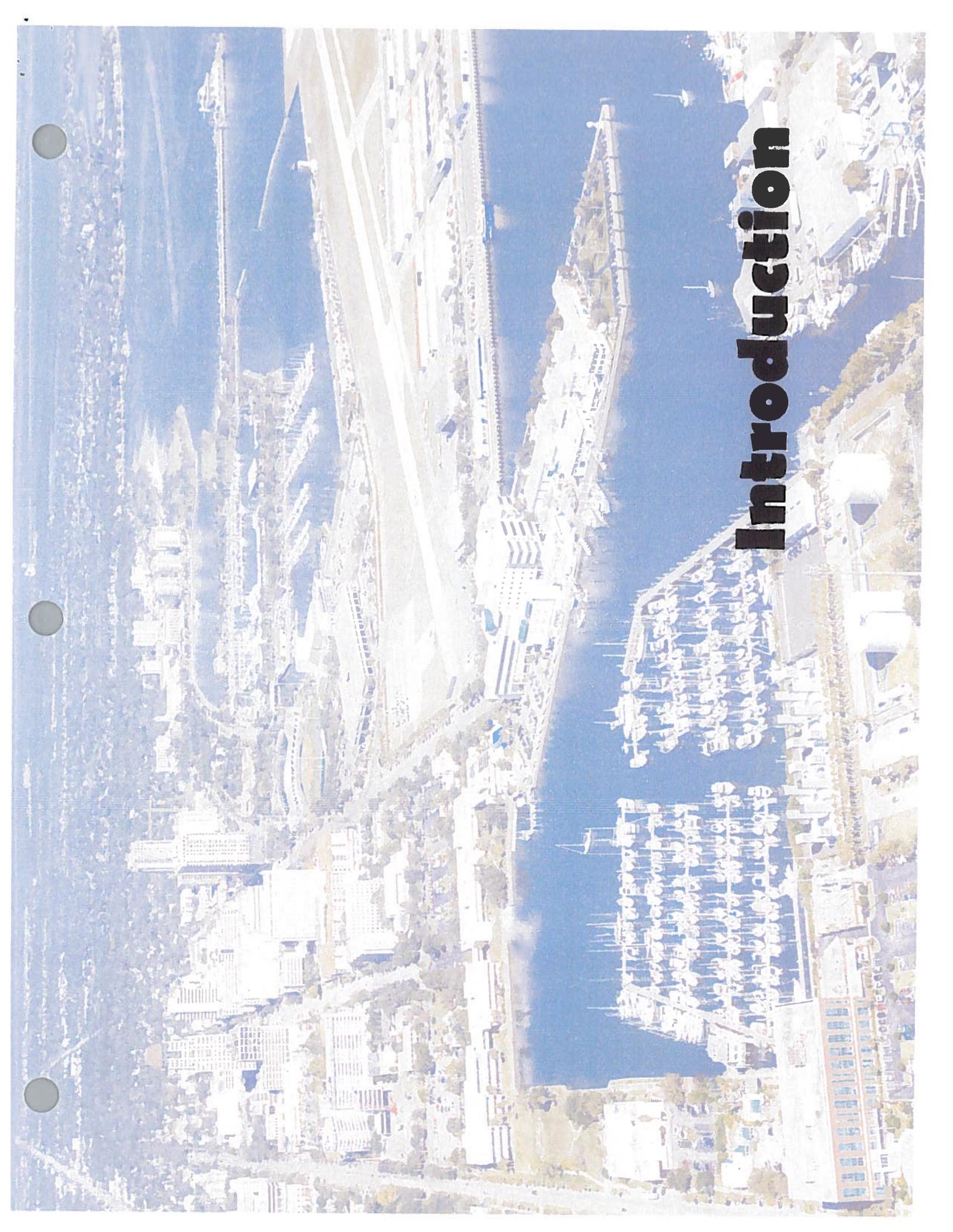
MAPS, TABLES AND FIGURES

CHAPTER 163, PART III (SEC. 163.362, F.S.)

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Introduction



INTRODUCTION

The **Intown Redevelopment Plan (IRP)** is the revitalization plan for the downtown. The development and implementation of the plan involves the efforts of City Council, the Community Redevelopment Agency, and the residential, financial, and business communities.

The Intown Redevelopment Plan (IRP) provides mechanisms and programs for coordinating and facilitating public and private improvements to encourage revitalization. The authority and powers invested in this plan come from the Community Redevelopment Act of 1969 (Florida Statutes, Chapter 163, Part III).

The Community Redevelopment Act grants local municipalities and local redevelopment agencies the authority to undertake community redevelopment projects following the designation of a redevelopment area to be of slum or blight, or a combination thereof.

Once an area has been declared appropriate for redevelopment, a community redevelopment plan is prepared. Before the plan is approved, the local governing body must hold a public hearing on the proposed plan.

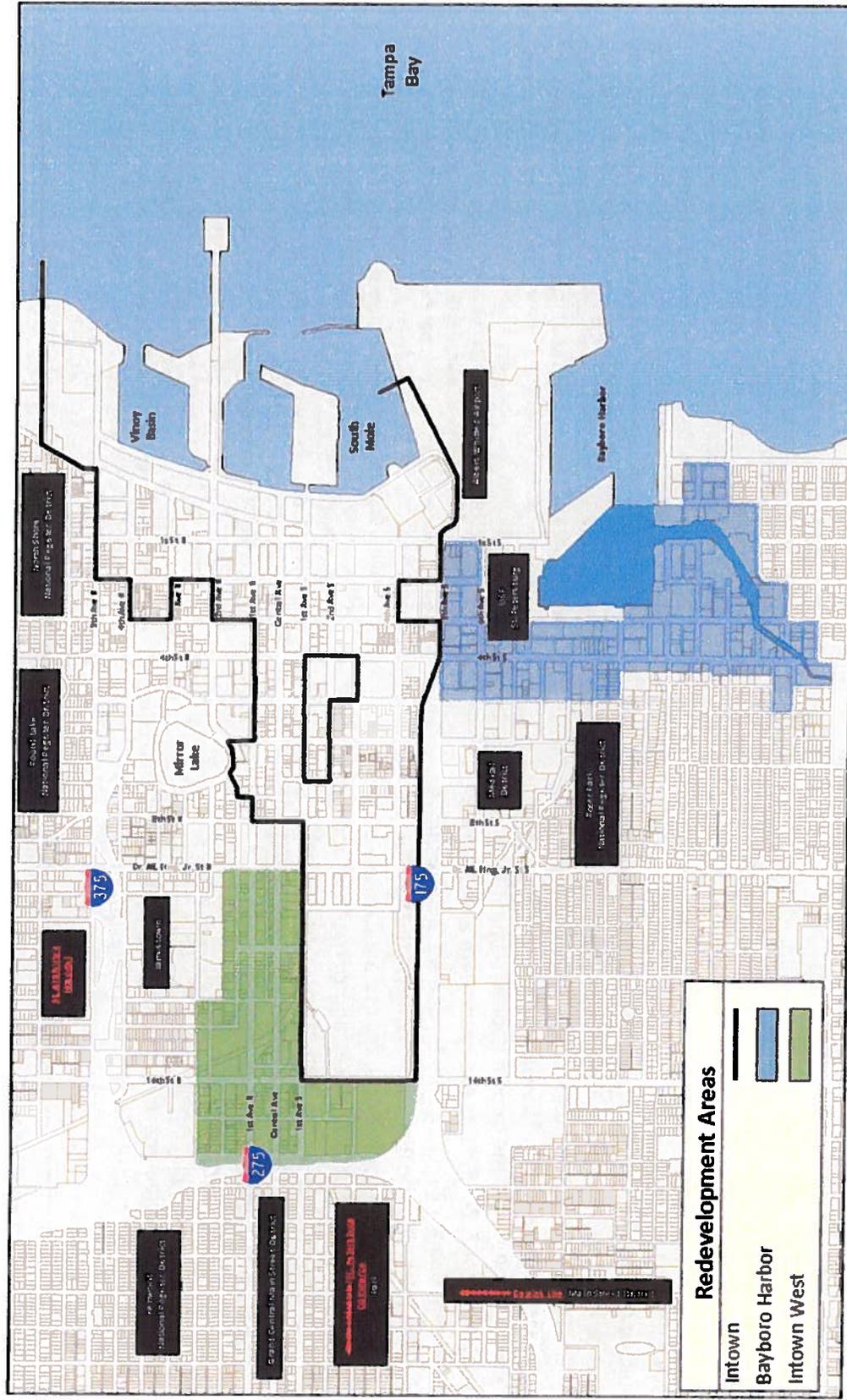
In conjunction with preparing the plan, a redevelopment agency must be established to carry out the plan. On June 30, 1981, the City Council received redevelopment powers from the Pinellas County Board of Commissioners. Then the City Council of the City of St. Petersburg declared itself the

Community Redevelopment Agency for the Intown Redevelopment Plan (See Appendix A).

The Intown Redevelopment Plan was the second of four community redevelopment plans adopted for Downtown and its environs to promote revitalization (see Map 1). The first, the Jamestown Redevelopment Area, was established in 1977 and expired in 2007.

The 193-acre Bayboro Harbor Community Redevelopment Plan was approved in December 1985, with a tax increment financing (TIF) district approved in March 1988. The CRA lies south of the Intown Redevelopment Area and is bounded by the Port of St. Petersburg, Albert Whitted Airport, USF-St. Petersburg, the Old Southeast Neighborhood and the medical center complex. Bayboro's development program and public projects, funded through TIF, supports these important assets. The district's southern section, particularly along Salt Creek, also contains marine-related industries such as marinas, yacht builders, boat repair facilities and research uses not found elsewhere in the city.

The 123-acre Intown West Redevelopment Area lies north and west of Tropicana Field, and was created in 1990, with a tax increment district. Intown West was created to capitalize on the development of Tropicana Field and the eventual award of a Major League Baseball franchise. Specific issues the IWRP attempts to address include physical deterioration of structures and properties, poor visual identity and lack of a unified architectural theme or development pattern.



PROJECT DESCRIPTION

The redevelopment of ~~the~~ Intown has been a long-standing goal in St. Petersburg. It was recognized in the Goals for St. Petersburg 1973, the 1977 *Intown Sector Land Use Plan*, and, in 1979, the *Intown Design and Development Program* (IDDP). Given the above precedents, part of Intown Sector (see Map 2) has been identified as suitable for redevelopment as required under Chapter 163, Part III.

The redevelopment area is outlined on Map 2 and covers 309 acres, excluding rights-of-way. This area was declared suitable for redevelopment on December 17, 1981, (see Appendix A). Since its 1982 adoption, the IRP has been modified in response to changing market conditions, including amendments in 1995 that refined the plan emphasis for the Core, Waterfront, ~~Progress~~ Duke Energy Center for the Arts and other project areas (see Ordinance No. 205-G). In 2005, the City of St. Petersburg amended the Intown Redevelopment Plan to establish April 7, 2035, as its expiration date and utilize its tax increment financing revenue until that date to bond public projects related to the Pier, improvements to the ~~Progress~~ Duke Energy Center for the Arts, finance a mixed-use parking garage/transportation facility in an appropriate location within the IRP area, and fund pedestrian, streetscape and park improvements within the tax increment district. In 2015, the City amended the IRP to add \$20 million in budgetary authority to fund public improvements identified in the Downtown Waterfront Master Plan. Pinellas County's obligation to appropriate tax increment revenues will terminate the earlier of April 7, 2032, or at such time as the \$97.4 117.4 million in

funding required to pay for these projects has been repaid.

The written description of the Intown Redevelopment Area is as follows:

Starting at a point located at 7th Avenue N.E. extended and Tampa Bay moving west along 7th Avenue N. E. to Beach Drive, South along Beach Drive to 5th Avenue North, West along 5th Avenue North to 2nd Street, South along 2nd Street to 4th Avenue North, West along 4th Avenue North to 3rd Street, South along 3rd Street to 3rd Avenue North, East along 3rd Avenue North to 2nd Street, South along 2nd Street to 2nd Avenue North, West along 2nd Avenue North to 3rd Street, South along 3rd Street to 1st Avenue North, West along 1st Avenue North to 6th Street, North along 6th Street to Mirror Lake Drive, West along Mirror Lake Drive to Arlington Avenue, West along Arlington Avenue to 7th Street, South along 7th Street to 1st Avenue North, West along 1st Avenue North to 8th Street, South along 8th Street to 1st Avenue South, West along 1st Avenue South to 16th Street, South along 16th Street to I-175, East along I-175 to 4th Street, South on 4th Street to 5th Avenue South, East along 5th Avenue South to 3rd Street, North along 3rd Street to 4th Avenue South, East along 4th Avenue South to 2nd Street, South along 2nd Street to 5th Avenue South, Easterly along 5th Avenue South to Bayshore Drive, Easterly along Bayshore Drive to the Southern boundary of Municipal Parking Lot No. 51 on Plat Sheets D-1, D-3 and E-3 of the Official Zoning Map of the City of St. Petersburg, Easterly along the Southern boundary of Municipal Parking Lot No. 51, then Northerly along the Eastern boundary of Municipal Parking Lot No. 51 to Tampa Bay, Northerly along the coastline including any natural or artificial structures or land masses emanating from the coastline to a point located at the intersection of 7th Avenue N. E. extended and Tampa Bay; less the area beginning at the intersection of 1st Avenue South and 7th Street, South along 7th Street to 2nd Avenue South, East along 2nd Avenue South to 5th Street, South along 5th Street to 3rd Avenue South, East along 3rd Avenue South to 4th Street, North along 4th Street to 1st Avenue South, West along 1st Avenue South to 7th Street.

Within the redevelopment area are four important focus areas for new development: the Core, Webb's City, the Stadium Complex and surrounding residential areas (see Map 2). The first focus area is the Core, which also encompasses the waterfront. The integration of the Core and waterfront into a single focus area recognizes the importance of unifying these areas, which is a vital and unique part of the Intown and downtown revitalization.

Webb's City represents the second focus area and consists of the former Webb's City Department Store site and adjacent parcels. The Webb's City Department Store had functioned over the years as a residential service center as well as a tourist attraction. However, Webb's City Incorporated became financially troubled in 1976.

In January 1981, the City's involvement with Webb's City redevelopment program occurred when the Economic Development Administration transferred title of its property to the City. The City, in return, began making payments to EDA on the \$1.1 million transaction on February 18, 1987.

The Stadium Complex is the third focus area and is located between Dr. Martin Luther King, Jr. and 16th Streets and between 1st Avenue South and 1-175. The Stadium Complex, formerly known as the Gas Plant area, was declared a redevelopment area by City Council on September 7, 1978, under Chapter 163, Part III, F.S.; (Council Resolution 78-738). Initially envisioned to support industrial park and residential development, the Gas Plant Redevelopment Plan, which included plans to construct a multipurpose stadium on the site,

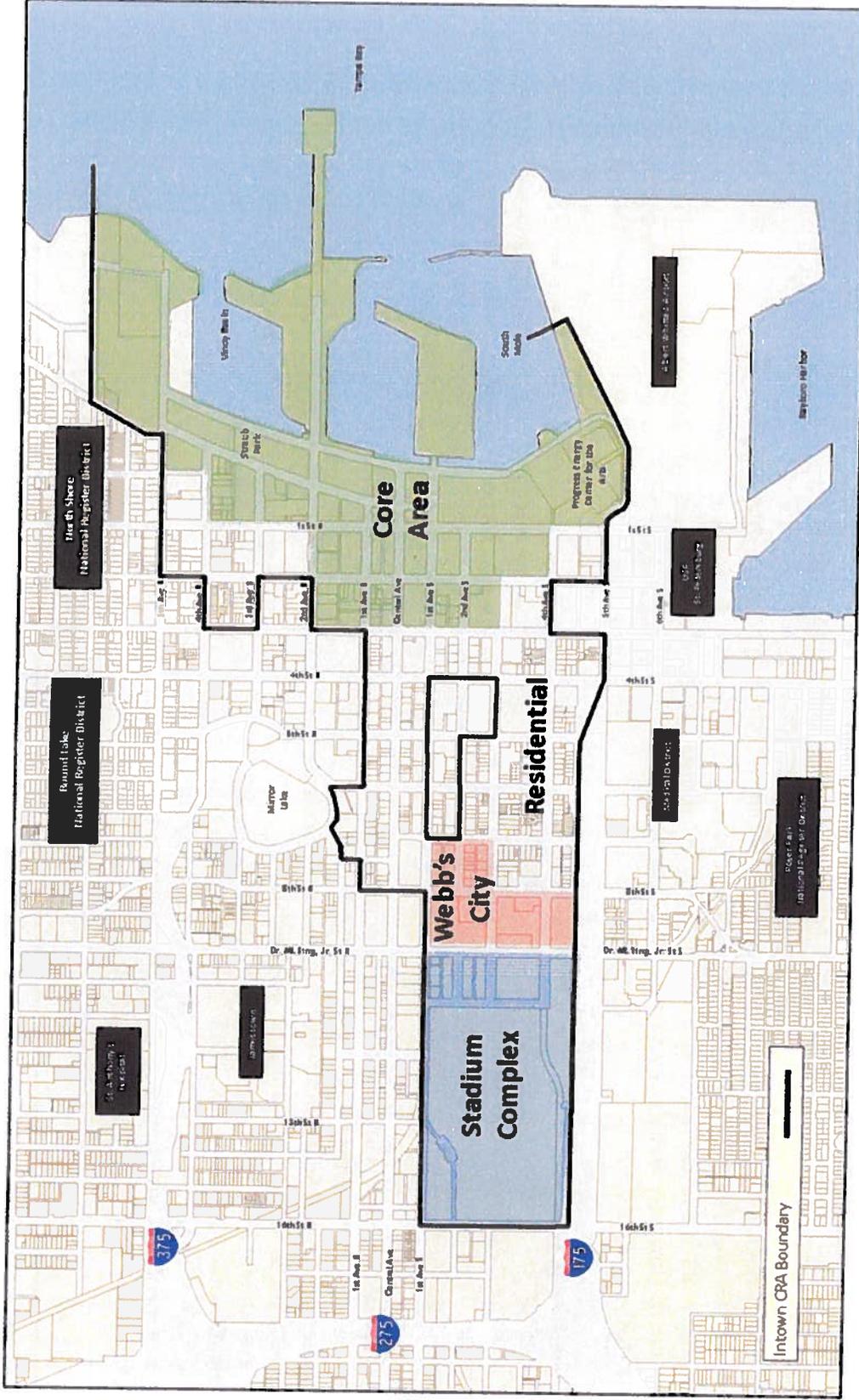
was incorporated into the Intown Redevelopment Plan in 1983 (Ord. No. 669-F). Land acquisition and construction took the remainder of the decade, with the new domed stadium officially opened to the public on March 3, 1990.

The surrounding residential areas represent an important facet of establishing a permanent residential base in the downtown and providing for a 24-hour working, living and recreational activity center.

REDEVELOPMENT ROLES

The City Council is the Community Redevelopment Agency (CRA) of the Intown Redevelopment Area and reviews certain projects for consistency with the Intown Redevelopment Plan, according to project cost thresholds adopted by resolution. The CRA has the authority to recommend amendments to the Redevelopment Plan ("Plan") with final approval by the City Council. As part of any redevelopment process, there may be times when appropriate modifications to the Plan are necessary.

Under Chapter 163, F.S., the governing body (City Council) has the authority to amend the Plan in conjunction with holding a public hearing. All plan changes, modifications, and amendments shall also be approved by the Pinellas County Board of County Commissioners.



Map 2

Intown Redevelopment Area and Project Focus Areas

REDEVELOPMENT ACTIVITIES

The St. Petersburg City Council, acting as the Community Redevelopment Agency, will achieve the goal of downtown revitalization, in conformance with this adopted Plan, through the following implementation techniques and as further described in this Plan:

1. Acquisition of real property, as provided for under Chapter 163, F.S.;
2. Demolition, removal or clearance of existing building, structures and improvements and preparation of the project area as defined by this Plan;
3. Rehabilitation of certain existing structures, as defined in the Design and Development Guidelines section;
4. A relocation of site occupants presently residing in structures that are acquired by the Community Redevelopment Agency, as set forth in the Neighborhood Impact Chapter;
5. Construction of public improvements as deemed necessary to implement the Plan, encourage private investment and provide for the overall benefit of the City;
6. Disposition, by sale or lease, of property within the redevelopment area to private enterprises or for public purposes for uses in accord with this Plan and with such

other conditions, disposition agreements and covenants running with the land as are necessary to ensure implementation of the Plan;

7. Formulation and Administration of rules governing reasonable preference to persons who are engaged in business within the redeveloped area if feasible and to establish rules governing the right of owners to participate in the redevelopment process.
8. Establish design and development guidelines to ensure new development and rehabilitation of existing structures are compatible with the surrounding area and conform to sound urban design practices; and
9. Management of property acquired by the CRA from the time of acquisition until disposition of the property.

OBJECTIVES AND STRATEGIES

The overall planning framework for the specific redevelopment programs of the IRP area is based on the 1979 *Intown Design and Development Program* (IDDP) and the 1977 *Intown Sector Land Use Plan*. These documents provide the framework for encouraging private development and rehabilitation. The overall objectives of the redevelopment plan are listed below:

- A. **ENCOURAGE AND REINFORCE DEVELOPMENT**
 1. Encourage economic activity through the development of a unified commercial core area.

OF AN INTEGRATED MOVEMENT SYSTEM FOR VEHICLES, TRANSIT, PEDESTRIANS AND PARKING.

2. Formulate a participatory (public/private) approach to redevelopment.
 3. Explore and develop organizational and leveraging devices to encourage private investments, such as construction of public improvements, establishment of a development corporation, and use of tax increment financing, interest subsidies, loan guarantees, and federal grants.
 4. Define a mixed-use and middle income residential development project, formulating prototype design criteria and strategies and utilizing a participatory (public/private) development concept for marketing and packaging the project.
 5. Provide support services for residential development.
 6. Provide economic and employment opportunities for all citizens, with special emphasis on the disadvantaged and unemployed persons, working closely with the private sector and other organizations to promote the revitalization of Downtown St. Petersburg.
 7. Continue the Waterfront Plan, Downtown Core Area, the Stadium Plan, Webb's City and ~~Progress~~ Duke Energy Center for the Arts projects.
- B. PROVIDE GREATER ACCESSIBILITY TO INTOWN ACTIVITY AREAS AND VISUAL ASSETS THROUGH THE DEVELOPMENT**
1. Maintain strict enforcement of City codes related to landscaping and signage through increased inspection.
- C. ENSURE THAT THE FORM OF NEW DEVELOPMENT AND REDEVELOPMENT PROMOTES, REINFORCES AND MAINTAINS THE HISTORIC, CULTURAL AND AESTHETIC INTEGRITY OF THE INTOWN REDEVELOPMENT AREA.**
1. Develop a pedestrian system based on pedestrian counts and surveys in addition to current and projected development activity.
 2. Utilize existing sidewalks and alleys for establishing a pedestrian system base.
 3. Determine current and projected Intown vehicular circulation patterns by defining major roadways and their connecting streets, and identifying current and future activity nodes.
 4. Determine appropriate areas to locate future parking facilities, de-emphasizing surface parking and focusing on potential areas for joint venture parking facility development.
 5. Pursue a regional premium transit system with multiple downtown stations that serve Intown's existing activity areas and promote the development and expansion of others.

2. Continue the beautification program (landscaping, street graphics and lighting) along Intown's visual corridors, utilizing where appropriate the streets earmarked for the Street Tree Planting Program, and encouraging private sector participation, through the Chamber of Commerce and other interested organizations, in maintaining the aesthetic appearance of this vegetation.
3. Develop design criteria and prototypes related to sidewalk textures, service delivery, landscaping, pedestrian facilities, pedestrian crossings, pedestrian lighting, sun and shade, and connections between buildings and public and private open space.
4. Develop prototypes for design of required open space to encourage quality design and establish concepts for relating building form and green space to other buildings, street and pedestrian systems and historic elements.
5. Increase Intown green open space through development of a landscaped pedestrian system and the Street Tree Planting Program and encourage developers to provide increased open space through incentives.

METHODS OF FINANCING

There are several funding techniques that will be utilized to

finance redevelopment. The following is a brief explanation of these techniques.

- Tax increment financing is a redevelopment funding mechanism established under Chapter 163 (Community Redevelopment Act) of the Florida Statutes. As a financial tool, it provides that the assessed value of a designated redevelopment area may be frozen upon establishment of a redevelopment plan. The frozen base continues to be available to all local taxing agencies for operating purposes throughout the duration of the redevelopment project. However, any growth in assessed value over the frozen base is reserved for the repayment of indebtedness incurred by the Community Redevelopment Agency in conjunction with redeveloping the area. The tax revenue generated by the redevelopment area is placed into a tax increment trust fund (T.I. Trust Fund or Trust Fund).

The property tax rates of local agencies continue to apply to this assessed value increment, but the revenue resulting therefrom is not available to other local taxing agencies (except the School Board) until all project indebtedness has been repaid.

- When available, Federal funds will continue to be used for downtown redevelopment projects.
- Industrial Revenue or Development Bonds (Chapter 159, Part III, F.S.) may be issued by the City to finance private improvements on behalf of a developer for project

construction. The developer is responsible for the debt service.

- Revenue bonds can be issued by the City to finance public improvements e.g. parking structures and debt service paid back through parking revenues or a special fund.
- A special assessment district can be established for the purpose of assessing property owners for public improvements e.g. sidewalk improvements.

These financing methods will be used by the City in conjunction with the Community Redevelopment Agency and private sector to implement a comprehensive program for redevelopment.

Since the necessary components of a redevelopment program can be quite diverse, the available funding sources for each specific redevelopment component will be explored to the extent appropriate. The scope and quality of redevelopment may depend on a municipality's ability to complement the objectives of the redevelopment program and lower development costs to the private sector.

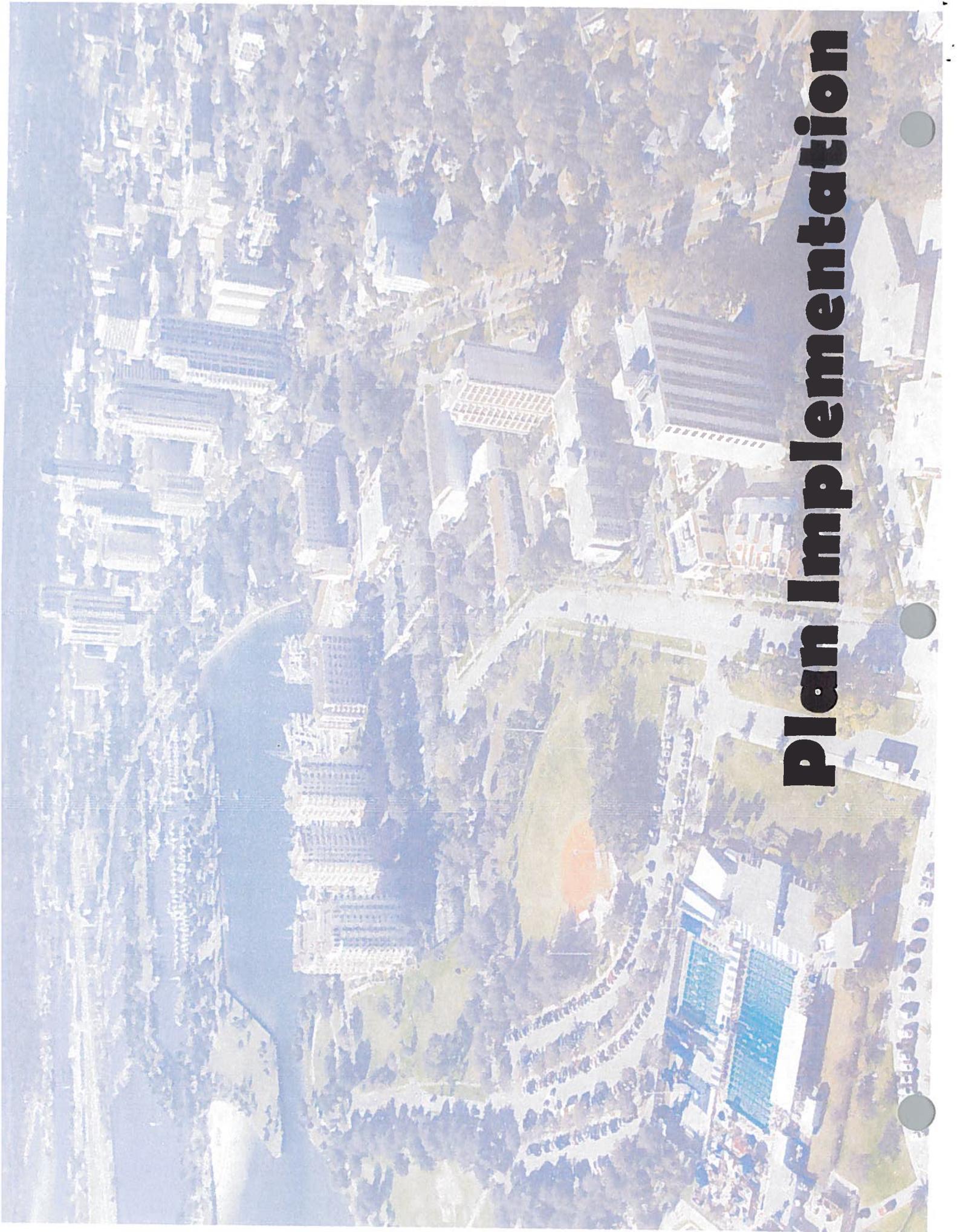
Summarized on the following page are some typical components of a hypothetical large scale redevelopment project. These components are matched with potential available financing sources. Please note that one or more financing sources may be used.

Typical Project Components

- Land acquisition, demolition of existing improvements, site grading and preparation of site for construction.
- Infrastructure (location or relocation of utilities, the closing or opening of public streets and/or sidewalks, the construction and maintenance of public roads, sidewalks, skywalks and lighting).
- Public parking facilities (grade level and structure).
- Public recreational facilities (athletic facilities, parks, docks, etc.).
- Municipal facilities (city hall, police station, library, etc.).
- Mass public facilities (convention hall, arena, museum, theatre, etc.).
- Commercial/retail facilities (hotels, restaurants, offices and specialty retail).
- Manufacturing/warehousing facilities.
- Middle-to-upper income multi-family housing (condominium and rental).
- Historic rehabilitation and restoration.

Financing Sources

- Proceeds of tax increment bonds. Sale of property to developer. Developer advances credited to future outlays. Downtown Improvement Corporation.
- Proceeds of tax increment bonds. State and Federal grants.
- Parking revenue bonds. Proceeds of tax increment bonds.
- Proceeds of tax increment bonds. Federal loans and grants. User fees.
- Municipal general obligation bonds.
- Municipal non-ad valorem revenue or general obligation bonds. Resort tax. Industrial development bonds.
- Industrial development bonds. Conventional mortgage financing. Federal loans, grants and guaranties.
- Industrial development bonds. Conventional mortgage financing. Federal loans, grants and guaranties.
- Conventional mortgage financing. Local single family mortgage revenue bond financing.
- Federal loans or grants. Industrial development bonds for commercial operations.



Plan Implementation

IMPLEMENTATION APPROACH

The overall implementation program revolves around adherence to a comprehensive program approach focusing on:

1. Public improvements, such as parking and sidewalk improvements, developed in conjunction with private sector projects;
2. Design programs and guidelines to ensure design compatibility between buildings and blocks and within the Intown as a whole;
3. Financial involvement by the City through tax increment financing, by State and Federal funding sources, and by financial institutions that create the types of lending programs necessary to accomplish downtown revitalization. This involvement focuses on utilizing public funds to generate greater private investment through leveraging techniques;
4. The organization of downtown activities through a centralized agency or group working with the City and merchants for the purpose of promotion, administration, and business development. This should also include lobbying efforts to modify existing and promote new state legislation favorable to downtown development.

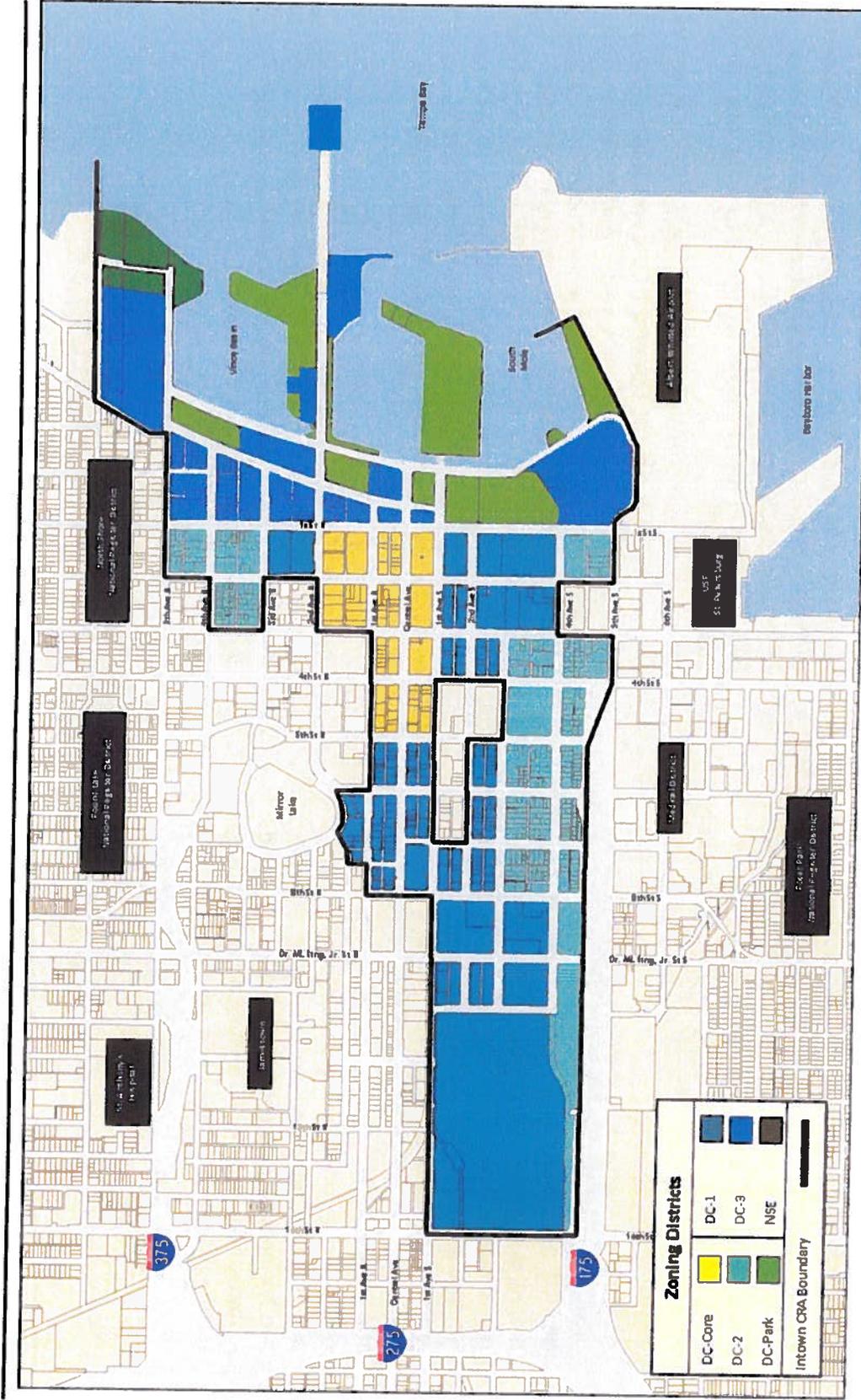
PLAN EMPHASIS

Part of the plan implementation is developing an overall land use emphasis in order to achieve the concentration and form of development desired. Map 3 depicts the Downtown Center zoning districts within the redevelopment area that implement the land use focus for Intown.¹ The uses indicated correspond to the Downtown Center zoning within each block as well as the *Intown Sector Land Use Plan*. This plan is in compliance with the City's Comprehensive Plan prepared under Chapter 163, Part II, F.S.

The central portion of the **Downtown Core** area is defined as a mixed use emphasis, either office, retail, residential or a combination thereof, reflecting the importance of concentrating intense office and major retail activity within this small area. This concentration achieves a 24-hour activity center and emphasizes a pedestrian orientation. The surrounding blocks provide a support base with mixed-use activities (office, residential and/or minor retail), with a specialty retail focus along the waterfront.

The **Webb's City** area will provide essential residential support services as well as expanding the employment base through office development. Another important emphasis for the Webb's City area is market rate housing.

¹ [Map 3 is for illustrative purposes. Please refer to the City's Official Zoning Map for the most up-to-date information.](#)



Map 3
Zoning in the Intown Redevelopment Area
 May 10, 2011



The plan for the **Stadium Complex** is substantially complete with the construction of the stadium and attraction of a Major League Baseball franchise but ongoing refinements can be expected in order to meet the evolving needs of baseball and its fans.

The plan emphasis is designed to reflect the various activities for each focus area as implemented through the Downtown Center zoning districts and how these activity concentrations should integrate and support each other. Residential uses will be allowed throughout the redevelopment area, either as a permitted use or through the special exception or streamline approval processes provided by the land development regulations.

Open space and street layouts are depicted on Map 3. In addition, the limitation on the size and type of development in the area is governed by the City's Land Development Regulations, including open space and parking requirements and this Plan.

TRUST FUND PROGRAMMING

The City of St. Petersburg approved the Intown Redevelopment Plan (IRP) to revitalize the city's original downtown core area and waterfront for urban entertainment, residential, commercial, institutional, and office uses. To stimulate private investment within Intown through public improvements, the City also established a tax increment financing district and issued bonds totaling \$72.5 million to pay for these

improvements.² Through four separate bond issues in 1984, 1985 and two in 1989, the City issued bonds to pay for projects such as improvements to Bayfront Center (now ~~Progress~~ **Duke** Energy Center for the Arts) and the Pier, South Core garage, streetscape improvements, land acquisition, Tropicana Field improvements and other public initiatives.

In 2005, the City amended the IRP to extend until 2032 its use of tax increment financing to fund public improvement projects throughout Intown (see Ordinance 715-G and interlocal agreement in Appendix A). In addition to renovations to the Mahaffey Theater, the extension was designed to pay for projects such as the Pier project and its approach, a mixed-use transportation facility, pedestrian and streetscape improvements as well as improvements to the waterfront park system. The TIF related costs of these projects were approved by Pinellas County via interlocal agreement in the amount of \$95.4 million.

In 2006, the City Council and Pinellas County increased this amount to provide an additional \$2 million in tax increment financing proceeds to complete the Mahaffey Theater renovation project (see Ordinance 762-G and Appendix A). In 2010, City Council approved \$2.5 million from tax increment financing for use at the ~~Progress~~ **Duke** Energy Center for the Arts to augment needed funding to complete the new Salvador Dali Museum. Pinellas County matched the City's funding with monies available through the Tourist Development Tax. In

² TIF is a method of facilitating redevelopment by utilizing future city and county real property tax revenues to pay for public improvements. TIF earmarks any future growth in real property taxable values from the year the tax increment financing district is designated to pay for the cost of improvements.

2015, the City amended the IRP to add \$20 million in budgetary authority to fund public improvements identified in the Downtown Waterfront Master Plan approved in June 2015.

PUBLIC IMPROVEMENT PROJECTS

When the City adopted the IRP in 1982, it identified an array of public improvement projects throughout Intown designed to facilitate private development. Major improvement goals included:

- redeveloping the downtown core into an intense mixed-use activity center that serves a broad range of dense land-uses;
- consolidating blocks for conveyance to developers;
- building parking garages to reduce or eliminate the demand for surface parking lots damaging to the urban fabric;
- enhancing the pedestrian experience by improving sidewalks, streetscaping and waterfront parks;
- expanding the cultural offerings through the ongoing development of what is now the Progress Duke Energy Center for the Arts;
- developing a sports stadium;
- expanding market-rate residential development;
- establishing a transit system to reduce the need for automobile use downtown; and
- developing the Webb's City site.

On many of these fronts, the City has made significant progress. In others, work remains. The section below outlines the public and private development activity that has taken place since the IRP's adoption, as well as those actions that are needed. The projects identified are those which will have the greatest impact on leveraging private investment and provide important public amenities. All the public improvements will be constructed in conjunction with new development or rehabilitation. **All costs identified in this plan are estimates** (emphasis added) and include planning, design, construction and project management costs. Maintenance of landscaping (including watering) for all the pedestrian improvements will be the responsibility of the abutting property owner.

In the section entitled "Summary" on page 31 below, Table 1 summarizes projects implemented between 1982 and 2004, while Table 2 identifies new public improvement projects proposed between 2005 and 2035. In addition, development and design guidelines for all projects in the redevelopment area are discussed in the section beginning on page 36 below entitled "Design and Development Guidelines."

Core Area Project

The core project represents the establishment of a major activity center linking the downtown and waterfront (see Map 4). The public improvement programs identified for the core are designed to encourage private development and create the type of activity center that will attract people and business.

Since 1998, the core has seen the bulk of downtown's high-profile development activity, including the development of five

residential condominium towers and a hotel on Beach Drive, construction of an urban entertainment complex and a major corporate headquarters, the establishment of a downtown college campus and cultural activities as well as the opening of many restaurants. These have all energized downtown into the 24/7 activity center envisioned by the City.

Unified Retail Program

The unified retail program encompasses an eight-block area (blocks A, B, C, D, E, G, ~~Progress~~ **Duke Energy**/St. Petersburg College, and Jannus Landing - Map 4) within the Core. The project focuses on new development with intense retail activity that integrates with St. Petersburg College, ~~BayWalk~~ **Sundial**, Jannus Landing, and the Beach Drive Shops and implements the Waterfront Plan.

The unified retail concept seeks to create pedestrian oriented streets within the Core, to establish a strong tie between the major retail blocks. This concept will create the type of compact retail area necessary for attracting pedestrian shoppers, generating retail variety, and creating a major focal point for the Core.

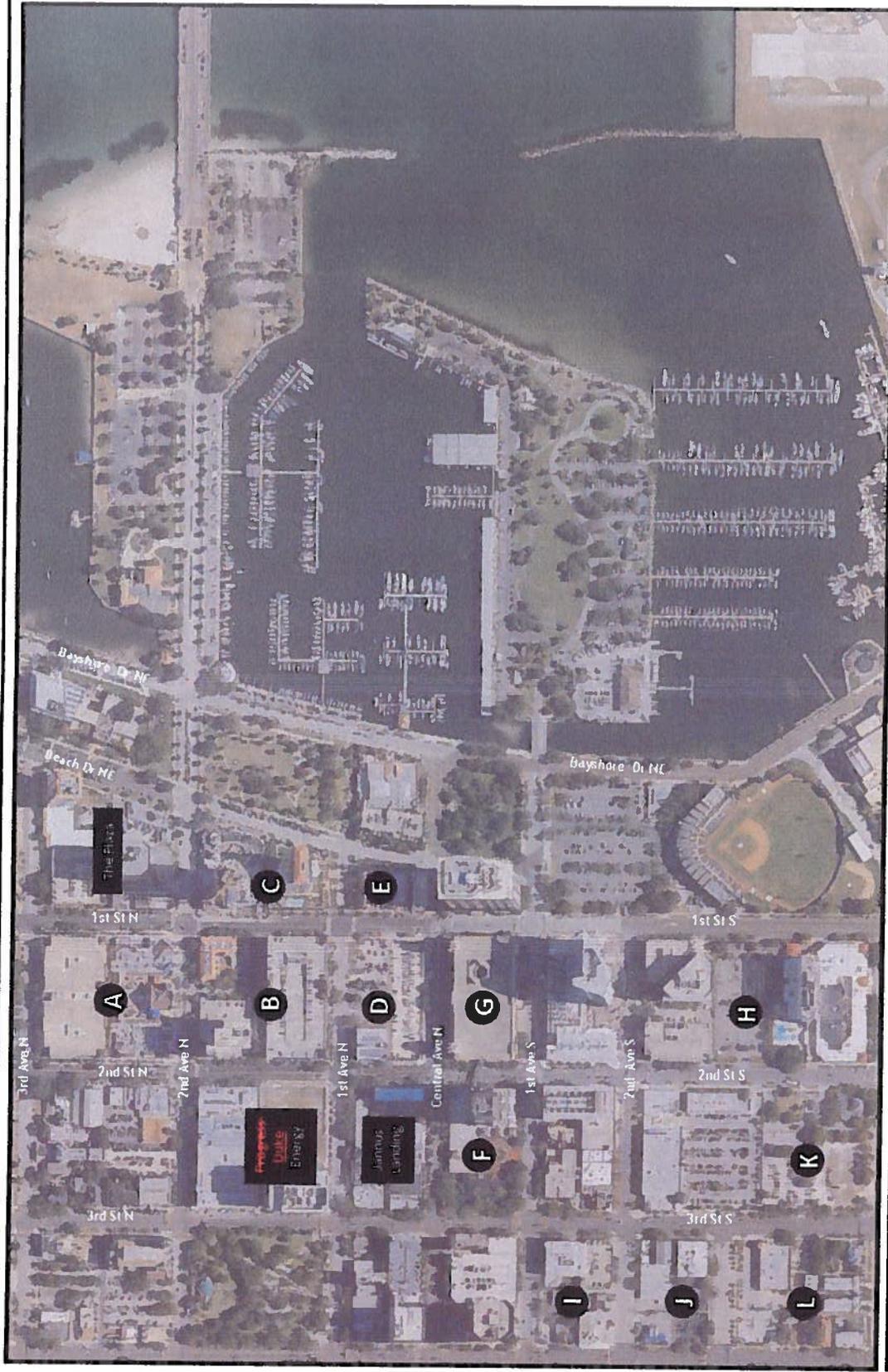
The unified retail concept establishes street and upper level activities in order to create a successful integration of retail stores. The successful development, marketing/promotion, management, and uniform maintenance of the unified retail district may require management by a single entity. Another important element of the unified retail program is ensuring quality architectural design unity and compatibility of existing

development, new development and redevelopment within the core area.

The City's Land Development Regulations adopted in 2007 are the primary regulatory vehicle for ensuring the type and quality of development sought for Downtown. Through the Downtown Center zoning requirements, the LDRs establish allowable uses, development intensity, height, design details and other features necessary for the vibrant urban environment sought by the Intown Redevelopment Plan. Consequently, all future development and redevelopment must be consistent with the Downtown Center zoning requirements as well as the Plaza Parkway Design Guidelines.

Below is a brief description of the development activity and use emphasis within the unified retail area:

St. Petersburg College ~~Progress~~ **Duke Energy Block** The block, located just east of Williams Park has made significant strides toward achieving the IRP's vision. St. Petersburg College opened its Downtown Center in 2005 by renovating the former Maas Brother furniture building and providing 111,000 sf of classroom and administrative space. ~~Progress~~ **Duke Energy** Florida opened its 220,000-sf headquarters in 2006 allowing it to consolidate its functions in Pinellas County. Finally, SPC, American Stage and the Florida Orchestra have collaborated to build a new 25,000-sf cultural arts center linked with SPC's Downtown Campus that opened in 2009.



	<p>Map 4</p> <h2>Key Development Blocks in Downtown St. Petersburg</h2>	
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Jannus Landing Block The historic block has seen substantial renovation activity since the IRP's inception, including the adaptive reuse of the Detroit Hotel into condominiums, as well as tenant improvements for restaurants, offices and specialty retail. The block has also served as a concert venue for several decades, adding to the cultural and entertainment mix essential for downtown. Future development should continue the existing mixed-use pattern with a major street-level retail emphasis to reinforce and support the unified retail program.

Block A The 2000 opening of BayWalk, a 160,000-sf urban entertainment center with shopping and movie theaters, was an immediate success, drawing nearly 3 million/year in its first few years. After struggling during the Great Recession and its aftermath, the complex underwent a \$30 million renovation, and reopened in 2014 as Sundial St. Petersburg.

Block B The South Trust Tower at 125 2nd Ave N and the MidCore Parking Garage are the most significant development projects on this block. The 207,000-sf tower that opened in 1985 implemented the IRP's vision for a major office component, while the parking garage satisfied a downtown-wide emphasis. The garage, completed in 2000, also provided nearly 60,000 sf of retail space. The construction of the Millennium Walkway, linking the MidCore Garage with BayWalk Sundial, met the IRP's design vision for a pedestrian network providing north/south connection lined by bronze sculptures.

Block C The block is strategically located between the waterfront park system, Beach Drive and BayWalk Sundial. Two major condominium towers - Florencia (2000) and Ovation (2009) – opened in the 21st Century and implemented the IRP's vision for mixed-use residential with a specialty retail emphasis to blend with Beach Drive Shops. The streetscape features, ground-floor retail and public art built by Ovation creates the major public open space that physically and visually links the unified retail core program with the waterfront park system.

Block D In 2011, this block located on Central Avenue is a surface parking lot, and is the most significant development site remaining in the in the Unified Retail Core. The Downtown Core zoning requirements call for an intense mixed-use block with significant ground-floor retail uses provided on all sides of the building. Because of the pedestrian linkages already established by the MidCore Garage arcade and the Millennium Walkway, major retail activity (2 or 3 levels) should be provided along a north/south pedestrian corridor linking Central Avenue with the BayWalk Sundial block.

Block E When the IRP was first approved in 1982, the small block contained only the historic Ponce de Leon Hotel, an accessory structure and a surface parking lot. Since then the Hotel has undergone renovations, including the outfitting of three retail spaces for restaurant and nightclub use, and has been joined on the block by a Hampton Inn and Suites, a 92-room hotel with ground floor retail that opened in 2001.

Parking Structures

Public parking structures and mixed-use parking structures/transportation facilities will continue to be constructed at key locations within the core area. These structures should include ground level retail and may include air rights development above the parking structure, and will be located at appropriate locations within the IRP area (see Map 4Z).

Pedestrian System

An important part of establishing a strong downtown revitalization program is providing pedestrian amenities. The Land Development Regulations (LDRs) identify areas within Intown where development may be required to upgrade or enhance streetscapes.

The Plaza Parkway Design Guidelines described in Appendix B serve as the design framework for the level of pedestrian treatment (pedestrian system classification) that is intended by the LDRs. Other blocks in the redevelopment area may be considered for inclusion as part of the pedestrian improvement program depending upon the availability of trust fund money and participation by all property owners along a given block frontage.

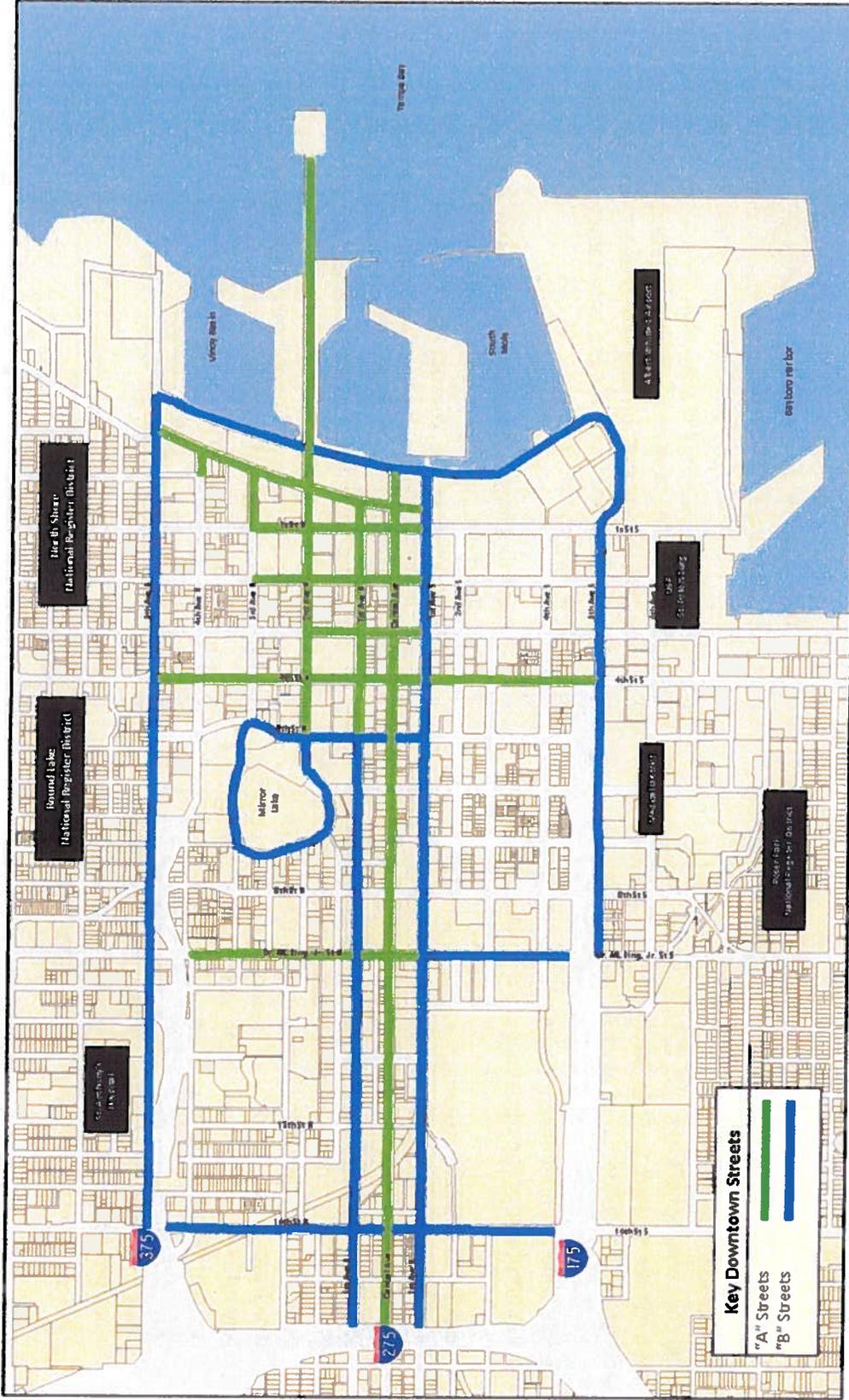
The pedestrian system cost breakdown for the Core includes, pedestrian mall areas, partial mall covering for weather protection, pedestrian improvements and skyways. The City will participate with the private sector in developing the pedestrian system.

Part of developing a unified core area is the ability to evaluate the design and human scale impacts of new development. Many of these design considerations were addressed during the 2007 amendments to the City's land development regulations that created the Downtown Center zoning districts. The urban design standards set forth in the DC districts improve the design and human scale of new development. These include

- Ensuring maximum building setbacks to create an urban edge to new development;
- "Stepbacks" for new construction above a certain height to prevent the creation of a "canyon effect" on downtown streets;
- Discouraging demolition of buildings without prior approval of a site plan and submission of building permits to maintain the urban fabric; and

Incorporation of a minimum amount of pedestrian type uses in new construction (i.e., galleries, shops, restaurants) to ensure street-level pedestrian activity on many of downtown's major streets (see "A" and "B" Streets on Map 5).³

³ Map 5 is for illustrative purposes. Please refer to the City's Land Development Regulations for the most up-to-date information.



Block Consolidation

The Community Redevelopment Agency, for the purpose of consolidating development parcels, may undertake selected land acquisition to consolidate blocks for development. The Agency has undertaken acquisition before, most notably in assembling land in the 1990s for [BayWalk Sundial](#) and the MidCore Parking Garage, as well as for the [Progress Duke Energy](#) corporate headquarters during the early 2000s.

Block consolidation includes the establishment of the unified retail core concept (Blocks A, B, C, D, G, E,) and [Progress Duke Energy](#)/St. Petersburg College, [BayWalk Sundial](#) and Jannus Landing and consolidation of Block F (see Map 4).

The following is a brief description of the development activity and use emphasis of the remaining Core blocks (F and G).

Block F In 1991, construction was completed on a 340,000-sf mixed-use office tower. The tower, which has undergone several name changes, was the last large office project built in downtown before the opening of the [Progress Duke Energy](#) headquarters. The tower's parking needs are mostly met by the nearby SouthCore Garage, which can be accessed by an elevated pedestrian bridge. Any future development on the site must comply with the requirements of the Downtown Center zoning district.

Block G The SouthCore parking garage occupies the entire block providing 1,300 parking spaces, and more than 130,000 sf of commercial space. Future development of

the site or air rights must comply with the Downtown Core zoning district.

[PROGRESS DUKE ENERGY CENTER FOR THE ARTS](#)

The [Progress Duke Energy Center for the Arts](#), which includes the Salvador Dali Museum that opened in 2011, the Mahaffey Theater and other facilities, represents an important cultural resource and amenity to the community and a vital component of the downtown redevelopment program. It is necessary, therefore to prepare and periodically update (1) market and design studies to identify its appropriate role in the local and regional market (performing arts, theater, conventions, conferences and other related entertainment activities), and (2) facility improvements.

Project funding was required for market and architectural studies, public improvements required to support development of the Salvador Dali Museum, the rehabilitation of the Mahaffey Theater and expansion of the lobby, reorientation of the Theater entry toward the waterfront area, creation of an outdoor plaza, development of a new waterfront public park and funding for parking, landscaping and other related pedestrian and open space improvements (see Figure 1 for an [illustration of the concept plan aerial view of the Center and its environs](#)).

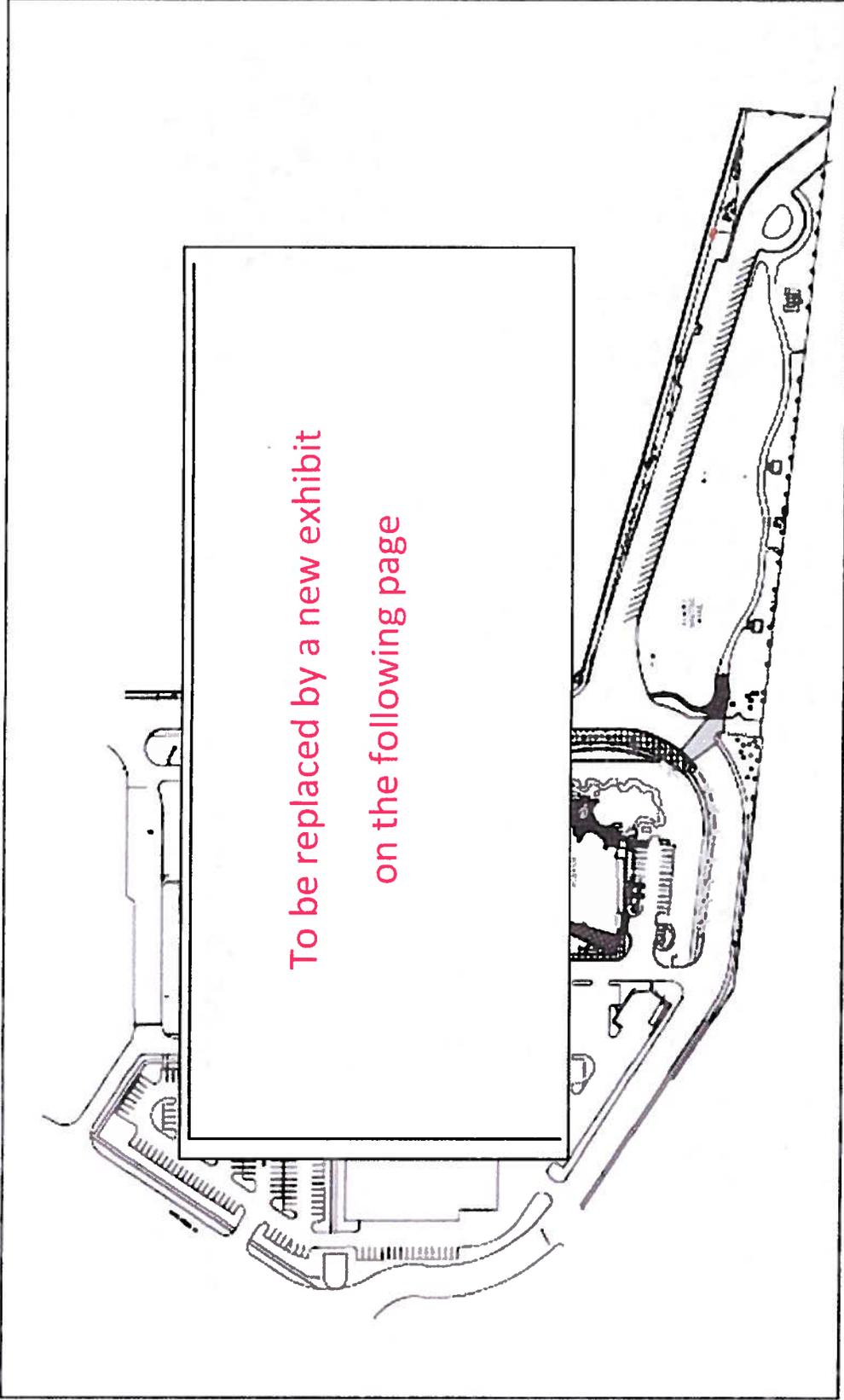


Figure 1

Concept Plan for the Progress Energy Center for the Arts





Figure 1

Duke Energy Center for the Arts and Environs



WEBB'S CITY

When the IRP was first adopted in 1982, Downtown St. Petersburg was losing retail services and employment to the suburbs and struggling to retain its residential base. The Webb's City project was devised to address these issues and encompasses a six-block area focusing on office, residential and residential service retail [\(see Map 6\)](#).

By the mid 1980s, the project was successful by attracting Webb's Plaza, the AAA Headquarters, and the headquarters of St. Petersburg's Fire Department. In fact, the Winn Dixie at Webb's Plaza would be the only grocer to serve Downtown for nearly twenty years. By 2011, however, the Plaza is no longer competitive in the downtown retail market that emerged in the past fifteen years and is a potential redevelopment opportunity. In addition, another three blocks in the Webb's City project area are either vacant or underbuilt, also providing redevelopment potential. [However, as development in](#)

[Downtown has resumed after the Great Recession, the Webb's City area is poised to take off. In 2015, The Hermitage, 357-unit luxury apartment complex has broken ground in the 700 block of 1st Avenue South. Bordering Webb's City are several projects that illustrate investment interest in the area, including: a Publix Supermarket under construction across 1st Avenue South, along with gallery space to support the Morean Arts Center and Hot Shop on Central Avenue; the renovation of the Historic YWCA Building at 642 2nd Avenue South into a high-end steakhouse in 2013; the conversion of a former public housing complex on Dr. Martin Luther King, Jr. Street South, into the market Urban Flats; and the construction of](#)

Intown Redevelopment Plan

[Casablanca Tower and Orion, both market-rate multifamily complexes on 8th Street South.](#)

Webb's City strategic location between the IRP's "Core Area," Tropicana Field, the Intown West CRA and the Bayfront/All Children's medical district make it an attractive redevelopment opportunity for several different market sectors. The Downtown Center zoning district describes the uses allowed for the Webb's City project area. The LDRs along with the Plaza Parkway Design Guidelines, also prescribe appropriate urban design treatments for this important area.

THE DOWNTOWN WATERFRONT AREA

The Downtown waterfront park system stretches from the Vinoy Park Hotel along 5th Avenue NE to the Salvador Dali Museum at the [Peggy's Duke](#) Energy Center for the Arts on Bayshore Drive/Dali Boulevard SE (Figure 2). It represents St. Petersburg's signature planning triumph and continues to attract millions of visitors a year for festivals, dining, sports, culture and entertainment, and leisure. Over many years, the City has attempted to upgrade facilities to respond to the waterfront's ever-evolving needs. For instance, in the late 1980s, the City constructed \$12.5 million in improvements to the Pier and Pier approach that expanded parking opportunities.

The IRP's objective for the Downtown Waterfront Area entails the continued revitalization of the waterfront parks and Pier area and focuses on development of specialty retail, parking, cultural and recreational facilities. [To that end, the City will be](#)



Map 6

Webb's City Project Area



funding major public improvement projects to sustain and expand the success of Downtown St. Petersburg, including the Municipal Pier Project, implementation of the Downtown Waterfront Master Plan and continued streetscaping and waterfront park investments.

The Municipal Pier Project

The \$50-million Municipal Pier Project will result in extensive renovation or replacement of the Pier based on problems and issues cited in a City Engineering report to City Council on March 13, 2004, and subsequent documents. The report identified issues of deterioration that would not be remedied through the City's ongoing Pier maintenance program and determined that these efforts were not cost effective.

Downtown Waterfront Master Plan

On November 8, 2011, St. Petersburg voters approved an amendment to the City Charter requiring City Council to "develop and approve an inclusive Downtown Waterfront Master Plan (DWMP) by July 1, 2015." On June 4, 2015, City Council approved the DWMP, which identified nearly \$800 million in potential public and private improvements throughout the DWMP planning area that will enhance St. Petersburg's signature planning achievement.

The study area for the DWMP is comprised of six "character" districts that collectively span approximately seven miles of contiguous public waterfront beginning at the Northeast Exchange Club Coffee Pot Park on the north to Lassing Park to the south. Two of the districts – Pier District and South Basin

District – are wholly contained within the Intown Redevelopment Area. The Pier District lies east of Beach Drive north of Demens Landing and south of the North Mole sea wall. The South Basin District adjoins the Pier District to the south and reaches south to Albert Whitted Park and is generally bounded on the west by 1st Street South. A portion of a third district - North Shore- lying south of 7th Avenue NE and east of Bayshore Drive is within Intown (see Figure 2).

City Council's near concurrent approval of the Downtown Waterfront Master Plan with its May 2015 approval of the Pier Park design provides an opportunity to fund strategic public improvements within the Pier Approach to better link the proposed Municipal Pier with the bustling activity found on Straub Park, Beach Drive, Sundial St. Petersburg and Central Avenue. Within the Pier District, the DWMP identified \$51.7 million in improvements. Within the Pier Approach the City will fund through tax increment financing \$20 million in public improvements including but not limited to the redesign of existing downtown parks; street reconfiguration and streetscaping; and development of the Vinoy Basin area, any portion of which may include, without limitation, pedestrian areas and facilities, an open market, ferry/water taxi facilities, and restaurant/café facilities.

The proposed Another \$2.5 million to fund park improvements that was approved in 2005, will continue the City's focus on maintaining and improving the IRP's park system and facilities as support amenities for Downtown's residential and specialty retail market (see Table 2).

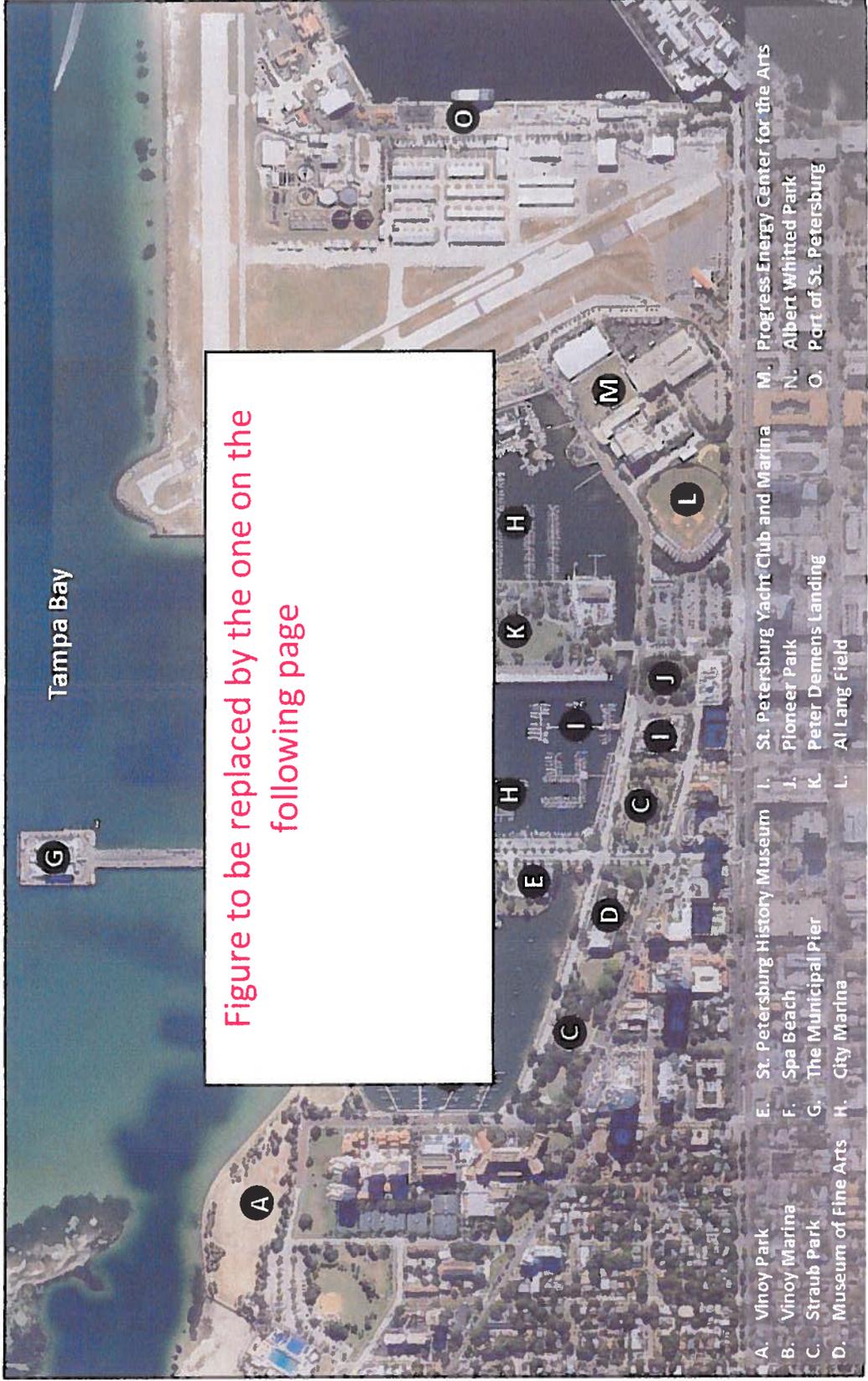



Figure 2
The Downtown Waterfront Area

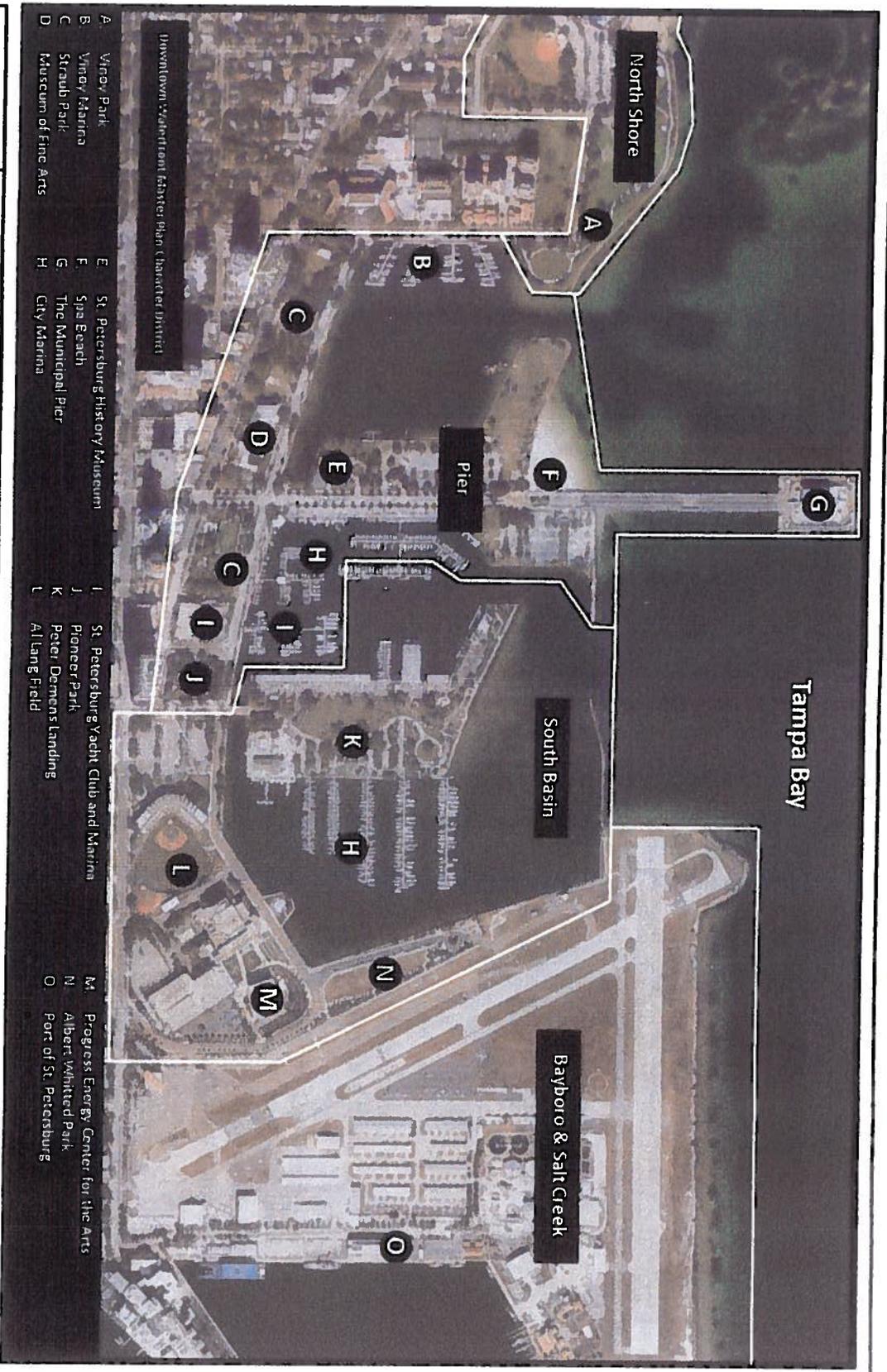
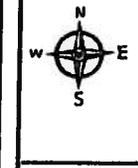



Figure 2
The Downtown Waterfront Area



The City Charter will require a public referendum for any disposition of or long-term lease on City property in the Downtown Waterfront Area east of Beach Drive to the Municipal Pier structure.

RESIDENTIAL DEVELOPMENT PROGRAM

The development of an expanded residential base in the Intown is essential to achieve a successful downtown redevelopment program. People living and working downtown will generate the 24-hour activity and community spirit necessary to continue the expansion of the downtown economic and cultural base. One important aspect of residential development is the utilization of the existing housing stock.

To ensure housing opportunities for all citizens of St. Petersburg, the residential development program focuses on two aspects of the housing market:

1. aid low and middle-income persons in the rehabilitation of their property or investor owners who provide housing for low and middle-income groups; and
2. aid in defining and assisting new middle-income residential development and infill housing, and ensuring its compatibility with the surrounding neighborhood. New low-income housing will continue to be provided through the City's existing programs in the Jamestown and Gas Plant area and through other federal programs.

The residential development program utilizes a variety of federal, state and local programs to encourage new housing and rehabilitation of the existing housing stock. This plan incorporates spot clearance and rehabilitation on a majority of the blocks in the redevelopment area and in other selected blocks utilizes rehabilitation and block consolidation for new infill housing (see Map 7). The program will consist of voluntary and compulsory participation by owners in the rehabilitation of their buildings in accordance with design criteria set forth in this plan.

The available funding alternatives include, but are not limited to, the following:

Federal

- 312 Rehabilitation Loan Program offers direct loans and works on a revolving loan fund basis;
- Section 8 rent supplement for low-income persons.

- Mortgage insurance programs designed to encourage lending institutions investment in housing by reducing the risk related.

- The Historic Preservation Tax Credit program provides a 20 percent tax credit for developers of who renovate rental housing that are listed on the National Register of Historic Places.

State

- The Community Contribution Tax Credit (Section 220.183,

F.S.) offers a 50% credit against state corporate income taxes for contributions of up to \$200,000, for community development, which could be used as direct grant or to start a revolving loan fund;

- The State of Florida, through its enterprise zone legislation, provides tax incentives and loans to qualified community development corporations to carry out such projects in declared or distress areas;

- The Florida Housing Development Finance Agency may make available financing opportunities for residential rehabilitation, specifically through tax-exempt bonding.

Local

- promoting development of residential services;
- use of tax increment financing for residential related public improvements, such as recreation areas (use of alleyways), infrastructure, landscaping, lighting, etc;
- City may initiate vacation of alleys and streets for development;
- use a loan principal or interest subsidy program on conventional loans;
- use of tax increment financing for land acquisition;
- use of the Ad Valorem Tax Exemption for Historic Properties enabled by City ordinance;

- City may issue housing mortgage revenue bonds;
- local banks establishing a special loan pool for all types of residential development.

The key to encouraging the housing market to respond to the needs of housing consumers and stimulating new residential growth in the downtown, lies in creative financing techniques. When the IRP was adopted, it was estimated that the plan could generate 1500 or more additional housing units in the area. The IRP has exceeded that estimate. Since the IRP was adopted in 1982, more than ~~4,700~~ 2,100 residential units have been added within the community redevelopment area. In the rest of downtown, more than ~~550~~ 820 dwelling units have been constructed during the same period. All but approximately four hundred units have been constructed since 1998 throughout downtown.

Block Consolidation

The Community Redevelopment Agency, for the potential purpose of consolidating parcels, may undertake selected land acquisition for the residential development program. Blocks identified for consolidation are shown on Map 7.

The residential program involves the Vinoy project and the University Park Residential District. The development concept for these areas is described below:

Vinoy Project

The Vinoy Project encompassed the renovation of the Renaissance Vinoy Park Hotel, construction of condominiums on adjoining property and establishment of a marina. The Vinoy represents a unique landmark within the City's signature waterfront park system. At one time in the 1970s and 1980s, the Vinoy was an economic and aesthetic blight on the waterfront due to its deteriorated condition and vacant status for approximately 18 years, from 1974 to 1992). However, its restoration and reopening in 1992, the development of the Vinoy Condominiums in 2001, and the construction of the yacht basin, have been essential ingredients in the resurgence of downtown and the waterfront.

The continuing use of the Vinoy for residential or hotel uses, or both, is vital to establishing and maintaining a permanent population base in the downtown in order to stimulate and support hotel, office and retail growth, expand the City's tax base, encourage the rehabilitation of existing downtown neighborhoods, and reinforce the aesthetic quality of the waterfront park system.

The continued success of the Vinoy development will:

- ensure compatible development on the site that is sensitive to the visual image of the waterfront;
- develop and preserve a 200-foot wide open space buffer parallel to and west of Bayshore Drive NE between 7th Avenue NE and Fifth Avenue NE;

- protect the community's investment in the downtown waterfront park system; and
- enhance and achieve the specific development goals the Downtown Waterfront Area.

University Park

Block "K" and Block "L" are located in an area identified by Downtown Core zoning for residential support (see Map 4 on page 16). The design concept should provide ground level green open space and may provide support service retail, in conformance with underlying zoning requirements.

The remainder of the district (8th-4th Streets between 3rd Avenue South and I-175) is appropriate for selected land acquisition and demolition for new in-fill housing and housing rehabilitation.

TRANSPORTATION PROGRAM

A vibrant downtown requires a transportation system that balances automobile access with pedestrian-oriented facilities such as light rail, bus, trolley, biking and walking. The transportation program for Downtown St. Petersburg is a multimodal approach that recognizes Downtown as a regional activity center within Tampa Bay that needs to accommodate vehicular traffic while also maximizing the pedestrian experience so vital to its success. The City also expects that multiple stations will be located within Intown to serve any premium transit system that will be developed to improve

regional access to Downtown St. Petersburg.

The interstate system carries visitors and workers to and from Downtown St. Petersburg, but once in Downtown the IRP program focuses on providing mass transit opportunities. The Pinellas Suncoast Transit Authority (PSTA) operates more than a dozen bus routes that use Williams Park in Downtown as a transfer point. The City is working with PSTA to relocate the transfer point from Williams Park to a new intermodal facility elsewhere in downtown. It is anticipated that the facility will be funded by \$14 million in tax increment financing, as approved by amendments to the IRP in 2005.

Transit within Intown and its environs is provided by the Looper Trolley, which was established in 1996. The program is administered by the St. Petersburg Downtown Partnership, Inc., and receives funding from several different sources, including the City of St. Petersburg, Pinellas Suncoast Transit Authority, Florida Department of Transportation and private sector organizations. The Looper serves the main activity generators in downtown including the waterfront park system and Beach Drive, Central Avenue, and the Progress Duke Energy Center for the Arts.

The Downtown Partnership, or successor, is also responsible for the Central Avenue Shuttle, which was established in Fall 2009. The Shuttle links the Downtown waterfront with the Grand Central Main Street District along Central Avenue.

In a dense urban environment, bicycles are an important mode of transportation costing little and using little space for parking.

The City has been integrating bike lanes onto many downtown streets for the last decade to improve cyclist safety. In 2008, the Pinellas Trail was extended into downtown St. Petersburg along First Avenue South allowing users to travel on the trail from Demens Landing on Tampa Bay to Tarpon Springs. The trail is separated from traffic by parking and curbs to better ensure user safety.

Finally, several sites within Intown have been identified to serve as stations for the region's first Bus Rapid Transit (BRT) project. As planned, the Central Avenue BRT would travel the First Avenue corridors from Downtown to the Gulf Beaches. The goals of the project are to develop and implement a successful BRT project along St. Petersburg's Central Avenue corridor that supports local revitalization and economic development plans; improves long-term livability; enhances safety and access for pedestrians and bicyclists; attracts new ridership; supports the unique character of the area; and provides service in a cost-effective manner.

~~As of 2011, an alternatives analysis has been completed and stakeholders are meeting to select the alternative that best meets the aggressive goals of the BRT project. Discussions are under way to determine the most appropriate route for the BRT to take to the beach communities. Once a final, coordinated decision is reached on the preferred alternative, the project will begin final design.~~

The preferred route for the Central Avenue BRT service is from Downtown to Grand Central Station and then to St. Pete Beach. The Central Avenue BRT project is a top priority for the

Pinellas Suncoast Transit Authority (PSTA) and it is included in the Tampa Bay Area Regional Transportation Authority's Master Plan. Additional funding will be needed to produce the final design plans, construct the project, acquire BRT vehicles and operate the service. The City and PSTA are actively seeking this funding from federal and state funding sources.

PLAZA PARKWAY

The Plaza Parkway program entails construction of public improvements, including pedestrian system improvements, as an incentive for owners to rehabilitate or redevelop their property. To that end, the City has allocated \$2.5 million for the program from tax increment financing (see Table 2). In addition, the program also requires property owners undertaking development to upgrade streetscaping, construct façade treatment and provide appropriate uses in downtown to implement the City's objective for a pedestrian-friendly downtown. (Such treatments are described in the Land Development Regulations and design requirements specified in the Plaza Parkway Design Guidelines.)

The primary focus of the program is on the properties located on Pedestrian Level "A" and "B" streets (see Map 5), although this program can be expanded to any part of the Intown Redevelopment Area. All other streets not designated as "A" or "B" streets shall comply with the minimum streetscape provisions provided in the Plaza Parkway Street System (see Appendix B for "Plaza Parkway Design Guidelines").

UTILITY PROGRAM

Water, sewer and other utilities in the Intown represent an important factor in revitalizing the area. Because of the age and standard line sizes in the Intown, a detailed analysis of utilities is being conducted that will eventually result in a programming of capital improvements to meet the expected increase in demand.

Funding sources for infrastructure improvements will be through the City's capital improvement program and possibly Federal and State funds.

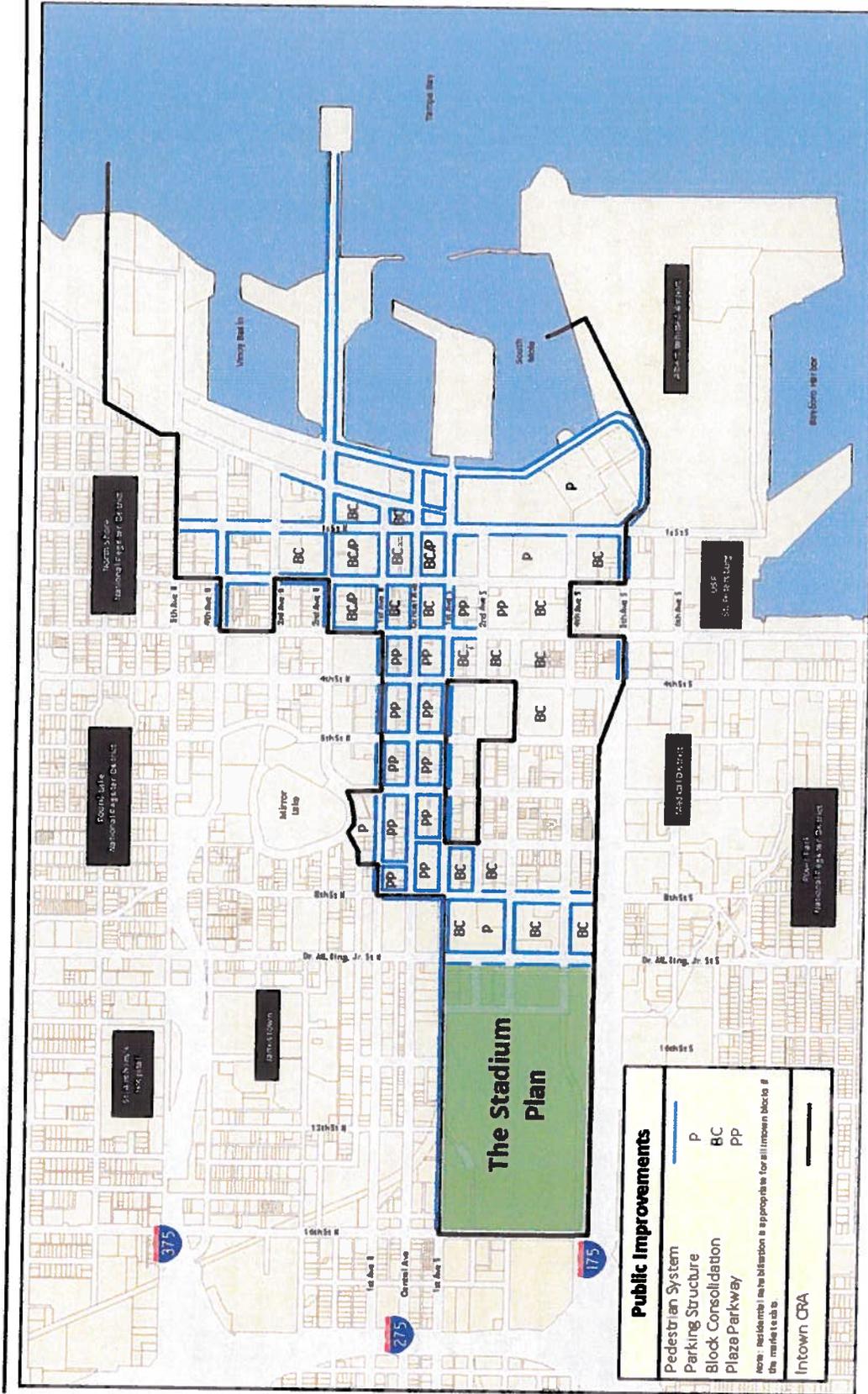
Costs incurred for the City to re-route water and sewer lines within or around a block because of a private development project will be borne by the developer.

STADIUM PLAN

The Stadium Plan is a multi-purpose stadium project that was constructed on the original Gas Plant site. City Council approved an amendment to the Intown Redevelopment Plan changing the development program for the area to allow construction of a domed stadium. The stadium was opened to the public on March 3, 1990, eventually welcoming Major League Baseball in 1998.

OTHER PROJECTS

The previously described public improvements represent important elements of revitalizing the area and providing an expanded and diversified retail, employment, residential and cultural base. In addition to these areas, other sites have been



Map 7

Public Improvement Projects in the Intown Redevelopment Area

identified for selected public improvements:

- The City may participate in a joint development with the County and/or other private developer(s) in constructing a public parking structure or mixed-use parking structure/transportation facility at an appropriate location within the IRP area. Office and/or retail or other allowable uses shall be located on the ground level of the parking structure and may be located above the parking structure.
- The Block “H” office project, more commonly known as City Center, was completed in 1984 and was another joint public/private partnership involving the construction of a parking structure with possible future air rights above the structure (see Map 4 on page 16).
- In conjunction with the rehabilitation of the Vinoy Park Hotel and adjacent new residential development, the City supported the development of marina slips adjacent to 5th Avenue NE in the North (Vinoy) Basin.
- Several sites within the redevelopment area may require block consolidation for commercial and/or residential development. These blocks are located on the fringe between the Core and the residential area, representing a transition zone requiring appropriate planning design and development. The blocks in this transition zone are identified as “I” and “J” on Map 4 on page 16. Future development shall comply with the Downtown Center zoning requirements.

SUMMARY

Map 7 illustrates some of the various public improvements proposed and/or implemented in the Intown Redevelopment Plan since its inception, some of which have been described in the sections above. Table 1 describes projects implemented between 1982 and 2004 and their source of funding.

One important conclusion should be noted in regard to the trust fund allocation. Tax increment bonds have not been the only source of redevelopment funding in the past nor will they be the only source of funds available in the future for implementing projects. As outlined in Tables 1 and 2 and described in the “Methods of Financing” Chapter, a wide range of sources have been and may be used for project funding. The tax increment generated by the redevelopment area serves only as a starting basis.

ADMINISTRATIVE AND RELOCATION COSTS

Business and residential relocation costs and administrative costs related to the project will be funded through tax increment trust fund or tax increment bond proceeds. Tax increment bond proceeds may be used for necessary architectural and other professional services to implement development projects described in the Plan.

PROPERTY DISPOSITION AND DEVELOPMENT POLICY

For the purposes of this Plan, the Community Redevelopment Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of

TABLE 1
Major Public Improvement Projects Implemented in the Intown Redevelopment Area
 1982 to 2004

Project	Development Cost (1)	Funding Sources	
		TIF - City and County	City and Other Sources
Stadium Development (Tropicana Field)	\$209,549,851	\$22,500,000	\$187,049,851
Bayfront Center/Mahaffey Theater Renovation	27,157,920	8,209,000	18,948,920 (2)
BayWalk Sundial and MidCore Garage	22,135,606	5,496,000	16,639,606
South Core Garage	20,377,765	13,887,000	6,490,765
Development Sites Acquisition Costs	16,032,171	632,000	15,400,171
The Pier	14,862,273	1,600,000	13,262,273
Intown Streetscape Program	5,696,215	620,000	5,076,215
Waterfront Park Improvements	2,214,353		2,214,353
Downtown Museums Development	1,294,438	800,000	494,438
Downtown Transit Initiatives	583,110		583,110
Downtown Marketing and Promotion	231,070		231,070
Progress Duke Energy Park Improvements	204,021		204,021
Total	\$320,338,793	\$53,744,000	\$266,594,793

(1) Some projects include land acquisition costs.

(2) \$2.6 M of development cost was donated by the Mahaffey Theater Foundation as part of the 1987-88 renovations.

trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property in accordance with Florida Statute Chapter 163 and in compliance with this Plan.

Owner Participation

Owner participation is an important part of ensuring a cohesive downtown revitalization program. Therefore, owner participation is encouraged in the redevelopment of downtown.

Before the City pursues any development project on a particular site, contact will be made with the property owners to determine their interest in participating in the project. Such participation by an owner shall be contingent upon execution by such owner of a binding agreement by which the property retained or acquired will be developed and used in conformance with the plan.

The Community Redevelopment Agency may, prior to the execution of an agreement, determine in its sole discretion that it is in the best interest of the City to acquire such property for development by the City or disposition for competitive bidding. The Community Redevelopment Agency may acquire property which is retained by an owner under an Owner Participation Agreement if the owner fails, refuses or neglects to perform his/her obligation under said agreement.

Developer Disposition Agreement

The Community Redevelopment Agency shall reserve such powers and controls through disposition and development agreements with purchaser or leases of property as may be necessary to insure that development conforms to this plan. The leases, deeds, contracts, agreements and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes or any other provisions necessary to carry out this Plan.

ENFORCEMENT

After development, the administration and enforcement of this Plan or other documents implementing this Plan shall be performed by the City or the Agency.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by Court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this plan. In addition, any recorded provisions expressly for the benefit of owners of property in the project area may be enforced by such owners.

The provisions of this Plan shall be effective until April 7, 2035.

**TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035***

Designated Projects	FY	Location	TIF Funds Required (in \$Millions)		Other Potential Funding Sources	Total Cost
			TIF Funds Required	To be Determined		
Municipal Pier Project (1)	2008-2016 8	Downtown Waterfront at 2 nd Avenue NE	\$50M		To be Determined	\$50M
<i>See Note (4)</i>						
Downtown Waterfront Master Plan Improvements -- Pier District	2016-2020	<u>Pier Approach</u>	\$20M		City/Other	\$51.7M (2)
Progress Duke Energy Center for the Arts		NE Corner of 1 st St/5 th Ave S				\$31.286M
Mahaffey Theater	2005-2011		\$25.854M		City (\$2.932M)	
Salvador Dali Museum	2010-2011		\$2.5M			
Mixed Use Transportation Facility	2006-2016 8	TBD	\$14M		No other public funding identified; however, mixed use project would leverage private investment	\$14M
Pedestrian System/Streetscape Improvements	2006-2035	Throughout IRP District	\$2.5M		City	\$2.5M
Park Improvements	2006-2035	Waterfront Park System	\$2.5M		City	\$2.5M

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

**TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035***

Designated Projects Utility Improvements	FY	Location	TIF Funds Required (in \$Millions)		Other Potential Funding Sources	Total Cost
			2005-2035	2005-2035		
	2005-2035	Throughout IRP District	\$0	\$0	City and Private Developers	TBD
Signage	2005-2035	Throughout IRP District	\$0	\$0	City	TBD
Bicycle Trails	2005-2035	Throughout IRP District	\$0	\$0	City, State and Federal	TBD
City Marina Improvements	2005-2035	Throughout IRP District	\$0	\$0	City, State and Federal	TBD

Maximum TIF Funds Required: \$917.354

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

Note (1) Because of the size of the project, the timing and/or amounts necessary for the Municipal Pier Project may need to be revised in the future. Such changes shall only occur in an amendment to the Interlocal Agreement between the City and County.

Note (2) Includes the total estimated costs of all Baseline, Targeted and Transformational features and projects identified for the Pier District in the Downtown Waterfront Master Plan, adopted on June 4, 2015, by St. Petersburg City Council (Ord. 167-H).

DESIGN AND DEVELOPMENT GUIDELINES

The design and development guidelines listed below were created in order to ensure compatibility between the types of developments that are desired in the downtown and how such developments should relate to the environment and each other.

All real property in the project area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of adoption of this Plan, except in conformance with the provisions of this Plan and all applicable State and local laws in effect from time to time.

DESIGN PARAMETERS

General

- All redevelopment sites shall meet all the applicable Land Development Regulations.
- Developers of projects within the redevelopment area shall submit project proposals and designs to the Community Redevelopment Agency (CRA) for development review.
- All development should demonstrate the use of energy conservation techniques to reduce space cooling, hot water, and space heating demands. These techniques should address, but not be limited to:

- building orientation
 - building facade materials
 - shading of buildings and parking lots
 - wind control for cooling ground level spaces and/or buildings
 - use of solar energy (if practical) to meet development energy needs or individual building requirements, e.g., shared solar hot water
 - use of paving material other than concrete or asphalt for parking lots to reduce area heat gain (such as turf block)
 - use of natural sunlight for interior lighting (daylighting).
- All new and redeveloped surface parking areas shall be landscaped according to applicable City requirements.
 - All parking structures should provide decorative facades through building materials and/or landscaping along each parking level and shall contain street level retail, office, cultural, or recreational activities.
 - All buildings within the development project should integrate architecturally, aesthetically and functionally through building design, materials, open spaces, scale, circulation systems, pedestrian level activities, and uniform signage and lighting.
 - All new development and redevelopment should provide design elements (trees, canopies, street furniture,

entryways, etc.) to bring the building and related activity spaces in scale with human dimensions and perception of space.

- Development should provide appropriate architectural variety to the area and generate street level activities, such as outdoor cafes and cultural activities.

Open and Pedestrian Spaces

Open spaces shall:

- be directly linked to the pedestrian system (sidewalks or skyways) and these links shall meet the Plaza Parkway Design Guidelines established in Appendix B; and
- provide sufficient lighting to ensure night security;

Open spaces should:

- relate to activities and buildings within the block;
- establish visual and functional ties to surrounding activities and create a sense of seclusion in spaces set aside from the main pedestrian flow such as found in court yards;

- provide various types of open space use (public, private, and semi-public spaces);
- provide sit-ability in terms of comfort and number of seating spaces (1 linear foot of seating space for each 300 square feet of open space), and such seating can be provided by appropriately designed benches, ledges or

chairs;

- provide for human comfort and scale through the use of landscaping and/or canopies for shade and highlighting building entrances;
- be considered for location on roof tops or upper levels in conjunction with activity spaces, to provide views of Tampa Bay, especially for development along Beach Drive and 1st Street;
- provide sculptures, murals &/or water features; &
- provide simple designs which dictate logical order and arrangement, allowing users to easily orient and relate themselves to the space and surrounding activities.

Pedestrian systems (all projects and areas within the Intown Redevelopment Area):

- shall be designed in conformance with the Plaza Parkway Design Manual (CRA Resolution 92-2).

Historic

- Renovation, redevelopment or new construction on historic properties shall comply with the City's historic preservation ordinance.
- Developments on sites with historic structures are encouraged to utilize the incentives offered by the City's land development regulations.

Residential

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

Waterfront

Within the boundaries of the City of St. Petersburg lies one of the most unique aesthetically and economically valuable assets of the Region; our downtown waterfront.

The park-like character of the waterfront forms a U-shape around the eastern edge of the downtown which is anchored at its southern end by the Pregress Duke Energy Center for the Arts, and its northern end by the Vinoy property. These two anchors represent prominent visual points that frame the Intown waterfront park system and, therefore, the development of the Vinoy site and the Pregress Duke Center for the Arts as activity and visual image centers is very important to the successful redevelopment of the downtown, the use of the waterfront as a public activity space, and the reinforcement of the aesthetic quality of the waterfront park system.

The downtown waterfront has established itself as an area with

its own sense of time and place. In order to preserve and enhance this historical and visual continuity, it is important to establish the design compatibility of buildings along the waterfront with each other as well as with the park-like character of the waterfront. It is equally important to provide for a variety of activities along the waterfront and in the downtown so all citizens of St. Petersburg can enjoy the present and the future opportunities these City assets create.

Vinoy Property Development

The Vinoy property is approximately bounded by 5th Avenue NE and 7th Avenue NE, and Bayshore and Beach Drives NE. Design considerations for the property include:

- shall maintain a compatible design relationship to the Vinoy and the waterfront in terms of building mass, scale, height, materials, color, and architectural character;
- shall provide for a 200-foot wide open space buffer parallel to and west of Bayshore Drive between Baywood Park and Fifth Avenue N.E. to maintain the open character of the waterfront allowing for visual access to and through the open space buffer area;
- shall preserve the Banyan trees and Indian Midden;
- shall provide landscaped buffers along all streets and any walls facing the street;
- shall landscape parking structures and areas;

- shall provide a landscaped design separation between the development, Baywood Park and open space buffer parallel to and west of Bayshore Drive.
 - shall avoid utilizing large and continuous building masses to create a walled image or effect along Fifth Avenue N.E., since it is important to maintain the aesthetic charm and openness of the Vinoy Basin area and waterfront park system, especially as viewed from Pier Park and along Straub Park.
 - should minimize visual intrusion of parking structures along Fifth Avenue N.E. and Bayshore Drive via landscaping and/or site design of the project;
 - The development that conforms to the stipulation entered into between the parties and approved by a final judgment executed by Judge Bryson on December 3, 1982, in the case of Padula and Workman v. City of St. Petersburg (Circuit Civil No. 82-6574-17) shall be deemed to conform to the provisions of the Community Redevelopment Plan. This final judgment is recorded at pages 7 and 8 of O.R. Book 5439 of the Official Records of Pinellas County, Florida.
- Core Area (Unified Retail Core)
- Mediterranean Revival is a prominent architectural style in St. Petersburg. Mediterranean Revival design elements should be encouraged in the Core Area. New
- development should use appropriate building materials and design elements such as stucco, key stone or cast stone to highlight entryways and along 1st and 2nd level facades, barrel tile roofs, terra cotta tiles, towers with pyramidal or triangular shaped tops, accent brick (light colors), or canopies, arches, and arcades.
- The Jannus Landing Block should be rehabilitated or redeveloped in keeping with the architectural style (vernacular), scale, and character of the block. This involves addressing design issues related to the preservation of important building facades, pedestrian linkages through the block, and integrating internal and external open spaces.
 - The Core area will be encouraged to develop using the concept of a strong pedestrian orientation including open spaces and plazas.
 - The Unified Retail Core should capitalize on and reinforce the existing urban fabric of the waterfront and the existing downtown business district.
 - The major pedestrian axes shall directly link the waterfront and downtown business district.
 - The major pedestrian axes shall function as the major retail spine linking the existing downtown business district.
 - Retail activity will be encouraged to orient along the

street as well as within the interior parts of the development.

- The pedestrian/open space system within the Core Area shall be a series of interconnected outdoor and/or indoor open spaces, with a focus on water features that link developments within the Core and to Downtown, Williams Park, the Waterfront and the ~~Progress~~ Duke Energy Center for the Arts. Developments in the Core Area shall provide for the pedestrian/open space system through maximum use of natural sunlight through a large or series of glass atriums or open air designs (high ceilings, central outdoor plazas, sunlight filtration from the ceilings). Gateway/entry points into the pedestrian/open space system shall be highlighted through large landscaped plazas or open spaces. The pedestrian/open space system and gateway shall include features such as sculptures, water landscaping and murals to create an exciting urban space.
- Development along the waterfront (Beach Drive) should maintain a building (east-west) axis perpendicular to Beach Drive on levels above the second floor.

Webb's City

- All new development shall conform to the requirements of the Downtown Center zoning district and the Plaza Parkway Design Guidelines.

Rehabilitation

- Rehabilitation of existing structures shall conform to all applicable rules and regulations of the City of St. Petersburg.
- All buildings (including fences and accessory structures) within a commercial or residential rehabilitation project should integrate architecturally, aesthetically and functionally through building design, materials, scale, open spaces, circulation systems, pedestrian level activities, and uniform signage and lighting.

DEVELOPMENT GUIDELINES

- All new development shall be consistent with the permitted uses in the downtown zoning district in which it is located.
- Development intensity and uses shall be governed by the underlying zoning district. Of particular note are the Downtown Center zones (DC) which provide for mixed-use development based on floor area ratio (F.A.R.) system as outlined below:

closing of selected streets and alleyways in accordance with an appropriate proposal.

- The development of both affordable and market rate housing should be encouraged through incentives.
- Building rehabilitation should conform to the permitted uses of the downtown zoning district in which it is located.

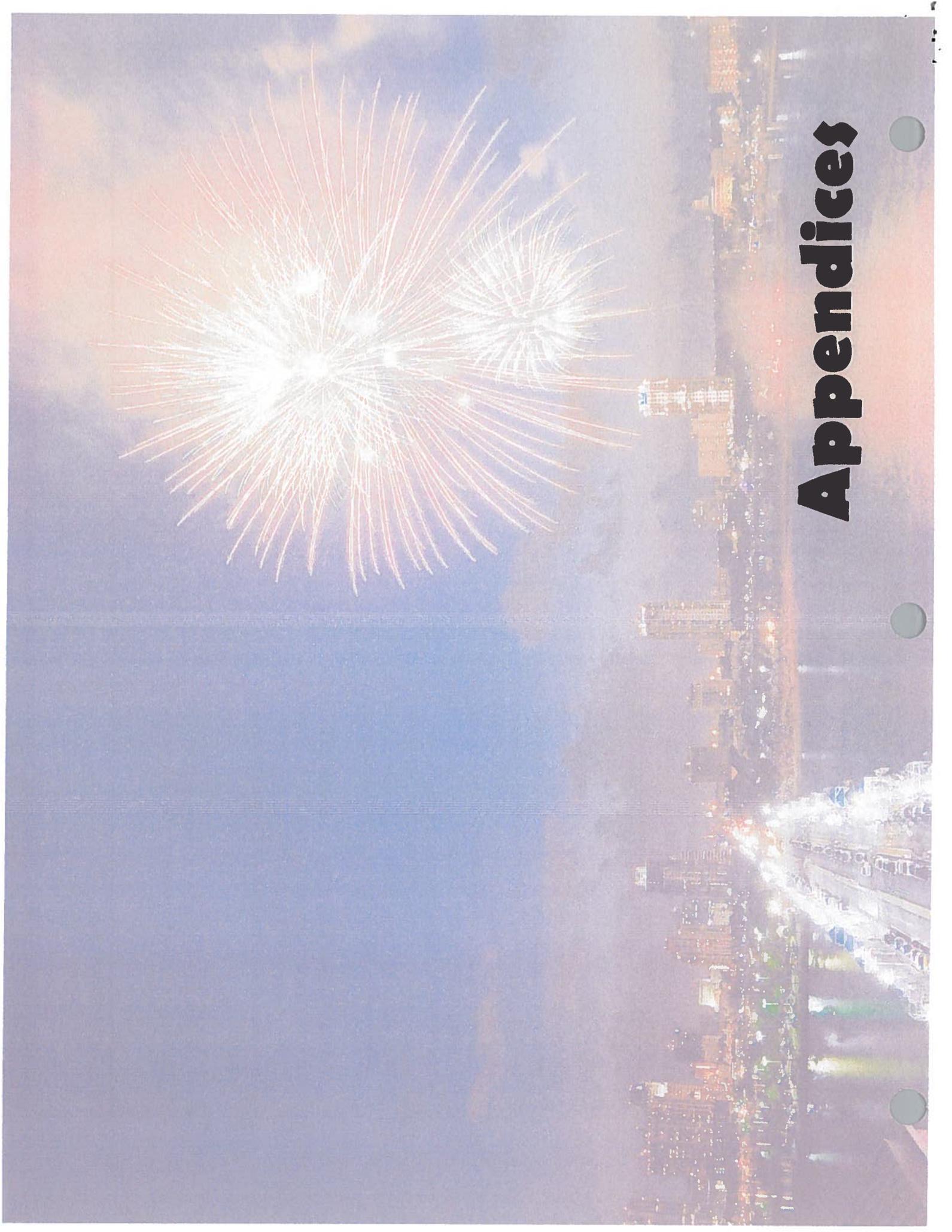
Uses or structures that, by reasons of appearance, traffic, smoke, glare, noise, odor, or other similar factors, would be incompatible with surrounding areas or structures shall not be permitted in any part of the project area.

District	Emphasis	FAR+
DC-C	Downtown Core	4.0 to 8.0
DC-1	Downtown Support	
	East of Dr. ML King St West of Dr. ML King St	3.0 to 7.0 3.0 to 5.0
DC-2	Downtown Residential	3.0 to 5.0
DC-3	Downtown Waterfront	2.0 to 3.0
DC-P	Downtown Park	0.2

+Range only applies from base FAR to administrative approval of FAR bonuses through streamline process. Additional bonuses can be awarded through a public hearing.

The Downtown Center land development regulations also contain bonus and exemption provisions which allow an increase in floor area ratio (F.A.R.) if selected open space, building program and urban design features are incorporated into the project. These include, but are not limited to, protecting designated historic landmarks, providing affordable housing, including retail uses on the first floor of a mixed use project, constructing streetscape improvements and providing specified percentage of office space. For more details on FAR bonuses, see the Downtown Center land development regulations.

- The major retail activity of the Intown shall be located in conformance with the uses permitted in the Downtown Center zoning district as depicted on Map 3 and described in the "Plan Emphasis" section contained herein.
- To encourage consolidation of blocks and promote a unified development concept, the City will consider the



Appendices

Summary of Legal Documents Related to the Intown Redevelopment Plan (1981 to 2011)

Ordinance #	Date Approved	Description
81-1401 (City Resolution)	December 17, 1981	City Council makes blight finding for the Intown Redevelopment Area. Also includes City Council Resolution 81-100 which declared the Webb's City area blighted pursuant to Florida's Community Redevelopment Act. Includes Pinellas County Resolution No. 81-465 in which the BCC delegated redevelopment authority to St. Petersburg.
557-F	March 18, 1982	Adoption of the Intown Redevelopment Plan (IRP). Includes Pinellas County Ordinance #82-24 which approved the IRP on August 3, 1982.
569-F	April 15, 1982	Amending IRP to increase the proposed office space for the Webb's City Redevelopment Project.
570-F	April 15, 1982	Establishing a Redevelopment Trust Fund to finance Community Redevelopment Projects within the Redevelopment area. Includes Pinellas County Ordinance #82-24 which approved the IRP Redevelopment Trust Fund on August 3, 1982.
605-F	October 21, 1982	Granting the power of eminent domain to the St. Petersburg Community Redevelopment Agency. Includes Pinellas County Resolution No. 82-591 which authorized the amendment on December 7, 1982.
622-F	January 20, 1983	Amending IRP to increase the allowable size of the commercial component of the development concept for Block E of the Webb's City project area.
641-F	March 1, 1983	Amending IRP by eliminating the minimum requirement of floor area ratio and changing the classification to Pedestrian System for the Webb's City Project.

Summary of Legal Documents Related to the Intown Redevelopment Plan (1981 to 2011)

Ordinance #	Date Approved	Description
654-F	May 19, 1983	Amending IRP to include design guidelines for a public improvement project called the Vinoy. Pinellas County approved on May 24, 1983.
669-F	September 1, 1983	Amending IRP to incorporate the Gas Plant Project, including the Stadium and repealing the plan previously adopted by Resolution 79-698. Approved by Pinellas County on August 16, 1983.
725-F	March 1, 1984	Amending IRP to add a new use emphasis category entitled recreation/open space to replace the existing parkland use.
735-F	April 5, 1984	Amending Ordinance No. 570-F by amending Section 1 to change the calculation and appropriation of TIF revenues for the IRP. Includes Pinellas County Ordinance No. 86-39 which amended County Ordinance 82-24 related to the creation of the Intown Trust Fund.
746-F	May 17, 1984	Amending IRP to revise the Gas Plant Redevelopment Project. Pinellas County approved project on May 15, 1984.
755-F	July 19, 1984	Amending IRP by modifying the Webb's City Project "Block D" Development Plan. (Includes CRA resolution 84-13 recommending approval of amendment.)
823-F	June 6, 1985	Amending IRP related to pedestrian system, defining parking garage sites (Blocks B and G), adding block consolidation to Blocks A, F and G, and Bayfront Center.
852-F	November 21, 1985	Amending IRP clarifying use of TIF bond proceeds.
966-F	May 21, 1987	Amending IRP to amend Webb's City Plan.

Summary of Legal Documents Related to the Intown Redevelopment Plan (1981 to 2011)

Ordinance #	Date Approved	Description
1054-F	October 6, 1988	Amending IRP incorporating Bay Plaza Plan (incorporate Blocks A and G into Unified Retail Core and added development and design guidelines).
1084-F	February 2, 1989	Amending IRP related to projects and TIF. Pinellas County approves by Resolution 88-132 which is attached. (Note: Resolution 89-132, which contains identical language as 88-132, is also attached.)
2038-F	February 21, 1991	Amending IRP to define parking garage projects for the Mirror Lake area.
31-G	September 17, 1992	Amending Plan emphasis for area between 3 rd and 5 th Avenues North from Beach to 1 st Street from Residential to Mixed-Use-Specialty Retail.
205-G	September 14, 1995	Amending Unified Retail Core, Plaza Parkway, Residential Program, Webb's City and relocation policy.
261-G	January 13, 1997	Amending disposition of land policy within the Intown Redevelopment Plan.
338-G	June 25, 1998	Amending IRP Core Area Project/Unified Retail Program and deleted a parking structure from Block A and providing for a parking structure on Block B. Also revised the pedestrian system.
715-G	March 3, 2005	Amending IRP to Implement future renovations to Municipal Pier, the Mahaffey Theater, and other public improvements; provide expiration date for IRP; identify TIF as funding source for said improvements; identify existing IRP projects implemented prior to 2005; and estimate project costs for TIF debt requirements. Approved by Pinellas County Board of County Commissioners on April 5, 2005.
715-G	March 3, 2005	

Summary of Legal Documents Related to the Intown Redevelopment Plan (1981 to 2011)

Ordinance #	Date Approved	Description
762-G	January 19, 2006	Amending the IRP by increasing the maximum amount of tax increment financing proceeds available for downtown improvement projects from \$95.4 million to \$97.4 million in order to allow the Florida Orchestra to utilize a \$2 million private donation previously programmed for Mahaffey Theater renovations to be utilized for the construction of a new headquarters building for the Orchestra; and, provide an additional \$2 million in tax increment financing proceeds to replace the \$2 million private donation in order to complete the Mahaffey Theater renovation project. Approved by Pinellas County Board of County Commissioners on February 21, 2006.
822-G	August 9, 2007	Amending the IRP to update maps and text references to zoning districts and future land use categories; ensuring consistency between the LDRs and IRP design standards; updating existing condition descriptions; deleting outdated graphics and project descriptions; and making editorial and formatting revisions.
1018-G	June 16, 2011	Amending the IRP to include \$2.5 million in tax increment financing to support the completion of the new Salvador Dali Museum; clarifying reference to the municipal pier project; updating descriptions to reflect current conditions and removing specific development targets on downtown blocks; updating maps and graphics; and correcting scrivener's errors.

ST. PETERSBURG CITY COUNCIL

REVISED
AUG 26 2015

August 26, 2015

TO The Honorable Charlie Gerdes, Chair and Members of City Council
FROM Rick D. Smith, Planning and Economic Development
SUBJECT Adds/Deletes for September 3, 2015 Revisions to Materials for City Council
Agenda Public Hearing Item D.2:

Ordinance 192-H adopting amendments to the Intown Redevelopment to increase the redevelopment program budget by \$20 million to fund improvements in the Downtown Waterfront Master Plan for the Pier District; update descriptions to reflect current conditions on downtown blocks; update maps and graphics; amending Appendix A to contain a summary of the IRP's legal documents; and correct scrivener's errors.

Please find attached revisions for Agenda Item D.2.

- Replacing Staff Report for Second Reading/Public Hearing to include the revisions described in the two bullets below.
- Replacing Page 29 of Attachment to Ordinance to address City Council's request to remove reference to "Florida's enterprise zone legislation."
- Replacing Pages 37 and 38 of Attachment to Ordinance to address City Council's request for clarification on the "Total Costs" relating to improvements made to the Pier District in the Downtown Waterfront Master Plan.

If you have any questions, please do not hesitate to call me at Ext. 7106.

attachments

D-2

ST. PETERSBURG CITY COUNCIL

Meeting of September 3, 2015

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

SUBJECT Second Reading and Public Hearing of Ordinance amending the Intown Redevelopment Plan to increase its program budget by \$20 million in tax increment financing to fund Downtown Waterfront Master Plan improvements; update descriptions to reflect current development conditions; update maps and graphics; amending Appendix A to provide a summary of all IRP legal documents; provide for severability; and correct scrivener's errors.

RECOMMENDATION Administration recommends City Council approve the attached Ordinance and adopt the Amendments to the Intown Redevelopment Plan.

BACKGROUND

City Administration is proposing a series of amendments to the Intown Redevelopment Plan (IRP) highlighted by increased budgetary authority in the IRP redevelopment program for \$20 million in improvements to the Pier Approach that will be funded through tax increment financing. These improvements were identified in the Downtown Waterfront Master Plan that was adopted by City Council on June 4, 2015. On September 3, 2015, City Council will be asked to approve a "Fourth Amendment" to the April 21, 2005, Intown Redevelopment Plan Interlocal Agreement in advance of second reading and public hearing on this subject ordinance in order to authorize the amendments to the IRP discussed herein.

The proposed IRP amendments are necessary to effectuate the terms of an agreement between the City of St. Petersburg and Pinellas County to establish a tax increment financing (TIF) district for the entire 7,400-acre South St. Petersburg Community Redevelopment Area (CRA). To garner County support for the South St. Petersburg TIF district, the City agreed, among other items, to reduce Pinellas County's annual percentage contribution to the CRA redevelopment trust funds for both Intown and Bayboro Harbor from 95 percent to 85 percent of the annual tax increment. Pinellas County, while approving the South St. Petersburg TIF district also agreed to the \$20 million increase in the IRP redevelopment program budget that can be funded with tax increment financing. The major components of this deal are memorialized in the "South St. Petersburg CRA Interlocal Agreement (June 3, 2014)", which was approved by City Council on May 21, 2015.

Amendments to community redevelopment plans (CRPs) require adoption by ordinance and must comply with procedures established by Florida's Community Redevelopment Act. Each CRP amendment must be found in conformance with the City's comprehensive plan by the Community Planning and Preservation Commission (CPPC), reviewed by the Community Redevelopment Agency, and approved by City Council and the Pinellas County Board of County Commissioners (BCC). The CPPC found the amendments consistent with the comprehensive plan. If the amendments are approved, Pinellas County will be taking action on the amendments by October 20, 2015.

SUMMARY OF AMENDMENTS

The proposed amendments include

- Increasing the redevelopment program budget identified in Table 2 by \$20 million in tax increment financing to fund improvements to the Pier District identified in the Downtown Waterfront Master Plan. Briefly describe the same in other sections throughout the document. Limit total project costs to \$20 million.
- Creating a new consistent graphic and map format throughout the document.
- Changing references from "Progress Energy" to "Duke Energy".
- Changing references from "BayWalk" to "Sundial" and adding information on the current condition of the development.
- Eliminating reference to the state's Enterprise Zone program, which will sunset at the end of 2015.
- Amending Figure 1 to include aerial view of Duke Energy Center for the Arts and environs.
- Adding current development information to description of Webb's City area and Map 6.
- Adding section entitled "Downtown Waterfront Master Plan" to describe in detail the project to be funded with tax increment financing.

- Amending Figure 1 to add boundaries for the “Character Districts” described in the Downtown Waterfront Master Plan.
- Updating data on number of residential units constructed since 1982 in Intown and the rest of downtown.
- In Table 2
 - Extend the completion date of the “Municipal Pier Project” from 2016 to 2018
 - Add “\$” to total cost of “Duke Energy Center for the Arts”
 - Extend the completion date of the “Mixed Use Transportation Facility” from 2016 to 2018.
 - Increase the amount of “Maximum TIF Funds Required” from \$97.354 million to \$117.354 million.
- Replacing select legal instruments related to the IRP from Appendix A with a summary of all pertinent legal documents.

RECOMMENDATION

Administration recommends City Council approve the attached Ordinance and adopt the amendments to the Intown Redevelopment Plan.

Attachments: Ordinance
Amended Chapters of Intown Redevelopment Plan

F.S.) offers a 50% credit against state corporate income taxes for contributions of up to \$200,000, for community development, which could be used as direct grant or to start a revolving loan fund;

- The State of Florida, ~~through its enterprise zone legislation,~~ provides tax incentives and loans to ~~qualified community development corporations~~ to carry out ~~such~~ projects in declared or distress areas;
- The Florida Housing Development Finance Agency may make available financing opportunities for residential rehabilitation, specifically through tax-exempt bonding.

Local

- promoting development of residential services;
- use of tax increment financing for residential related public improvements, such as recreation areas (use of alleyways), infrastructure, landscaping, lighting, etc;
- City may initiate vacation of alleys and streets for development;
- use a loan principal or interest subsidy program on conventional loans;
- use of tax increment financing for land acquisition;
- use of the Ad Valorem Tax Exemption for Historic Properties enabled by City ordinance;

- City may issue housing mortgage revenue bonds;
- local banks establishing a special loan pool for all types of residential development.

The key to encouraging the housing market to respond to the needs of housing consumers and stimulating new residential growth in the downtown, lies in creative financing techniques. When the IRP was adopted, it was estimated that the plan could generate 1500 or more additional housing units in the area. The IRP has exceeded that estimate. Since the IRP was adopted in 1982, more than ~~1,700~~ 2,100 residential units have been added within the community redevelopment area. In the rest of downtown, more than ~~550~~ 820 dwelling units have been constructed during the same period. All but approximately four hundred units have been constructed since 1998 throughout downtown.

Block Consolidation

The Community Redevelopment Agency, for the potential purpose of consolidating parcels, may undertake selected land acquisition for the residential development program. Blocks identified for consolidation are shown on Map 7.

The residential program involves the Vinoy project and the University Park Residential District. The development concept for these areas is described below:

TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035*

Designated Projects	FY	Location	TIF Funds Required (in \$Millions)	Other Potential Funding Sources	Total Cost
Municipal Pier Project (1)	2008-2016 8	Downtown Waterfront at 2 nd Avenue NE	\$50M	To be Determined	\$50M
<i>See Note (1)</i>					
<u>Downtown Waterfront Master Plan Improvements – Pier District</u>	<u>2016-2020</u>	<u>Pier Approach</u>	<u>\$20M</u>	<u>No other public funding identified.</u>	<u>\$20M</u>
<u>Progress Duke Energy Center for the Arts</u>		NE Corner of 1 st St/5 th Ave S			<u>\$31.286M</u>
Mahaffey Theater	2005-2011		\$25.854M	City (\$2.932M)	
Salvador Dali Museum	2010-2011		\$2.5M		
Mixed Use Transportation Facility	2006-2016 8	TBD	\$14M	No other public funding identified; however, mixed use project would leverage private investment	\$14M
Pedestrian System/Streetscape Improvements	2006-2035	Throughout IRP District	\$2.5M	City	\$2.5M
Park Improvements	2006-2035	Waterfront Park System	\$2.5M	City	\$2.5M

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035*

Designated Projects	FY	Location	TIF Funds Required (in \$Millions)	Other Potential Funding Sources	Total Cost
Utility Improvements	2005-2035	Throughout IRP District	\$0	City and Private Developers	TBD
Signage	2005-2035	Throughout IRP District	\$0	City	TBD
Bicycle Trails	2005-2035	Throughout IRP District	\$0	City, State and Federal	TBD
City Marina Improvements	2005-2035	Throughout IRP District	\$0	City, State and Federal	TBD

Maximum TIF Funds Required: \$9117.354

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

Note (1) Because of the size of the project, the timing and/or amounts necessary for the Municipal Pier Project may need to be revised in the future. Such changes shall only occur in an amendment to the Interlocal Agreement between the City and County.

ST. PETERSBURG CITY COUNCIL
Meeting of September 3, 2015

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

SUBJECT A Resolution by City Council approving the Fourth Amendment to the April 21, 2005, Intown Redevelopment Plan (IRP) Interlocal Agreement.

RECOMMENDATION Administration recommends City Council approve the attached Resolution.

OVERVIEW

The proposed amendments to the IRP Interlocal agreement will 1) reduce Pinellas County's contribution to the IRP Redevelopment Trust Fund from 95 percent to 85 percent of the annual tax increment; 2) increase the IRP redevelopment program budget by \$20 million in Table 2 of the IRP for Downtown Waterfront Master Plan Improvements; and 3) alter Table 2 of the IRP to reflect revised completion dates for two projects and update references to Duke Energy Center for the Arts.

The amendments to the IRP Interlocal agreement are necessary to effectuate the terms of an agreement between the City of St. Petersburg and Pinellas County to establish a tax increment financing (TIF) district for the entire 7,400-acre South St. Petersburg Community Redevelopment Area (CRA). To garner County support for the South St. Petersburg TIF district, the City agreed, among other items, to reduce Pinellas County's annual percentage contribution to the CRA redevelopment trust funds for both Intown and Bayboro Harbor from 95 percent to 85 percent of the annual tax increment. Pinellas County, while agreeing to the South St. Petersburg TIF district also approved the \$20 million increase in the IRP redevelopment program budget that can be funded with tax increment financing. The major components of this deal are memorialized in amendments to the "South St. Petersburg CRA Interlocal Agreement (June 3, 2014)", which were approved by City Council on May 21, 2015.

RECOMMENDATION

Administration recommends City Council approve the attached Resolution.

Attachment: Resolution with Interlocal Agreement

NO. 2015 - ____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG APPROVING THE FOURTH AMENDMENT TO THE APRIL 21, 2005, INTOWN REDEVELOPMENT PLAN INTERLOCAL AGREEMENT ATTACHED AS EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 2, 2015, the St. Petersburg City Council and Pinellas County Board of County Commissioners executed an "Interlocal Agreement between the City of St. Petersburg and Pinellas County for Governance of the South St. Petersburg Community Redevelopment Area", which *inter alia* specified amendments to the Intown Redevelopment Plan and related Interlocal Agreement in order to effectuate establishment of the South St. Petersburg CRA Redevelopment Trust Fund; and

WHEREAS, St. Petersburg City Council approved Resolution 2015-230 on May 21, 2015, requesting City Administration to undertake said amendments to the Intown Redevelopment Plan and related Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Petersburg City Council does hereby approve the attached "Fourth Amendment to the Interlocal Agreement between the City of St. Petersburg and Pinellas County for the Commitment of Tax Increment Revenues in the Intown Community Redevelopment Area dated April 21, 2005".

This resolution shall become effective immediately upon its adoption.

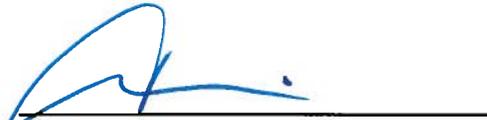
Passed by St. Petersburg City Council in regular session on the 3rd day of September, 2015.

APPROVED AS TO FORM AND CONTENT:



City Attorney (Designee)

APPROVED BY:



Dave Goodwin, Director
Planning and Economic Development
Department

Exhibit A

Fourth Amendment to the Intown Interlocal Agreement (April 21, 2005) Intown Community Redevelopment Area

**FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF ST. PETERSBURG, FLORIDA
AND
PINELLAS COUNTY, FLORIDA
FOR
THE COMMITMENT OF
TAX INCREMENT REVENUES IN THE INTOWN COMMUNITY
REDEVELOPMENT AREA DATED APRIL 21, 2005**

WHEREAS, in 2005, the City of St. Petersburg (City) amended its Intown Redevelopment Plan and requested Pinellas County (County) to extend its commitment of Tax Increment Revenues in downtown St. Petersburg (known commonly as the Intown Community Redevelopment Area); and

WHEREAS, the County reviewed the projects which the City proposed to construct or redevelop in the Intown Community Redevelopment Area (CRA) using Tax Increment Revenues and approved the City's request; and

WHEREAS, the City and County entered into an Interlocal Agreement dated April 21, 2005, authorizing the City to use Tax Increment Revenues to pay for approved projects identified in the Intown Redevelopment Plan through the issuance of bonds or other indebtedness therefore, and subsequently entered into the First Amendment dated March 21, 2006, a Second Amendment dated December 2, 2010, and a Third Amendment dated July 12, 2011; and

WHEREAS, the original Interlocal Agreement as amended by the First, Second, and Third Amendments is hereinafter referred to as the "Intown CRA Interlocal Agreement"; and

WHEREAS, the City and County have agreed in the "South St. Petersburg Community Redevelopment Area Interlocal Agreement" dated June 2, 2015, to further amend the Intown CRA Interlocal Agreement by reducing the percentage of the County's annual contribution to the Intown CRA Redevelopment Trust Fund and adding \$20 million in projects to the Intown Redevelopment Plan.

NOW, THEREFORE, the City of St. Petersburg, Florida (City) and Pinellas County (County) enter into this Fourth Amendment to the Intown CRA Interlocal Agreement, as follows:

1. Beginning in 2016, Pinellas County's contribution to the Intown CRA Redevelopment Trust Fund will be reduced from 95 percent to 85 percent of the annual tax increment created each year in the Intown CRA.

2. Table 2 (TIF Funding Required for New Public Improvement Projects, 2005-2035) of the Intown Redevelopment Plan is hereby amended in the following manner and attached as Exhibit 1:
 - a. Add “Downtown Waterfront Master Plan Improvements-Pier District” to be located on the Pier Approach with \$20 million in TIF Funds Required, \$51.7 million in Total Costs, and expected completion year of 2020.
 - b. Increase the “Maximum TIF Funds Required” from \$97.354 million to \$117.354 million.
 - c. Extend the end date of the “Municipal Pier Project” from “2016” to “2018”.
 - d. Extend the end date of the “Mixed Use Transportation Facility” project from “2016” to” 2018.”
3. Except as specifically amended, supplemented or modified by this Fourth Amendment, all of the terms, covenants and conditions of the Intown CRA Interlocal Agreement remain in full force and effect.

(Signature Page Follows)

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment effective as of _____, 2015.

PINELLAS COUNTY, FLORIDA,
by and through its Board of County
Commissioners

CITY OF ST. PETERSBURG

By: _____
Chairman

By: _____
Mayor

ATTEST:
KEN BURKE, Clerk

ATTEST:
CHANDRAHASA SRINIVASA, City Clerk

By: _____
Deputy Clerk

By: _____
Deputy City Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Office of the County Attorney

By: _____
Office of the City Attorney

Exhibit 1

Table 2 of the Intown Redevelopment Plan

TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035*

Designated Projects	FY	Location	TIF Funds Required (in \$Millions)	Other Potential Funding Sources	Total Cost
Municipal Pier Project (1)	2008-2016 8	Downtown Waterfront at 2 nd Avenue NE	\$50M	To be Determined	\$50M
<i>See Note (3)</i>					
<u>Downtown Waterfront Master Plan</u> <u>Improvements – Pier District</u>	<u>2016-2020</u>	<u>Pier Approach</u>	<u>\$20M</u>	<u>City/Other</u>	<u>\$51.7M (2)</u>
<u>Progress Duke Energy Center for the Arts</u>		NE Corner of 1 st St/5 th Ave S			<u>\$31.286M</u>
Mahaffey Theater	2005-2011		\$25.854M	City (\$2.932M)	
Salvador Dali Museum	2010-2011		\$2.5M		
Mixed Use Transportation Facility	2006-2016 8	TBD	\$14M	No other public funding identified; however, mixed use project would leverage private investment	\$14M
Pedestrian System/Streetscape Improvements	2006-2035	Throughout IRP District	\$2.5M	City	\$2.5M
Park Improvements	2006-2035	Waterfront Park System	\$2.5M	City	\$2.5M

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035*

Designated Projects	FY	Location	TIF Funds Required (in \$Millions)	Other Potential Funding Sources	Total Cost
Utility Improvements	2005-2035	Throughout IRP District	\$0	City and Private Developers	TBD
Signage	2005-2035	Throughout IRP District	\$0	City	TBD
Bicycle Trails	2005-2035	Throughout IRP District	\$0	City, State and Federal	TBD
City Marina Improvements	2005-2035	Throughout IRP District	\$0	City, State and Federal	TBD

Maximum TIF Funds Required: \$9117.354

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

Note (1) Because of the size of the project, the timing and/or amounts necessary for the Municipal Pier Project may need to be revised in the future. Such changes shall only occur in an amendment to the Interlocal Agreement between the City and County.

(2) Includes the total estimated costs of all Baseline, Targeted and Transformational features and projects identified for the Pier District in the Downtown Waterfront Master Plan, adopted on June 4, 2015, by St. Petersburg City Council (Ord. 167-H).

ST. PETERSBURG CITY COUNCIL
Meeting of September 3, 2015

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

SUBJECT A Resolution by City Council approving the Fourth Amendment to the April 21, 2005, Intown Redevelopment Plan (IRP) Interlocal Agreement.

RECOMMENDATION Administration recommends City Council approve the attached Resolution.

OVERVIEW

The proposed amendments to the IRP Interlocal agreement will 1) reduce Pinellas County's contribution to the IRP Redevelopment Trust Fund from 95 percent to 85 percent of the annual tax increment; 2) amend Table 2 to allow \$20 million in tax increment financing revenue to be expended on Downtown Waterfront Master Plan Improvements for the Pier District and limit its total project costs to \$20 million; 3) amend Section 4 of the Interlocal Agreement to increase by \$20 million the amount that can be financed using tax increment financing without requiring additional approval from the Pinellas County Board of County Commissioners; 4) alter Table 2 of the IRP to reflect revised completion dates for two projects and 5) update references to the Duke Energy Center for the Arts.

The amendments to the IRP Interlocal agreement are necessary to effectuate the terms of an agreement between the City of St. Petersburg and Pinellas County to establish a tax increment financing (TIF) district for the entire 7,400-acre South St. Petersburg Community Redevelopment Area (CRA). To garner County support for the South St. Petersburg TIF district, the City agreed, among other items, to reduce Pinellas County's annual percentage contribution to the CRA redevelopment trust funds for both Intown and Bayboro Harbor from 95 percent to 85 percent of the annual tax increment. Pinellas County, while agreeing to the South St. Petersburg TIF district also approved the \$20 million increase in the IRP redevelopment program budget that can be funded with tax increment financing. The major components of this deal are memorialized in amendments to the "South St. Petersburg CRA Interlocal Agreement (June 3, 2014)", which were approved by City Council on May 21, 2015.

RECOMMENDATION

Administration recommends City Council approve the attached Resolution.

Attachment: Resolution with Interlocal Agreement

D-3

NO. 2015 - ____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG APPROVING THE FOURTH AMENDMENT TO THE APRIL 21, 2005, INTOWN REDEVELOPMENT PLAN INTERLOCAL AGREEMENT ATTACHED AS EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 2, 2015, the St. Petersburg City Council and Pinellas County Board of County Commissioners executed an "Interlocal Agreement between the City of St. Petersburg and Pinellas County for Governance of the South St. Petersburg Community Redevelopment Area", which *inter alia* specified amendments to the Intown Redevelopment Plan and related Interlocal Agreement in order to effectuate establishment of the South St. Petersburg CRA Redevelopment Trust Fund; and

WHEREAS, St. Petersburg City Council approved Resolution 2015-230 on May 21, 2015, requesting City Administration to undertake said amendments to the Intown Redevelopment Plan and related Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Petersburg City Council does hereby approve the attached "Fourth Amendment to the Interlocal Agreement between the City of St. Petersburg and Pinellas County for the Commitment of Tax Increment Revenues in the Intown Community Redevelopment Area dated April 21, 2005".

This resolution shall become effective immediately upon its adoption.

Passed by St. Petersburg City Council in regular session on the 3rd day of September, 2015.

APPROVED AS TO FORM AND CONTENT:



City Attorney (Designee)

APPROVED BY:



Dave Goodwin, Director
Planning and Economic Development
Department

Exhibit A

Fourth Amendment to the Intown Interlocal Agreement (April 21, 2005)
Intown Community Redevelopment Area

**FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF ST. PETERSBURG, FLORIDA
AND
PINELLAS COUNTY, FLORIDA
FOR
THE COMMITMENT OF
TAX INCREMENT REVENUES IN THE INTOWN COMMUNITY
REDEVELOPMENT AREA DATED APRIL 21, 2005**

WHEREAS, in 2005, the City of St. Petersburg (City) amended its Intown Redevelopment Plan and requested Pinellas County (County) to extend its commitment of Tax Increment Revenues in downtown St. Petersburg (known commonly as the Intown Community Redevelopment Area); and

WHEREAS, the County reviewed the projects which the City proposed to construct or redevelop in the Intown Community Redevelopment Area (CRA) using Tax Increment Revenues and approved the City's request; and

WHEREAS, the City and County entered into an Interlocal Agreement dated April 21, 2005, authorizing the City to use Tax Increment Revenues to pay for approved projects identified in the Intown Redevelopment Plan through the issuance of bonds or other indebtedness therefore, and subsequently entered into the First Amendment dated March 21, 2006, a Second Amendment dated December 2, 2010, and a Third Amendment dated July 12, 2011; and

WHEREAS, the original Interlocal Agreement as amended by the First, Second, and Third Amendments is hereinafter referred to as the "Intown CRA Interlocal Agreement"; and

WHEREAS, the City and County have agreed in the "South St. Petersburg Community Redevelopment Area Interlocal Agreement" dated June 2, 2015, to further amend the Intown CRA Interlocal Agreement by reducing the percentage of the County's annual contribution to the Intown CRA Redevelopment Trust Fund and adding \$20 million in projects to the Intown Redevelopment Plan.

NOW, THEREFORE, the City of St. Petersburg, Florida (City) and Pinellas County (County) enter into this Fourth Amendment to the Intown CRA Interlocal Agreement, as follows:

(This space left intentionally blank)

1. Section 4 of the Intown CRA Interlocal Agreement is hereby amended to read as follows:

4. City Duties. The City:

A. May finance up to \$~~911~~7.4 million plus costs of issuance and debt service reserve for approved Plan projects provided that the final maturity date of any borrowing is no later than April 5, 2020 (Short-Term Loans). The current proposal is to borrow approximately \$33.4 million plus costs of issuance and a debt service reserve prior to 2012.

B. May finance approximately \$~~911~~7.4 million plus costs of issuance and a debt-service reserve for approved Plan projects in 2012 or thereafter (which includes the payment of the Short-Term Loans made pursuant to paragraph 4A) without additional Board approval, provided the conditions in paragraph 5D hereof are met and subject to the limitations in paragraph 5B (Permanent Financing). The current proposal is to pay the Short-Term Loans and fund all remaining approved Projects in a twenty year financing, however, if it is more cost effective not to pay the Short-Term Loans then the City may finance the difference between that borrowed for project costs in the Short-Term Loans and \$~~911~~7.4 million (estimated at approximately \$~~68~~4 million) plus costs of issuance and debt service reserve for the remaining approved Plan projects. With the exception of the Short-Term Loans reflected in Attachment A, no new sale of bonds or indebtedness supported by tax increment revenues may occur nor may existing indebtedness so supported be refunded without approval of the Board of County Commissioners before 2020, except as otherwise approved as provided in Section 4(b)(5) of the Ordinance and Section 5D herein. Furthermore, there shall be no reimbursement of City payments from any funding source to existing projects made prior to adoption of the Ordinance. In no event shall the contribution of Tax Increment Revenues as provided in Table ~~1B~~ 2 supplant funding otherwise provided by City, State, Federal or Private Sources as set out in the "Other Potential Funding Sources" column to the projects in Table ~~1B~~ 2 to the Intown Redevelopment Plan.

C. May finance approved Plan projects on a pay-as-you go basis using excess Tax

Increment Revenues.

- D. Shall from 2005 through 2012, use Tax Increment Revenues to:
- i. pay annual debt service for the Previously Issued Bonds and the Short-Term Loans; then
 - ii. reimburse the City for any payments made by the City from other revenue sources (“Advances”) after April 7, 2005, on the Previously Issued Bonds and the Short-Term Loans; then
 - iii. retire or redeem the outstanding Short-Term Loans; or
 - iv. pay project costs on a pay-as-you-go basis.
- E. Shall from 2012 through 2035, use Tax Increment Revenues to
- i. pay annual debt service for the Permanent Financing and Short-Term Loans, if any; then
 - ii. reimburse the City for any Advances after April 7, 2005, on the Permanent Financing and Short-Term Loans; then
 - iii. retire or redeem any outstanding approved indebtedness; or
 - iv. pay project costs on a pay-as-you-go basis.
- F. Shall appropriate and pay the City’s portion of the Tax Increment Revenues for the Area to the CRA.
- G. Shall not expend Tax Increment Revenues on any project not in the Plan as approved by the Board.
- H. Shall provide the data and analysis necessary for the County to conduct the 15 year review.
2. Beginning in 2016, Pinellas County’s contribution to the Intown CRA Redevelopment Trust Fund will be reduced from 95 percent to 85 percent of the annual tax increment created each year in the Intown CRA.
3. Table 2 (TIF Funding Required for New Public Improvement Projects, 2005-2035) of the Intown Redevelopment Plan is hereby amended in the following manner and attached as Exhibit 1:
- a. Add “Downtown Waterfront Master Plan Improvements” to be located in the Pier District with \$20 million in TIF Funds Required, \$20 million in Total Costs, and expected completion year of 2020.

- b. Increase the "Maximum TIF Funds Required" from \$97.354 million to \$117.354 million.
 - c. Extend the end date of the "Municipal Pier Project" from "2016" to "2018".
 - d. Extend the end date of the "Mixed Use Transportation Facility" project from "2016" to "2018."
4. Except as specifically amended, supplemented or modified by this Fourth Amendment, all of the terms, covenants and conditions of the Intown CRA Interlocal Agreement remain in full force and effect.

(Signature Page Follows)

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment effective as of _____, 2015.

PINELLAS COUNTY, FLORIDA,
by and through its Board of County
Commissioners

CITY OF ST. PETERSBURG

By: _____
Chairman

By: _____
Mayor

ATTEST:
KEN BURKE, Clerk

ATTEST:
CHANDRAHASA SRINIVASA, City Clerk

By: _____
Deputy Clerk

By: _____
Deputy City Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Office of the County Attorney

By: _____
Office of the City Attorney

Exhibit 1

Table 2 of the Intown Redevelopment Plan

TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035*

Designated Projects	FY	Location	TIF Funds Required (in \$Millions)	Other Potential Funding Sources	Total Cost
Municipal Pier Project <u>(1)</u>	2008-201 <u>68</u>	Downtown Waterfront at 2 nd Avenue NE	\$50M	To be Determined	\$50M
<i>See Note (1)</i>					
<u>Downtown Waterfront Master Plan Improvements – Pier District</u>	<u>2016-2020</u>	<u>Pier Approach</u>	<u>\$20M</u>	<u>No other public funding identified.</u>	<u>\$20M</u>
<u>Progress Duke</u> Energy Center for the Arts		NE Corner of 1 st St/5 th Ave S			<u>\$31.286M</u>
Mahaffey Theater	2005-2011		\$25.854M	City (\$2.932M)	
Salvador Dali Museum	2010-2011		\$2.5M		
Mixed Use Transportation Facility	2006-201 <u>68</u>	TBD	\$14M	No other public funding identified; however, mixed use project would leverage private investment	\$14M
Pedestrian System/Streetscape Improvements	2006-2035	Throughout IRP District	\$2.5M	City	\$2.5M
Park Improvements	2006-2035	Waterfront Park System	\$2.5M	City	\$2.5M

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

TABLE 2
Intown Redevelopment Plan
TIF Funding Required for New Public Improvement Projects - 2005-2035*

Designated Projects	FY	Location	TIF Funds Required (in \$Millions)	Other Potential Funding Sources	Total Cost
Utility Improvements	2005-2035	Throughout IRP District	\$0	City and Private Developers	TBD
Signage	2005-2035	Throughout IRP District	\$0	City	TBD
Bicycle Trails	2005-2035	Throughout IRP District	\$0	City, State and Federal	TBD
City Marina Improvements	2005-2035	Throughout IRP District	\$0	City, State and Federal	TBD

Maximum TIF Funds Required: \$9117.354

* TIF expenditures may only be utilized for those Designated Projects in Table 2 where TIF funds are required as noted herein; provided, however, that no TIF expenditures may occur for Projects other than Designated Projects with TIF funds required as noted herein, without prior approval of the St. Petersburg City Council and the Pinellas County Board of County Commissioners.

Note (1) Because of the size of the project, the timing and/or amounts necessary for the Municipal Pier Project may need to be revised in the future. Such changes shall only occur in an amendment to the Interlocal Agreement between the City and County.

ST. PETERSBURG CITY COUNCIL
Meeting of September 3, 2015

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

SUBJECT A Resolution by City Council approving the Bayboro Harbor CRA Interlocal Agreement.

RECOMMENDATION Administration recommends City Council approve the attached Resolution.

OVERVIEW

The proposed Bayboro Harbor CRA Interlocal agreement will 1) reduce Pinellas County's contribution to the Bayboro Harbor Redevelopment Trust Fund from 95 percent to 85 percent of the annual tax increment; 2) terminate the Bayboro Harbor Redevelopment Trust Fund on March 17, 2018; and require expenditure by September 30, 2021, of all tax increment funds remaining in the Bayboro Harbor Redevelopment Trust Fund after its expiration.

The Bayboro Harbor CRA Interlocal Agreement is necessary to effectuate the terms of an agreement between the City of St. Petersburg and Pinellas County to establish a tax increment financing (TIF) district for the entire 7,400-acre South St. Petersburg Community Redevelopment Area (CRA). To garner County support for the South St. Petersburg TIF district, the City agreed, among other items, to reduce Pinellas County's annual percentage contribution to the Bayboro Harbor CRA Redevelopment Trust Fund. The major components of this agreement are memorialized in amendments to the "South St. Petersburg CRA Interlocal Agreement (June 3, 2014)", which were approved by City Council on May 21, 2015.

RECOMMENDATION

Administration recommends City Council approve the attached Resolution.

Attachment: Resolution with Interlocal Agreement

NO. 2015 - ____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG APPROVING THE INTERLOCAL AGREEMENT FOR THE BAYBORO HARBOR COMMUNITY REDEVELOPMENT AREA (CRA) ATTACHED AS EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 2, 2015, the St. Petersburg City Council and Pinellas County Board of County Commissioners executed an "Interlocal Agreement between the City of St. Petersburg and Pinellas County for Governance of the South St. Petersburg Community Redevelopment Area", which *inter alia* specified certain changes to the Bayboro Harbor CRA Redevelopment Trust Fund in order to effectuate establishment of the South St. Petersburg CRA Redevelopment Trust Fund; and

WHEREAS, St. Petersburg City Council approved Resolution 2015-230 on May 21, 2015, requesting City Administration to undertake said changes related to the Bayboro Harbor CRA Redevelopment Trust Fund.

NOW, THEREFORE, BE IT RESOLVED, that the St. Petersburg City Council does hereby approve the attached "Interlocal Agreement between the City of St. Petersburg and Pinellas County for the Commitment of Tax Increment Revenues in the Bayboro Harbor Community Redevelopment Area".

This resolution shall become effective immediately upon its adoption.

Passed by St. Petersburg City Council in regular session on the 3rd day of September, 2015.

APPROVED AS TO FORM AND CONTENT:



City Attorney (Designee)

APPROVED BY:



Dave Goodwin, Director
Planning and Economic Development
Department

Exhibit A

Bayboro Harbor Community Redevelopment Area Interlocal Agreement

**INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF ST. PETERSBURG, FLORIDA
AND
PINELLAS COUNTY, FLORIDA
FOR
THE COMMITMENT OF
TAX INCREMENT REVENUES IN THE BAYBORO HARBOR COMMUNITY
REDEVELOPMENT AREA**

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, by Resolution No. 85-284, dated May 16, 1985, delegated to the City Council of the City of St. Petersburg, Florida, certain authority and powers to conduct redevelopment activities as defined in Chapter 163, Part III, Florida Statutes (Act) and delineated by Community Redevelopment Area boundaries; and

WHEREAS, the St. Petersburg City Council, pursuant to Florida Statute 163.357 and Board of County Commissioners Resolution 85-284, approved Resolution No. 85-434 on June 6, 1985, to

- 1) Accepted delegation of certain redevelopment authority from the Pinellas County Board of County Commissioners;
- 2) Declared the area known as Bayboro Harbor to be a slum or blighted area; and
- 3) Established the City Council as the Community Redevelopment Agency responsible for undertaking and carrying out redevelopment planning and related activities for the Bayboro Harbor Community Redevelopment Area (CRA);

WHEREAS, by Ordinance No. 855-F, the City Council of the City of St. Petersburg, Florida, has adopted the Bayboro Harbor Community Redevelopment Plan pursuant to the requirements of the Act; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida approved the Bayboro Harbor Community Redevelopment Plan pursuant to a resolution adopted on December 3, 1985; and

WHEREAS, the City Council of the City of St. Petersburg, Florida, on March 17, 1988, enacted Ordinance No. 1027-F creating a redevelopment trust fund pursuant to the Act; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, by Ordinance No. 88-45, dated October 25, 1988, approved the creation of a redevelopment trust fund for the Bayboro Harbor CRA; and

WHEREAS, from time to time, the Community Redevelopment Plan has been amended to reflect existing conditions, by replacing outdated graphics and maps, providing text revisions and reorganization, and updating redevelopment programs and projects; and

WHEREAS, the St. Petersburg City Council and Pinellas County Board of County Commissioners have approved the June 2, 2015, "South St. Petersburg CRA Interlocal Agreement", which includes conditions regarding the County's tax increment revenue contributions to the Bayboro Harbor CRA Redevelopment Trust Fund.

NOW, THEREFORE, the City of St. Petersburg, Florida (City) and Pinellas County (County) enter into this Bayboro Harbor CRA Interlocal Agreement, as follows:

1. Beginning in 2016, Pinellas County's contribution to the Bayboro Harbor CRA Redevelopment Trust Fund will be reduced from 95 percent to 85 percent of the annual tax increment created each year in the CRA.
2. The Bayboro Harbor CRA Redevelopment Trust Fund will be terminated on March 17, 2018.
3. All tax increment funds remaining in the Bayboro Harbor CRA Redevelopment Trust Fund upon its expiration must be expended by September 30, 2021.

(Signature Page Follows)

IN WITNESS WHEREOF, the Parties have executed this Interlocal Agreement effective as of _____, 2015.

PINELLAS COUNTY, FLORIDA,
by and through its Board of County
Commissioners

CITY OF ST. PETERSBURG

By: _____
Chairman

By: _____
Mayor

ATTEST:
KEN BURKE, Clerk

ATTEST:
CHANDRAHASA SRINIVASA, City Clerk

By: _____
Deputy Clerk

By: _____
Deputy City Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Office of the County Attorney

By: _____
Office of the City Attorney

CITY COUNCIL AGENDA REPORT ITEM

August 11, 2015

TO: The Honorable Members of City Council

SUBJECT: Eckerd Community Alternatives and the need for Foster Families

PRESENTER: Laurallyn Segur, Director, Foster Care Licensing
Brian Bostick, Executive Director, Eckerd Community Alternatives

SCHEDULE FOR COUNCIL ON:
Agenda of September 3, 2015

Amy Foster, Council Vice Chair
Council Member, District 8

ST. PETERSBURG CITY COUNCIL
Meeting of September 3, 2015

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

SUBJECT: A resolution recommending that Inside Sales Solutions FL, Inc. (“Project”) be approved as a Qualified Target Industry (“QTI”) Business pursuant to Section 288.106, Florida Statutes with an average private sector wage commitment calculation based on 115% of the average State of Florida wage; finding that the commitments of local financial support necessary for the Project exist; committing \$15,000 as the City’s share of the local financial support for the Project beginning in State FY 2016, subject to appropriation and conditioned on the Project meeting statutory requirements; authorizing the Mayor, or his designee, to execute all documents necessary to effectuate this resolution; and providing an effective date.

EXPLANATION: Inside Sales Solutions FL, Inc. (“Project”) has filed a State of Florida Qualified Target Industry Tax Refund Program (“Program”) application with the State of Florida, Pinellas County, and the City of St. Petersburg. The Project is proposing to establish its national headquarters in St. Petersburg, Florida. Additional locations the Project is considering are: Indiana; Kansas; Austin, Texas; and Atlanta, Georgia.

The Project has not requested confidentiality under Florida Statute 288.075. The QTI Program is an incentive program, administered through the State that provides tax refunds for each new job created by new or expanding businesses in target industries. The amount of tax refund is \$3,000 per new job created at 115% of the average wage of the State of Florida.

Inside Sales Solutions FL, Inc. provides enterprise technology firms with sales consulting, sales training, recruitment, and lead generation services. Currently headquartered in New York City, the company plans to relocate its headquarters to St. Petersburg and hire additional staff.

An estimated 50 new jobs are projected to be created by the Project with annual remuneration at or above 115% of the average wage of the State of Florida (\$49,340) and an annual benefit package of \$5,659. These earnings will result in an economic impact of \$3,662,267 and 68 new direct and indirect jobs. The Project also will make an investment of \$9,000 in construction/renovations and \$19,500 in equipment. The economic impact of this capital investment is \$14,825. The economic impacts were calculated using the U.S. Bureau of Economic Analysis I-RIMS Model for Pinellas County.

Initially, the company had intended to locate in Hillsborough County, but now has selected St. Petersburg. The tax refund requested by the Project is based on a Program award of \$3,000 per job created at 115% of the average State of Florida wage of \$49,340 for the 50 new jobs, totaling \$150,000. The Program requires a local match of 20% of the total award, or \$30,000. The City would be responsible for providing 50% of the local match or a maximum of \$15,000. Pinellas County is willing to accept financial responsibility for the other 50% of the required local match (\$15,000) and is expected to pass its Resolution of support on September 10, 2015. The QTI tax refund amount is *reimbursed* to the business by the State of Florida, only after the company has documented the required job creation and state tax payments made. If the Project does not

generate sufficient tax revenue or falls short of its employment creation requirements, the refund will be reduced and the City's share will also be reduced on a pro rata basis.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution recommending that Inside Sales Solutions FL, Inc. ("Project") be approved as a Qualified Target Industry ("QTI") Business pursuant to Section 288.106, Florida Statutes with an average private sector wage commitment calculation based on 115% of the average State of Florida wage; finding that the commitments of local financial support necessary for the Project exist; committing \$15,000 as the City's share of the local financial support for the Project beginning in State FY 2016, subject to appropriation and conditioned on the Project meeting statutory requirements; authorizing the Mayor, or his designee, to execute all documents necessary to effectuate this resolution; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funding for this item will be required beginning in State FY 2016. Funding will be provided subject to annual appropriation and conditioned on the Project meeting statutory requirements.

ATTACHMENTS: Resolution

Legal: 00241316.doc V. 1

Resolution No. 2015 - _____

A RESOLUTION RECOMMENDING THAT INSIDE SALES SOLUTIONS FL, INC. ("PROJECT") BE APPROVED AS A QUALIFIED TARGET INDUSTRY ("QTI") BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES WITH AN AVERAGE PRIVATE SECTOR WAGE COMMITMENT CALCULATION BASED ON 115% OF THE AVERAGE STATE OF FLORIDA WAGE; FINDING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR THE PROJECT EXIST; COMMITTING \$15,000 AS THE CITY'S SHARE OF THE LOCAL FINANCIAL SUPPORT FOR THE PROJECT BEGINNING IN STATE FY 2016, SUBJECT TO APPROPRIATION AND CONDITIONED ON THE PROJECT MEETING STATUTORY REQUIREMENTS; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Inside Sales Solutions, FL, Inc. ("Project") has applied to the State of Florida's Qualified Target Industry Tax Refund Program ("Program") pursuant to Section 288.106, Florida Statutes, for a tax refund of \$150,000 to complete this Project; and

WHEREAS, the basis of the Project's average private sector wage commitment calculation shall be 115% of the average State of Florida wage; and

WHEREAS, the Project will benefit the City of St. Petersburg by creating 50 new jobs that pay an average wage of at least \$49,340, which is at least 115% of the average annual wage for the State of Florida, and cause an estimated capital investment of \$28,500; and

WHEREAS, under the Program the local community must provide 20% of the funding for the tax refund; and

WHEREAS, Pinellas County is willing to accept financial responsibility for 50% of the local funds required; and

WHEREAS, the Administration has recommended the Project's approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby recommends that Inside Sales Solutions FL, Inc. ("Project") be approved as a Qualified Target Industry ("QTI") Business pursuant to Section 288.106, Florida Statutes; and

**CITYOF ST. PETERSBURG
MEMORANDUM**

TO: The Honorable Charlie Gerdes, Chair, and Members of City Council
FROM: Chan Srinivasa, City Clerk
DATE: September 3, 2015
SUBJECT: Declaring the Results of the Primary Election held on August 25, 2015

Attached, for your approval, is a resolution declaring the results of the Primary Election. Also attached is a copy of the Certificate of County Canvassing Board who canvassed our Primary Election per the City Charter.

Please contact me if you have any questions.

E-8

A RESOLUTION DECLARING THE RESULTS
OF THE SPECIAL PRIMARY ELECTION HELD
ON AUGUST 25, 2015; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, A Primary Election was held on the 25th day of August 2015; and

WHEREAS, The Pinellas County Canvassing Board per the Charter of the City of St. Petersburg, Florida has exclusive responsibility for canvassing election results for the City of St. Petersburg; and

WHEREAS, The Pinellas County Canvassing Board met on the 28th day of August, 2015 and proceeded publicly to canvass the election results and certify same; and

WHEREAS, The City Council has received the certification of the results of the election from the Pinellas County Canvassing Board and, pursuant to the City Charter, must declare the results of the election.

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that said Council, based on the certification of the Pinellas County Canvassing Board, hereby declares the results of said elections as set forth below and the two candidates who received the highest number of votes, cast by the electors of said district(s) are declared the primary nominees and shall be entitled to have their names printed on the ballot to be used in the general municipal election:

Registered Voters	19,114
Total Votes Cast	2,750
Total Voter Turnout	14.46%

Councilmember, District 7

Sheila Scott Griffin	487
Winthrop "Will" Newton	948
Aaron Sharpe	181
Lewis Stephens Jr	102
Lisa Wheeler-Brown	1027

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

City Attorney or Designee

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA

Pinellas County

We, the undersigned, John Carassas, County Judge; Dave Eggers, Member, Board of County Commissioners; and Deborah Clark, Supervisor of Elections, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 28th of August, A.D., 2015, and proceeded publicly to canvass the votes given for the **St. Petersburg Primary Election** held on the 25th day of August, A.D., 2015, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For City of St. Petersburg, Council Member, District 7 (Vote for One), the whole number of votes cast was 2,750, of which number

Sheila Scott Griffin received 487 votes

Winthrop "Will" Newton received 948 votes

Aaron Sharpe received 186 votes

Lewis Stephens Jr received 102 votes

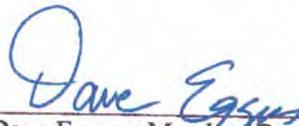
Lisa Wheeler-Brown received 1,027 votes

Total ballots cast in Pinellas County were 2,764 for a 14.46 percent turnout.

We certify that pursuant to Section 102.112, Florida Statutes, the Canvassing Board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



John Carassas, County Judge



Dave Eggers, Member, Board of County Commissioners



Deborah Clark, Supervisor of Elections

FINAL OFFICIAL RESULTS

NONPARTISAN PRIMARY ELECTION
PINELLAS COUNTY, FL
AUGUST 25, 2015

FINAL OFFICIAL RESULTS

RUN DATE:08/28/15 10:15 AM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ED	AB	PROV
PRECINCTS COUNTED (OF 15)	15	100.00			
REGISTERED VOTERS - TOTAL	19,114				
BALLOTS CAST - TOTAL	2,764		556	2,206	2
VOTER TURNOUT - TOTAL		14.46			
ST. PETERSBURG COUNCIL MEMBER - DISTRICT 7 (VOTE FOR) 1					
Sheila Scott Griffin	487	17.71	81	406	0
Winthrop "Will" Newton	948	34.47	204	744	0
Aaron Sharpe	186	6.76	32	153	1
Lewis Stephens Jr.	102	3.71	32	70	0
Lisa Wheeler-Brown	1,027	37.35	205	822	0
Total	2,750		554	2,195	1
Over Votes	13		2	10	1
Under Votes	1		0	1	0

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 2015

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

SUBJECT: Approving a resolution approving a First Amendment to the Construction Manager at Risk Agreement ("CMAR") with the Haskell Company for additional pre-construction phase services associated with the Biosolids to Energy Project to include State Revolving Fund Assistance and the Southwest Water Reclamation Facility Gas Generator and Electrical Improvements Project, in an amount not to exceed \$106,000; approving a supplemental appropriation in the amount of \$132,000 which includes the CMAR Agreement costs as well as additional engineering project management costs in the amount of \$25,144, from the unappropriated balance of the Water Resources Capital Project Fund (4003) to the WRF SW Biosolids CMAR FY15 Project (14855); and providing an effective date.

EXPLANATION: On November 25, 2013 the City Council approved Task Order No. 12-04-BV/W for the lump sum fee of \$472,031 for engineering services to support design, bidding and permitting for two 1,100 kW compressed natural gas ("CNG") engine combined heat and power ("CHP") generators, modifications to the existing diesel generator backup power system, heat recovery piping loop and backup boiler, electrical distribution switchgear; a new electrical motor control center (MCC) building, and demolition of the existing old plant facilities at the Southwest Water Reclamation Facility (SWWRF).

On November 24, 2014, the City Council approved a Construction Manager at Risk Agreement ("CMAR") between the City and The Haskell Company ("Haskell") for preconstruction phase services for the new Biosolids to Energy Project for the not to exceed authorized amount of \$227,438. The scope of services for the CMAR Agreement included preconstruction phase services for the following:

- Two new primary clarifiers
- New flow splitter facility
- Gravity belt thickeners capacity expansion
- Two new digesters and modifications to existing Digester No. 3
- Waste heat to biosolids heat recovery system
- Fats, oil and grease receiving station that uses primary clarifier odor control system
- New dewatering facility
- Electrical and boiler building
- Facilities for the cleaning of biogas to pipeline quality natural gas
- New Odor Control Facilities

On June 4, 2015, the City Council approved Amendment No. 1 to Task Order 12-04-BV/W for the lump sum fee of \$91,917 to provide for the professional design services to modify the current two CHP generator design and to rewrite and resubmit the FDEP Air Permit. The single gas powered CHP generator will result in a lower capital and operating cost for the Gas Generator and Electrical Improvement project as compared to the two generator design.

The CHP generator is an integral part of the Biosolids to Energy Project. The CHP generator will provide the base load electrical power for the plant and the waste heat will be captured and used to support the thermophilic anaerobic digestion process.

Amendment No. 1 to the CMAR Agreement modifies the Scope of Services to include preconstruction phase services to assist the City in obtaining Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) Funding for the Biosolids to Energy Project and consists of development of contract documents for FDEP review, response to FDEP requests for information, development of up to one amendment to adjust contract documents, up to one telephone conference with FDEP and attendance of up to one meeting with FDEP. In addition, Amendment No. 1 includes preconstruction phase services related to the Generator and Electrical Improvements Project, including but not limited to drawing and design coordination with Brown and Caldwell, AECOM and Carollo for SRF drawing submittal and SRF schedule updates, pre-application meeting with FDEP for the August public meeting. The scope of services also includes milestone cost estimates from the 95% design documents, provide value engineering, engineering and constructability review, and develop a Guaranteed Maximum Price (GMP) for the Southwest Water Reclamation Facility Gas and Electrical Improvements Project, including demolition of old plant facilities, as designed by Black and Veatch (B&V). An additional appropriation is needed to fund this Amendment No. 1 to the CMAR Agreement and additional Engineering project management costs related to this project in the amount of \$25,144. The total appropriation of \$132,000 will cover this Amendment No. 1 to the CMAR Agreement and the Engineering costs.

RECOMMENDATION: Administration recommends that City Council approve Amendment No. 1 to the Construction Manager at Risk ("CMAR") Agreement between the City of St. Petersburg, Florida and The Haskell Company ("Haskell") for additional CMAR preconstruction phase services associated with the Biosolids to Energy Project to include State Revolving Fund ("SRF") assistance and the Southwest Water Reclamation Facility Gas Generator and Electrical Improvements Project, in an amount not to exceed \$106,856; authorizing the Mayor or his designee to execute Amendment No. 1 to the CMAR Agreement (Engineering Project No. 15032-111; Oracle No. 14855). An additional appropriation is needed to fund this Amendment No. 1 to the CMAR Agreement and additional Engineering project management costs related to this project in the amount of \$25,144. The total appropriation of \$132,000 will cover this Amendment No. 1 to the CMAR Agreement and the Engineering costs. Approving a supplemental appropriation in the amount of \$132,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) to the WRF SW Biosolids CMAR FY15 Project (14855) to cover the total CMAR Agreement and Engineering costs; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available following a supplemental appropriation in the amount of \$132,000 from the unappropriated balance of the Water Resources Capital Project Fund (4003) to the WRF SW Biosolids CMAR FY15 Project (14855).

ATTACHMENTS: Resolution

APPROVALS:

hpk

TBG


Administrative


Budget

RESOLUTION NO. 2015- _____

A RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH THE HASKELL COMPANY FOR ADDITIONAL PRE-CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE BIOSOLIDS TO ENERGY PROJECT TO INCLUDE STATE REVOLVING FUND ASSISTANCE AND THE SOUTHWEST WATER RECLAMATION FACILITY GAS GENERATOR AND ELECTRICAL IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED AND SIX THOUSAND DOLLARS (\$106,000); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF ONE HUNDRED THIRTY TWO THOUSAND DOLLARS (\$132,000) WHICH INCLUDES THE CMAR AGREEMENT COSTS AS WELL AS ADDITIONAL ENGINEERING COSTS IN THE AMOUNT OF TWENTY FIVE THOUSAND AND ONE HUNDRED FORTY FOUR DOLLAR (\$25,144) FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECT FUND (4003) TO THE WRF SW BIOSOLIDS CMAR PROJECT (14855); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On November 24, 2014, City Council approved a Construction Manager at Risk Agreement with a Guaranteed Maximum Price (“CMAR Agreement”) between the City of St. Petersburg, Florida and The Haskell Company (“Haskell”) for preconstruction and construction phase services for the Biosolids to Energy Project and authorized payment to Haskell in the amount of Two Hundred Twenty-Seven Thousand Four Hundred and Thirty-Eight Dollars (\$227,438) for the preconstruction phase services; and

WHEREAS, The City and Haskell would like to enter into Amendment No. 1 to the CMAR Agreement to include additional preconstruction phase services associated with the Biosolids to Energy Project for State Revolving Fund (“SRF”) assistance and for the Southwest Water Reclamation Facility Gas Generator and Electrical Improvements Project, in an amount not to exceed \$106,856; and

WHEREAS, funding for the above-referenced Amendment No. 1 will require a transfer of \$132,000 from Water Resources Capital Project Fund (4003) to the WRF SW Biosolids CMAR FY 15 Project (14855).

WHEREAS, an additional appropriation is needed to fund this Amendment No. 1 to the CMAR Agreement and additional Engineering project management costs related to this project in the amount of \$25,144. The total appropriation of \$132,000 will cover this Amendment No. 1 to the CMAR Agreement and the Engineering costs.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the First Amendment to the Construction Manager at Risk Agreement between the City of St. Petersburg, Florida and Haskell for additional preconstruction phase services associated with the Biosolids to Energy Project to include State Revolving Fund assistance and the Southwest Water Reclamation Facility Gas Generator and Electrical Improvements Project in an amount not to exceed One Hundred and Six Thousand Dollars (\$106,000) is hereby approved.

BE IT FURTHER RESOLVED that there is hereby approved the following supplemental appropriation from the unappropriated balance of the Water Resources Capital Project Fund (4003) to the WRF SW Biosolids CMAR Project (14855) for fiscal year 2015 as follows:

Water Resources Capital Project Fund (4003)
WRF SW Biosolids CMAR Project (14855) \$132,000

This resolution shall become effective immediately upon its adoption.

APPROVALS:



City Attorney (designee)



Budget



Administration



SAINT PETERSBURG CITY COUNCIL

Meeting of September 3, 2015

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

SUBJECT: Ordinance approving a vacation of a 20-foot east/west alley in the block bounded by Central Avenue and 1st Avenue South between 60th Street South and 61st Street South (City File No.: 15-33000013)

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

RECOMMENDED CITY COUNCIL ACTION:

- 1) Conduct the first reading of the attached proposed ordinance; and
- 2) Set the second reading and public hearing for September 17, 2015.

The Request: The request is to vacate a 20-foot east/west alley in the block bounded by Central Avenue and 1st Avenue South between 60th Street South and 61st Street South. The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Sketch and Legal Description (Attachment "C"). The applicant's goal is to consolidate the properties for redevelopment.

Discussion: As set forth in the attached report provided to the Development Review Commission (DRC), Staff finds that vacating the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, and the applicable special area plan.

Agency Review: The application was routed to other City departments and non-City utility agencies. Departments and agencies indicated that they objected to the vacation of the alley. These included the City of St. Petersburg's Water Resources and Sanitation Departments and Duke Energy Florida, Inc. Other City Departments and private utilities requested that the alley be retained as a public utility easement or that their facilities be relocated at the applicant's expense.

Public Comments: Several phone calls were received from neighbors located at Westwood Villas which is just south of 1st Avenue South. None of them voiced specific concerns regarding the alley vacation. The applicant will provide an additional public notice prior to the public hearing before the City Council.

DRC Action/Public Comments: On August 5, 2015, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 7-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the alley right-of-way vacation, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall address the location of public utilities and services by either providing a public utility easement covering the entire area to be vacated or relocating City and private utilities at the owner's expense. In either case a written letter of no objection from the utility providers is required stating that the easement is sufficient for their interest or that the facilities have been relocated.
2. Prior to recording the vacation ordinance, the applicant shall provide an alternative approved by the City of St Petersburg's Sanitation Department for sanitation pickup locations. Future sanitation locations shall be located behind proposed structures and shall not be visible from Central Avenue or 1st Avenue South, and shall not be located in the City right-of-way.
3. Comply with the Conditions of Approval in the Engineering Memorandum dated June 30, 2015.
4. For any future development or redevelopment on the subject block, there shall be no additional curb cuts on 1st Avenue South and no more than three (3) total curb cuts along Central Avenue. Existing curb cuts may remain until redevelopment of the sites.
5. Prior to the recording of the vacation ordinance, the alley along with the abutting properties shall be replatted.
6. All lots created through the platting process which abuts Central Avenue or 1st Avenue South shall have frontage on either 60th Street South or 61st Street South, or a cross access easement shall be provided.
7. As required by 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.

Attachments: Attachments: A – Parcel Map, B – Aerial Map, C – Sketch and Legal Description, D – Engineering memorandum dated June 30, 2015.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF A 20-FOOT EAST/WEST ALLEY IN THE BLOCK BOUNDED BY CENTRAL AVENUE AND 1ST AVENUE SOUTH BETWEEN 60TH STREET SOUTH AND 61ST STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission on August 5, 2015. (City File No.: 15-33000013):

THAT 20-FOOT WIDE ALLEY LYING BETWEEN CENTRAL AVENUE AND 1ST AVENUE SOUTH AND BETWEEN 60TH STREET SOUTH AND 61ST STREET SOUTH BEING DESCRIBED AS FOLLOWS:.

FROM THE SOUTHWEST CORNER OF TRACT "A", MOORE'S REPLAT, AS RECORDED IN PLAT BOOK 44, PAGE 17, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AS A POINT OF REFERENCE; THENCE ALONG THE SOUTH LINE OF SAID TRACT "A", EAST, 7.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID ALLEY ALSO BEING THE SOUTH LINE OF SAID TRACT "A" AND THE SOUTH LINE OF LOTS 4 THROUGH 7, CENTRAL AVENUE GROVES, AS RECORDED IN PLAT BOOK 5, PAGE 71, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND THE SOUTH LINE OF LOTS 13 THROUGH 18, J.C. SCHUG'S CENTRAL AVENUE SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, EAST, 592.07 FEET MORE OR LESS TO THE WEST RIGHT OF WAY OF 60TH STREET SOUTH; THENCE ALONG SAID WEST RIGHT OF WAY, S00°23'41"E, 20.00 FEET TO THE NORTHEAST CORNER OF LOT 24 OF SAID PLAT OF J.C. SCHUG'S CENTRAL AVENUE SUBDIVISION SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID ALLEY; THENCE ALONG THE SOUTH LINE OF SAID ALLEY ALSO BEING THE NORTH LINE OF LOTS 19 THROUGH 24 OF SAID PLAT OF J.C. SCHUG'S CENTRAL AVENUE SUBDIVISION AND THE NORTH LINE OF LOTS 8 THROUGH 14 OF SAID PLAT OF CENTRAL AVENUE GROVES, WEST, 592.10 FEET MORE OR LESS TO A POINT BEING 7.00' EAST OF THE NORTHWEST CORNER OF SAID LOT 14, CENTRAL AVENUE GROVES; SAID POINT ALSO BEING ON THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2751, PAGE 670, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE, N00°19'00"W, 20.00 FEET TO THE POINT OF BEGINNING.

ST. PETERSBURG, FLORIDA

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

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

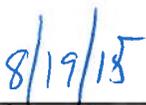
1. Prior to recording the vacation ordinance, the applicant shall address the location of public utilities and services by either providing a public utility easement covering the entire area to be vacated or relocating City and private utilities at the owner's expense. In either case a written letter of no

objection from the utility providers is required stating that the easement is sufficient for their interest or that the facilities have been relocated.

2. Prior to recording the vacation ordinance, the applicant shall provide an alternative approved by the City of St Petersburg's Sanitation Department for sanitation pickup locations. Future sanitation locations shall be located behind proposed structures and shall not be visible from Central Avenue or 1st Avenue South, and shall not be located in the City right-of-way.
3. Comply with the Conditions of Approval in the Engineering Memorandum dated June 30, 2015.
4. For any future development or redevelopment on the subject block. there shall be no additional curb cuts on 1st Avenue South and no more than three (3) total curb cuts along Central Avenue. Existing curb cuts may remain until redevelopment of the sites.
5. Prior to the recording of the vacation ordinance, the alley along with the abutting properties shall be replatted.
6. All lots created through the platting process which abuts Central Avenue or 1st Avenue South shall have frontage on either 60th Street South or 61st Street South, or a cross access easement shall be provided.
7. As required by 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.

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.	 _____ Date
 _____ City Attorney (Designee)	 _____ Date



Attachment "A"
 City of St. Petersburg, Florida
 Planning and Economic Development Department
 Development Review Commission (DRC)
 Case No.: 15-33000013

Address: Vacation of a 20 foot East West Alley in the block bounded by Central Avenue and 1st Avenue South between 60th Street South and 61st Street South





Attachment "B"

City of St. Petersburg, Florida
Planning and Economic Development Department
Development Review Commission (DRC)
Case No.: 15-33000013

Address: Vacation of a 20 foot East West Alley in the block bounded by Central Avenue and 1st Avenue South between 60th Street South and 61st Street South



ATTACHMENT "C-1" LEGAL DESCRIPTION

THAT 20-FOOT WIDE ALLEY LYING BETWEEN CENTRAL AVENUE AND 1ST AVENUE SOUTH AND BETWEEN 60TH STREET SOUTH AND 61ST STREET SOUTH BEING DESCRIBED AS FOLLOWS:.

FROM THE SOUTHWEST CORNER OF TRACT "A", MOORE'S REPLAT, AS RECORDED IN PLAT BOOK 44, PAGE 17, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AS A POINT OF REFERENCE; THENCE ALONG THE SOUTH LINE OF SAID TRACT "A", EAST, 7.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID ALLEY ALSO BEING THE SOUTH LINE OF SAID TRACT "A" AND THE SOUTH LINE OF LOTS 4 THROUGH 7, CENTRAL AVENUE GROVES, AS RECORDED IN PLAT BOOK 5, PAGE 71, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND THE SOUTH LINE OF LOTS 13 THROUGH 18, J.C. SCHUG'S CENTRAL AVENUE SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, EAST, 592.07 FEET MORE OR LESS TO THE WEST RIGHT OF WAY OF 60TH STREET SOUTH; THENCE ALONG SAID WEST RIGHT OF WAY, S00°23'41"E, 20.00 FEET TO THE NORTHEAST CORNER OF LOT 24 OF SAID PLAT OF J.C. SCHUG'S CENTRAL AVENUE SUBDIVISION SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID ALLEY; THENCE ALONG THE SOUTH LINE OF SAID ALLEY ALSO BEING THE NORTH LINE OF LOTS 19 THROUGH 24 OF SAID PLAT OF J.C. SCHUG'S CENTRAL AVENUE SUBDIVISION AND THE NORTH LINE OF LOTS 8 THROUGH 14 OF SAID PLAT OF CENTRAL AVENUE GROVES, WEST, 592.10 FEET MORE OR LESS TO A POINT BEING 7.00' EAST OF THE NORTHWEST CORNER OF SAID LOT 14, CENTRAL AVENUE GROVES; SAID POINT ALSO BEING ON THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2751, PAGE 670, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE, N00°19'00"W, 20.00 FEET TO THE POINT OF BEGINNING.

ST. PETERSBURG, FLORIDA

LEGEND

LS LICENSED SURVEYOR
PSM PROFESSIONAL SURVEYOR AND MAPPER
LB LICENSED BUSINESS

NOTES

1. THIS SKETCH IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A FIELD SURVEY.
2. NOT A BOUNDARY SURVEY.
3. BASIS OF BEARINGS: N90°00'00"E ALONG THE NORTH LINE OF THAT 20-FOOT WIDE ALLEY LYING BETWEEN CENTRAL AVENUE AND 1ST AVENUE SOUTH AND BETWEEN 60TH STREET SOUTH AND 61ST STREET SOUTH.
4. THIS SKETCH IS MADE WITHOUT THE BENEFIT OF A TITLE REPORT OR COMMITMENT FOR TITLE INSURANCE.
5. THIS MAP INTENDED TO BE DISPLAYED AT A SCALE OF 1"=80'.
6. ADDITIONS OR DELETIONS TO SURVEY MAPS AND REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
7. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED FOR: THE EDWARDS GROUP		ALLEY VACATION DESCRIPTION & SKETCH		BY	DATE	DESCRIPTION	
		SECTION 20 TOWNSHIP 31 S., RANGE 16 E.		JLS	7/29/15	REVISED PORTION OF DESCRIPTION AND SKETCH	
CREW CHIEF	INITIALS	DATE	 <p style="margin: 0;">George F. Young, Inc. 299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701 PHONE (727) 822-4317 FAX (727) 822-2919 BUSINESS ENTITY LB21 ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES GAINESVILLE-LAKEWOOD RANCH-ORLANDO-PALM BEACH GARDENS-ST. PETERSBURG-TAMPA-VENICE</p>				JOB NO.
DRAWN	JLS	4/22/15					15007700SS
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FIELD BOOK	CATHERINE A. BOSCO PSM LS 6257 APRIL 22, 2015						1 of 2
FIELD DATE	DATE						

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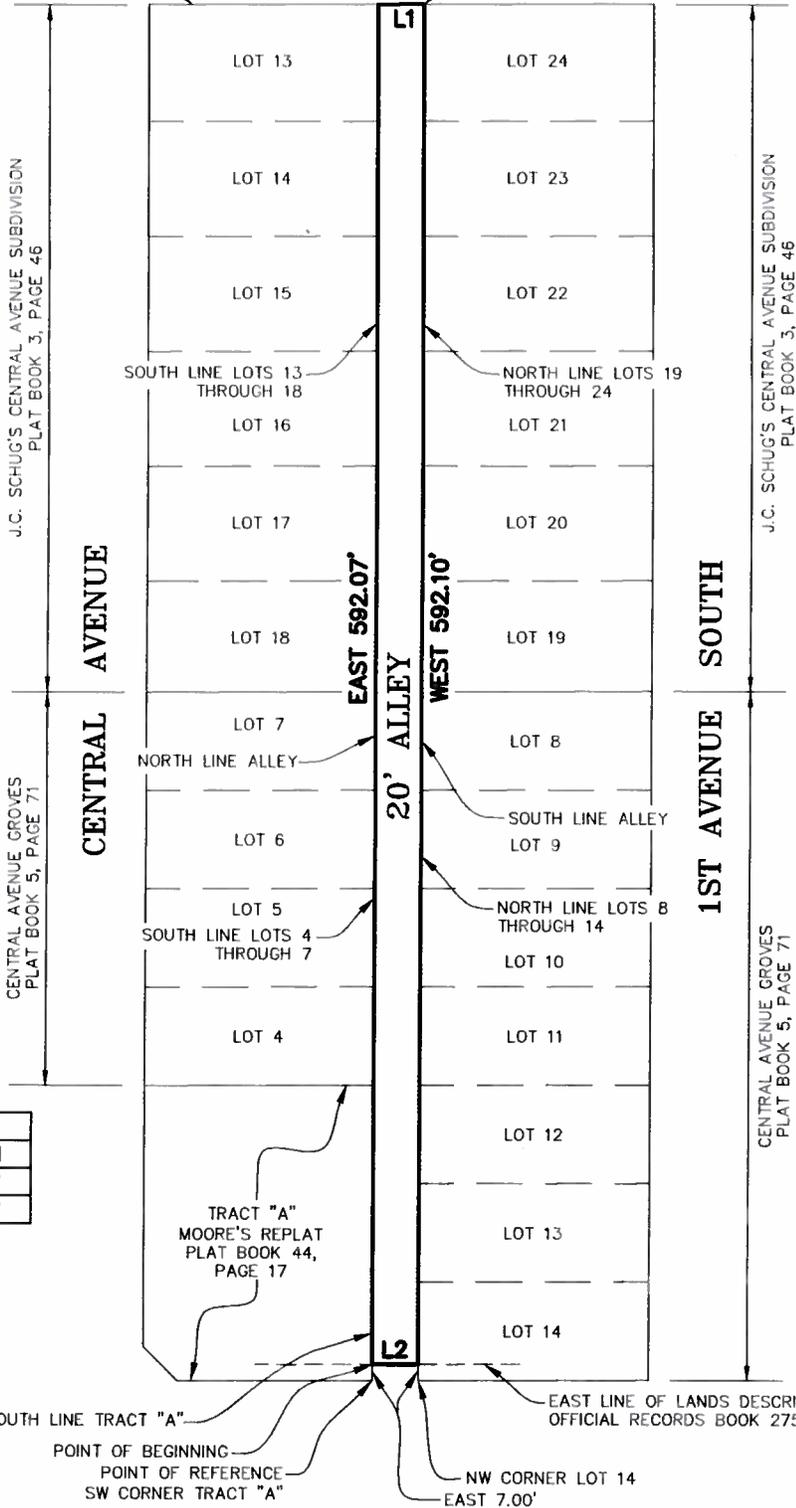
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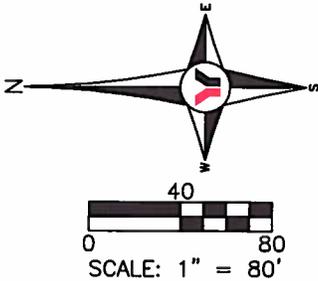
60TH STREET SOUTH ATTACHMENT "C-2"

WEST RIGHT OF WAY 60TH STREET SOUTH

NE CORNER LOT 24



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°23'41"E	20.00'
L2	N00°19'00"W	20.00'



61ST STREET SOUTH

PREPARED FOR: THE EDWARDS GROUP		ALLEY VACATION DESCRIPTION & SKETCH SECTION 20, TOWNSHIP 31S., RANGE 16E.		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">BY</th> <th style="width: 10%;">DATE</th> <th style="width: 85%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>JLS</td> <td>7/29/15</td> <td>REVISED PORTION OF DESCRIPTION AND SKETCH</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		BY	DATE	DESCRIPTION	JLS	7/29/15	REVISED PORTION OF DESCRIPTION AND SKETCH								
BY	DATE	DESCRIPTION																	
JLS	7/29/15	REVISED PORTION OF DESCRIPTION AND SKETCH																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">CREW CHIEF</th> <th style="width: 15%;">INITIALS</th> <th style="width: 70%;">DATE</th> </tr> </thead> <tbody> <tr> <td>DRAWN</td> <td>JLS</td> <td>4/15/15</td> </tr> <tr> <td>CHECKED</td> <td>CAB</td> <td>4/15/15</td> </tr> <tr> <td>FIELD BOOK</td> <td> </td> <td> </td> </tr> <tr> <td>FIELD DATE</td> <td> </td> <td> </td> </tr> </tbody> </table>		CREW CHIEF	INITIALS	DATE	DRAWN	JLS	4/15/15	CHECKED	CAB	4/15/15	FIELD BOOK			FIELD DATE			 <p style="font-size: 1.2em; font-weight: bold;">George F. Young, Inc.</p> 299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701 PHONE (727) 822-4317 FAX (727) 822-2919 BUSINESS ENTITY LB21 ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES GAINESVILLE-LAKEWOOD RANCH-ORLANDO-PALM BEACH GARDENS-ST. PETERSBURG-TAMPA-VENICE		JOB NO. 15007700SS SHEET NO. 2 OF 2
CREW CHIEF	INITIALS	DATE																	
DRAWN	JLS	4/15/15																	
CHECKED	CAB	4/15/15																	
FIELD BOOK																			
FIELD DATE																			

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ATTACHMENT "D"

MEMORANDUM CITY OF ST. PETERSBURG ENGINEERING DEPARTMENT

TO: Pamela Crook, Development Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: June 30, 2015
SUBJECT: Alley vacation
FILE: 15-33000013

LOCATION: Central Avenue and 1st Avenue South, between 60th Street South and 61st Street South

PIN: 20/31/16/758896/000/0010; 20/31/16/79128/000/0160;
20/31/16/79128/000/0130; 20/31/16/14400/000/0080;
20/31/16/79128/000/0220

ATLAS: O-2

PROJECT: Alley Vacation

REQUEST: Approval of vacation of a 20 foot east-west alley in the block bounded by Central Avenue and 1st Avenue South between 60th Street South and 61st Street South.

COMMENTS: The Engineering Department has no objection to the vacation request with the following conditions of approval:

1. The alley proposed for vacation contains an 8" public sanitary sewer main with insituform liner. The applicant must either relocate the sanitary sewer main to the south within 1st Avenue South right of way or must retain the entire vacated alley as a public utility easement.
2. If the applicant opts to relocate the public sanitary sewer main the design, permitting, and construction shall be by and at the sole expense of the applicant. All construction shall be in conformance with current City Engineering Standards and Specifications. A City Engineering right of way permit is required for sanitary sewer relocation.
3. If the applicant opts to retain the entire vacated alley as public utility easement, public access to the public sanitary sewer main shall be maintained at all times and no structures shall be constructed within or above the public easement area.
4. Engineering would recommend that the property be replatted as condition of this full right of way vacation request.

NED /jw

pc: Kelly Donnelly
Reading File
Correspondence File
2015 Right of Way Vacation File – 15-33000013
Subdivision File: CENTRAL AVE GROVES
SCHUG'S CENTRAL AVE SUB
MOORE'S REPLAT



September 3, 2015

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

FROM: Mayor Rick Kriseman 

SUBJECT: Utility Rates for FY2016 (First Reading)

Attached are three memos recommending rates associated with water, wastewater, reclaimed water, sanitation services and stormwater. These reports were reviewed at BF&T on August 27th and today the first reading is scheduled. The final adoption of utility rates will take place in a Public Hearing held on September 17th, 2015.

The attached reports provide detailed information for the proposed rates in each of the enterprise operations. The water, wastewater, and reclaimed water increases are proposed at 3.75% for all three services. There are no increases proposed for stormwater or sanitation service in either residential or commercial services.

Last year at this time, we anticipated a 4.75% overall increase in FY16 for water, wastewater and reclaimed water. However, based on a revenue sufficiency analysis, the rate study recommends an overall increase of 3.75% for FY16.

The primary factors allowing for a zero percent (0%) increase in the sanitation fees include operational efficiencies and reduced tonnage being taken to the County waste disposal site. The stormwater rate will remain the same as last year for several reasons including operational efficiencies. Fund balances in both the Sanitation Operating and Stormwater Utility Funds will remain above the target fund balance levels.

In the case of each of the utility fees, our effort has been to minimize the cost increases due to the impacts already felt by our residents of the difficult national economy. The impact to the typical customer is that they will see their utility bill increase by \$2.85 per monthly bill, or a 2.71% overall increase. For customers with reclaimed water they will see an additional \$.74 increase.

Gallons of Water & Sewer Use/Month: 4,000					
	<u>FY15</u>	<u>FY16</u>	<u>Difference</u>	<u>Difference Percent</u>	<u>Difference Water & Sewer Only</u>
SANITATION	\$22.33	\$22.33	\$0.00	0.00%	
POTABLE WATER	\$25.97	\$26.94	\$0.97	3.75%	
WASTEWATER	\$30.40	\$31.54	\$1.14	3.75%	3.75%
STORMWATER	<u>\$6.84</u>	<u>\$6.84</u>	<u>\$0.00</u>	<u>0.00%</u>	
SUBTOTAL	\$85.54	\$87.65	\$2.11	2.47%	
RECLAIMED	<u>\$19.68</u>	<u>\$20.42</u>	<u>\$0.74</u>	<u>3.75%</u>	
TOTAL	\$105.22	\$108.07	\$2.85	2.71%	

The revised rates for water, wastewater, and reclaimed water will begin to appear on the bills sent to customers in November (since those rates would be applied against October consumption).



MEMORANDUM

TO: Mayor Rick Kriseman

FROM: Michael J. Connors, P.E. 
Public Works Administration

DATE: August 27, 2015

SUBJECT: FY2016 Water Resources Rate Study

Executive Summary

City staff and the financial rate team of McKim & Creed, P.A. and Burton & Associates have conducted a revenue sufficiency analysis and cost of service rate study for our water, wastewater and reclaimed water systems in conjunction with the FY16 budget development process. The rate study included an analysis of FY15 and FY16 projected costs of maintaining the utility system, revenues and expenses, customer water consumption, wastewater flows, capital and debt service requirements, and the cost of purchasing raw water through Tampa Bay Water.

Last year at this time, we anticipated a 4.75% overall increase in FY16 to help meet projected costs and service demands. Based on the revenue sufficiency analysis, the rate study recommends an overall increase of 3.75% for retail water, wastewater and reclaimed water customers in FY16. For a typical single-family retail customer using 4,000 gallons, the overall monthly bill will go up \$2.11; of that \$0.97 is for water and \$1.14 is for wastewater.

State Statute 180.136 establishes certain notification requirements when municipal utilities propose rate increases. The City has met those requirements through inserts in the utility billing process (see Attachment 1). Letters have also been sent to wholesale water and wastewater customers notifying them of proposed adjustments. Following review by the Budget, Finance, and Taxation Committee on August 27, 2015, it is anticipated that the proposed rates will be considered at a First Reading on September 3, 2015 and a Public Hearing on September 17, 2015. If the proposed rates are approved on September 17th, they would go into effect October 1st and would appear on customer bills beginning November 2015.

We are currently working on a program that provides an alternate sewer rate for commercial customers. Customers whose operation utilizes potable water and either consumes most or all of the water as part of their process, may install sub-meters to determine the net amount of water going into the wastewater collection system. An ordinance with the proposed rates and program details will be brought to City Council in the near future for consideration.

Brief Methodology Overview

The methodology utilized in this study began by allocating the Water Resources FY16 budget costs between the water, wastewater, and reclaimed water systems. In addition, the costs of

providing customer services such as meter reading, billing, collection, etc., were isolated and placed into a separate functional component (Customer Costs).

Once all of the costs (including reclaimed water residual costs) were allocated to the water and wastewater systems, they were then allocated to retail-specific, wholesale-specific, and joint cost categories. These allocations were performed separately for the Utility's operating costs and capital costs (debt service and annual transfer to the Water Resources Capital Projects Fund). The annual capital costs were allocated to these cost categories based upon the Utility's capital investment in these categories.

These allocated costs were then assigned to customers in proportion to their use of that system function. Thus, all retail-specific costs were allocated to retail users, and wholesale specific costs were allocated entirely to wholesale users. Joint costs were allocated to both wholesale and retail customers in proportion to their share of total system water consumption or sewer flows, as appropriate.

The wholesale water and wastewater rates are calculated based on a cost of service analysis established using the FY16 budget. Unlike with the retail rates, which are established using a multi-year blending of rates between the water and wastewater utilities, wholesale rates are established on an annual basis looking at those allocable costs attributed to the wholesale costs of each respective utility, as described above.

Summary of Current and Proposed Wholesale Rates				
<u>Wholesale Customer</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Variance</u>	<u>% Change</u>
Water (per MG)	\$4,705	\$4,824	\$119	2.5%
Wastewater (per MG) (Treasure Island, South Pasadena, Tierra Verde, Gulfport, Pinellas County, Pinellas Park)	\$2,865	\$2,956	\$91	3.2%
St. Pete Beach				
Capital Charge (Monthly)	\$49,651	\$52,082	\$2,431	4.9%
O&M Rate (per MG)	\$2,058	\$2,052	(\$6)	-0.3%
Average Monthly Bill (using 89.82 MG)	\$234,503	\$236,395	\$1,892	0.8%

Reclaimed Water

We are also proposing an increase in the flat rate for reclaimed water service. If approved, the monthly reclaimed water rate would be increased by 3.75% to \$20.42 from the current monthly rate of \$19.68.

Since the costs incurred to provide reclaimed water service cannot be fully recovered through the charges to reclaimed water customers, the residual costs in excess of total reclaimed water revenues were split evenly between the water and wastewater systems, given the benefits the reclaimed water provides to both the water and wastewater systems. Those benefits to the water system are primarily associated with the conservation of water use that translates to cost avoidance in developing new raw water supplies. In addition to the use of this alternative water source to irrigate grass and landscape, reclaimed water is used to support air conditioning cooling towers and provide increased fire protection with the addition of 310 fire hydrants. Benefits to the wastewater system is based on the treated wastewater disposal option provided, in

lieu of total discharge to the deep wells or advanced water treatment required for surface water discharge.

With the proposed increases, revenue generated from the reclaimed water fees is \$3,361,340 and the cost to operate is \$4,733,700. As mentioned earlier, the anticipated revenue does not fully cover the cost to operate the reclaimed water system. However the residual amount has been decreasing steadily since 2011. We will continue to evaluate this rate on an annual basis. Additionally, these costs are allocated solely to the retail customers of those systems.

Projected FY16 System Requirements

During this year's rate analysis, we looked at projected FY16 expense requirements and anticipated revenue. The operating budget for the Water Resources Department is projected at \$117,985,717 in FY16, an increase of 3.4% over the FY15 approved operating budget. Continuing in FY16, we are increasing the transfer to the Capital Improvement Fund by \$1,000,000. Last year, we transferred \$3,000,000; however, the bond rating agencies expressed concern that this amount had remained unchanged while we continued to issue new debt. In FY15, we are transferring \$4,000,000 to the Capital Improvement Fund and will transfer \$5,000,000 in FY16. Debt Service is programmed into the rate analysis based on debt issuance in FY16 (\$79.0 million), FY17 (\$25.4 million), FY18 (\$17.6 million), FY19 (\$17.3 million) and FY20 (\$18.8 million). The larger than normal borrowing in FY16 is mostly attributable to the Biosolids to Energy project, which is expected to yield annual operating savings of \$5.0 million beginning in FY19. Of the FY16 borrowing, \$50 million is likely to come from State Revolving Funds (SRF), which will allow us to enjoy lower interest rates and deferred repayment to coincide with proposed operational savings. Additionally, with the decommissioning of the Albert Whitted Water Reclamation Facility, we have seen annual operating savings of \$1.5 million since mid-fiscal year 2015. Full year operating savings have been reflected in the FY16 budget. Lastly, there was an increase in TBW costs due to a slight increase of 1% in consumption projected for FY16.

On June 15, 2015, the Tampa Bay Water Board (TBW) approved its FY16 budget at a public hearing. The cost of purchasing raw water from TBW is anticipated to increase slightly for FY16 (2.1%), due to estimated increased consumption. We have budgeted \$26,471,772 in anticipation of the final FY16 TBW budget, which is put in place in October following the completion of the current fiscal year. The Master Agreement with TBW members allows the approved budget to be re-allocated based on the prior year's actual water usage by each member government, rather than the estimated usage on which the June budget is based. The amount assigned by TBW in October can be higher or lower than the amount budgeted by the City through its normal budget process. The rate consultant has provided their projection of consumption by member governments and has recommended a slightly higher budget than projected by Tampa Bay Water. As of June of this year, TBW projects a potential true-up that would cost the City an additional \$143,776. This amount is subject to change based on actual water usage by member governments by the end of September 2015. This amount is influenced, in large part, by the amount of water the City of Tampa needs to purchase from TBW.

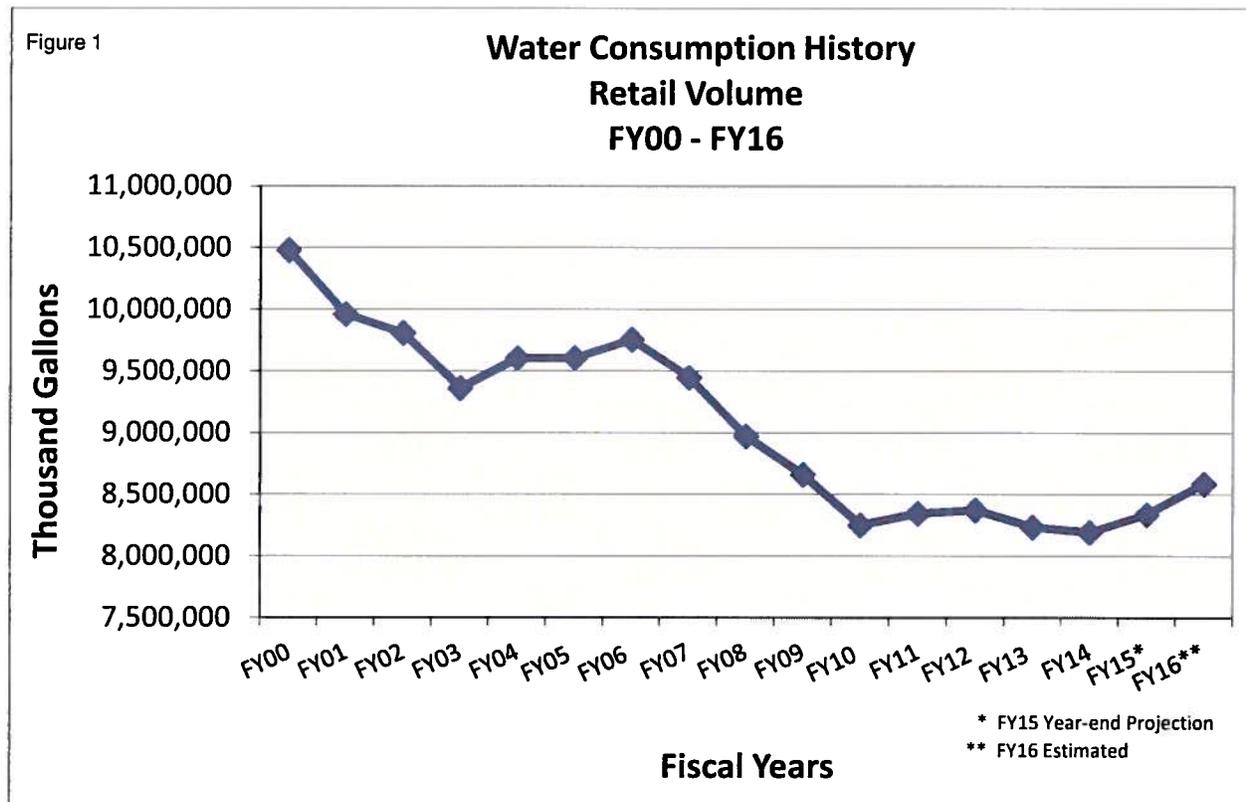
Interest earnings from the Rate Stabilization Fund continue to be used to help offset the cost of water. The anticipated earnings in FY16 are budgeted at \$1,292,000, which is slightly more than last year. The TBW pass-thru rate, shown on customer bills for FY16, is projected to remain at

\$2.44 per thousand gallons. Although costs increased slightly, the increased interest revenue offset along with the higher anticipated consumption will keep the rate the same as in F15.

The proposed rate increase for FY16 is mitigated by the use of the Water Cost Stabilization Fund to meet the Target Fund Balance for three (3) months of operating expenses associated with water, wastewater and reclaimed water. Two (2) months of the Target Fund Balance are proposed to be met by a portion of the Water Cost Stabilization Fund reserve while one (1) month will be met by the Operating Fund reserve. The target fund balance excludes the transfer to capital share of expenses.

Consumption

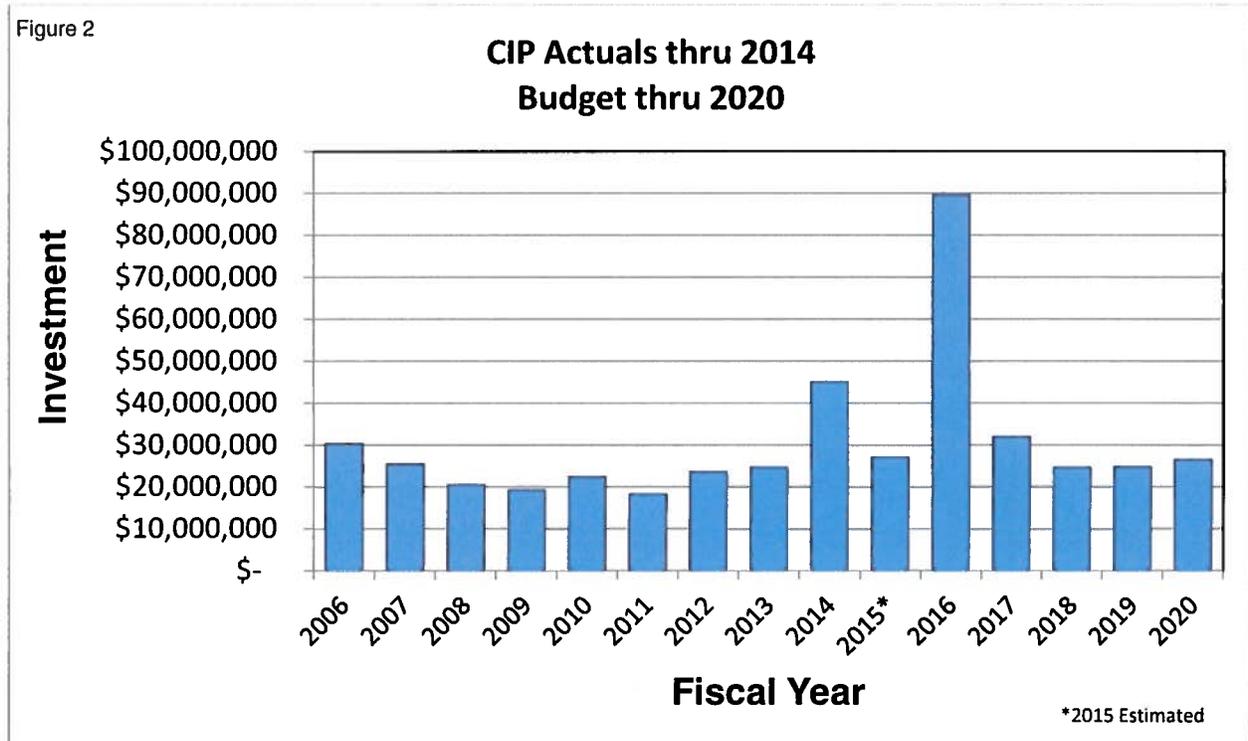
In FY2006, we began seeing a decline in water consumption due to housing and commercial development declines. However, consumption by our retail customers has been level since FY10. Consumption so far this year is trending higher than last year by 0.7% compared to last year's levels and is projected to be 1% higher next year. Figure 1 shows the consumption history trend line between 2000 and estimated 2016.



Capital Improvement Program

Over the past several years, the Water Resources Department has experienced increased debt service related to the Capital Improvement Program. Figure 2 shows a history of actual capital improvement dollars between FY06 and FY14 as well as the projected capital investment through FY20. The proposed CIP plan between FY16 and FY20 totals \$197,247,000 (not including inflation).

Figure 2

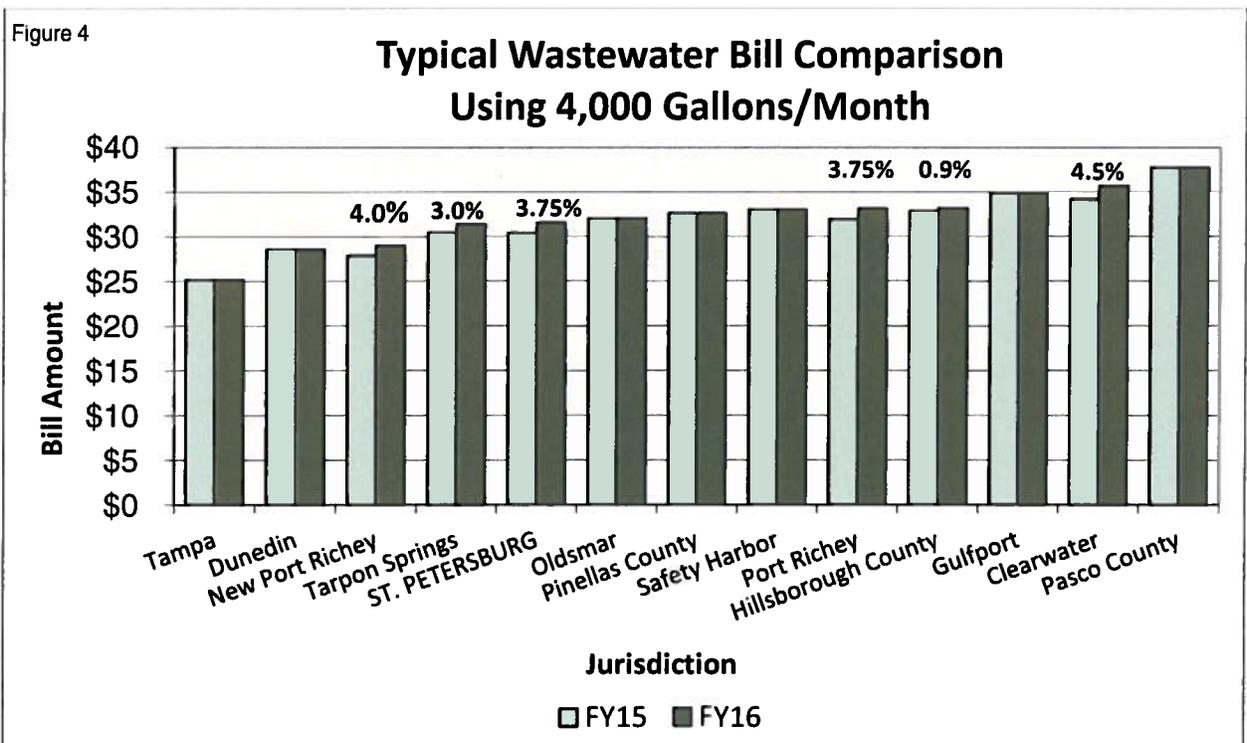
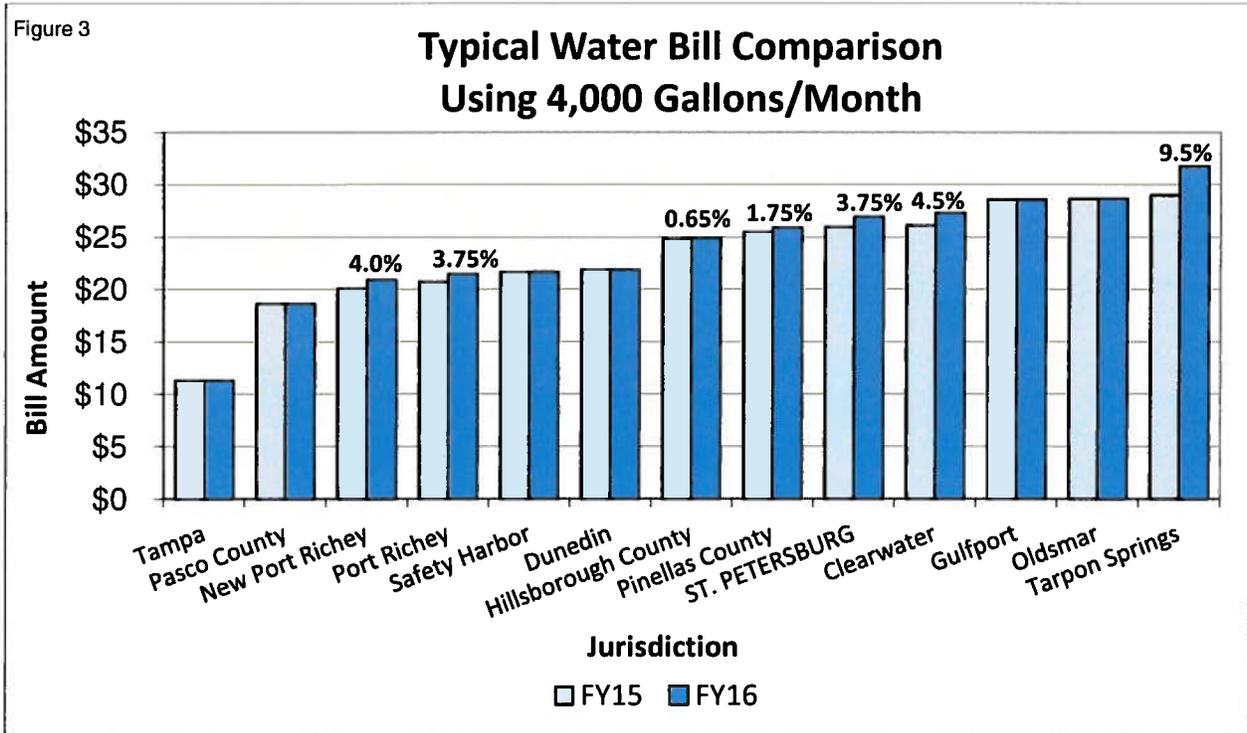


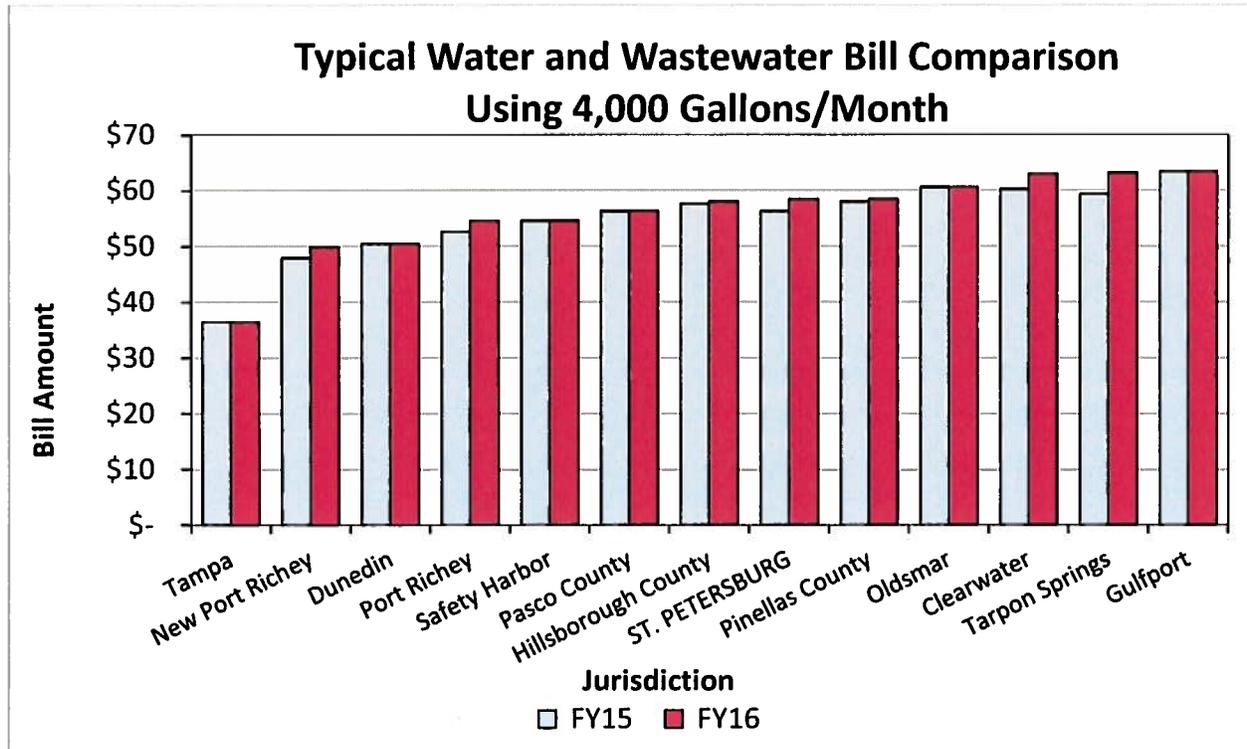
This CIP will continue the program of proactive replacing of aging pipes and infrastructure. Additionally, we have included a Biosolids to Energy project, whose construction will begin in FY16. This significant effort to consolidate biosolids from all water reclamation facilities and convert the biosolids to energy will result in a savings to rate payers in the future. As mentioned earlier, Water Resources is in the process of applying for a State Revolving Fund (SRF) loan to pay for the Biosolids to Energy project in FY16. The lower interest rate and associated debt service resulting from this loan is incorporated in the 5-year operating budget. Repayment of the SRF loan does not begin until substantial construction completion. The following project categories are included in the 5-year CIP.

Capital Improvement Plan Projects and Programs (in thousands)						
	FY16	FY17	FY18	FY19	FY20	TOTAL
Water Treatment & Distribution/RW	\$7,727	\$12,492	\$7,339	\$6,460	\$6,845	\$40,863
Wastewater Collection	\$8,361	\$5,475	\$5,745	\$5,950	\$7,550	\$33,081
Water Reclamation Facilities	\$5,623	\$10,970	\$8,350	\$10,400	\$9,450	\$44,793
Biosolids to Energy	\$63,360	\$0	\$0	\$0	\$0	\$63,360
Lift Stations	\$4,250	\$2,610	\$3,085	\$1,800	\$2,450	\$14,195
Other	\$185	\$350	\$100	\$150	\$170	\$955
TOTAL	\$89,506	\$31,897	\$24,619	\$24,760	\$26,465	\$197,247

Rate Data on Other Local Entities

Assuming that the recommended rates are implemented, the City's water and wastewater rates are shown in Figures 3, 4 and 5 in comparison to other local governments. Please note that the rates of the other governmental entities have been adjusted to reflect proposed rate increases for FY16 as advised by each entity. No increase is shown for those communities whose rate analysis is not complete as of this writing or do not intend to increase their rates at this time.





Base and Meter Charges

On an annual basis, it is recommended that the Base Meter charges for retail water and wastewater customers be compared to the American Water Works Association (AWWA) recommendation for the incremental meter cost based on meter flow capacities. It is recommended that the meter base charges be adjusted to more closely follow the AWWA factors. The net impact on revenue has already been factored into the 3.75% rate increase.

Recommended Action

Attached is the rate ordinance, which reflects the proposed base, variable and wholesale rate changes for water and wastewater. It also includes the changes to the reclaimed water rates, charges and services. Deposits, Connection Fees, and Fire Service Fees are proposed to remain the same in FY16 with the potential to update during next year’s rate study.

It is recommended that City Council conduct a first reading of the proposed rate ordinance on September 3, 2015 and consider the proposed rate for final adoption following a public hearing on September 17, 2015. This will allow the rates to be effective as of October 1, 2015, as included within the FY16 revenue projections.

MJC/ER

- Attachment 1: Customer Notification
 - Attachment 2: Variable Rates including TBW pass-thru
 - Attachment 3: Recommended Base Rates
 - Attachment 4: Wholesale Rates
 - Attachment 5: History of Rate Increases
- Rate Ordinance

NOTICE TO CUSTOMERS



ST. PETERSBURG UTILITY CUSTOMERS

Notice is hereby given that at the date and time shown below, the St. Petersburg Council will consider increases to water, wastewater, and reclaimed water utility rates and charges.

- Thursday, September 3, 2015
8:30 a.m. (First Reading)
- Thursday, September 17, 2015
6 p.m. (Public Hearing)

Meetings will be held in:

City Council Chamber
St. Petersburg City Hall
175 Fifth Street North
St. Petersburg, Florida

The proposed rate adjustments will be published at First Reading and made available on the City's website www.stpete.org

For additional information, contact the Water Resources Department at 893-7297.



Water Resources Department
727-893-7297
www.stpete.org/water/water_conservation

RECOMMENDED VARIABLE RATES

WATER BLOCK RATES

(Single-Family Residential and Multifamily Residential: Per Dwelling Unit)
Per 1,000 Gallons

	FY15	TBW	FY15 Total	FY16	TBW	FY16 Total
First 5,600 Gallons/month	\$1.40	\$2.44	\$3.84	\$1.54	\$2.44	\$3.98
Next 2,400 Gallons/month	\$2.38	\$2.44	\$4.82	\$2.56	\$2.44	\$5.00
Next 7,000 Gallons/month	\$4.10	\$2.44	\$6.54	\$4.35	\$2.44	\$6.79
Next 5,000 Gallons/month	\$6.21	\$2.44	\$8.65	\$6.53	\$2.44	\$8.97
Over 20,000 Gallons/month*	\$14.86	\$2.44	\$17.30	\$15.51	\$2.44	\$17.95

* Applies to Single-Family Residential Customers only

(Commercial)
Per 1,000 Gallons

	FY15	TBW	FY15 Total	FY16	TBW	FY16 Total
Up to the Average	\$1.40	\$2.44	\$3.84	\$1.54	\$2.44	\$3.98
Average to 1.4 Times Average	\$2.80	\$2.44	\$5.24	\$3.00	\$2.44	\$5.44
1.4 to 1.8 Times Average	\$4.10	\$2.44	\$6.54	\$4.35	\$2.44	\$6.79
Over 1.8 Times Average	\$5.27	\$2.44	\$7.71	\$5.56	\$2.44	\$8.00

WASTEWATER VARIABLE RATE

(Per 1,000 Gallons)

	FY15	FY16
WASTEWATER	\$4.60	\$4.77

RECOMMENDED BASE RATES

WATER BASE RATES

Meter Size	FY15	FY16	Difference	Equivalent Ratios	Percent Difference*
5/8"	\$10.61	\$11.01	\$0.40	1	3.75%
1"	\$26.53	\$27.52	\$0.99	2.5	3.73%
1½"	\$53.06	\$55.04	\$1.98	5	3.73%
2"	\$84.89	\$88.06	\$3.17	8	3.74%
3"	\$169.78	\$176.13	\$6.35	16	3.74%
4"	\$265.28	\$275.20	\$9.92	25	3.74%
6"	\$530.56	\$550.39	\$19.83	50	3.74%
8"	\$848.89	\$880.63	\$31.74	80	3.74%
10"	\$1,220.29	\$1,265.91	\$45.62	115	3.74%
12"	\$2,281.40	\$2,366.69	\$85.29	215	3.74%

WASTEWATER BASE RATES

Meter Size	FY15	FY16	Difference	Equivalent Ratios	Percent Difference*
5/8"	\$12.00	\$12.45	\$0.45	1	3.75%
1"	\$30.01	\$31.13	\$1.12	2.5	3.73%
1½"	\$60.02	\$62.25	\$2.23	5	3.72%
2"	\$96.03	\$99.60	\$3.57	8	3.72%
3"	\$192.07	\$199.20	\$7.13	16	3.71%
4"	\$300.11	\$311.25	\$11.14	25	3.71%
6"	\$600.22	\$622.50	\$22.28	50	3.71%
8"	\$960.35	\$996.00	\$35.65	80	3.71%
10"	\$1,380.50	\$1,431.75	\$51.25	115	3.71%
12"	\$2,580.94	\$2,676.75	\$95.81	215	3.71%

*Equivalent Ratios factor is applied to adjusted rate

WHOLESALE RATES

WHOLESALE WATER: 2.5% increase

customer: City of Gulfport

Y15: \$4,705/million gallons

Y16: \$4,824/million gallons

WHOLESALE WASTEWATER:

customers: City of Gulfport; City of South Pasadena; Bear Creek Sanitary Sewer District, Pinellas County; Ft. Desoto, Pinellas County; City of Treasure Island; and Tierra Verde Utilities, Inc.

2% increase

Y15: \$2,865/million gallons

Y16: \$2,956/million gallons

customer: City of St. Pete Beach

81% increase

Y15: \$2,058/million gallons, \$49,651/month for capital projects

Y16: \$2,052/million gallons, \$52,082/month for capital projects

HISTORY OF RATE INCREASES

CONSUMPTION OF WATER AND SEWER AT 4,000 GALLONS PER MONTH (FY 94 – 15)

Fiscal Years	Amount Prior to Increase	Bill After Increase	Amount Change	Percent Change
95-96	\$21.34	\$22.52	\$1.18	5.5%
96-97	\$22.52	\$24.01	\$1.49	6.6%
97-98	\$24.01	\$24.01	\$0.00	0.0%
98-99	\$24.01	\$25.35	\$1.34	5.6%
99-00	\$25.35	\$27.01	\$1.66	6.5%
00-01	\$27.01	\$28.42	\$1.41	5.2%
01-02	\$28.42	\$30.75	\$2.33	8.2%
02-03	\$30.75	\$34.37	\$3.62	11.8%
03-04	\$34.37	\$37.58	\$3.21	9.3%
04-05	\$37.58	\$39.25	\$1.67	4.4%
05-06	\$39.25	\$40.19	\$0.94	2.4%
06-07	\$40.19	\$41.27	\$1.08	2.7%
07-08	\$41.27	\$42.72	\$1.45	3.5%
08-09	\$42.72	\$44.03	\$1.31	3.1%
09-10	\$44.03	\$44.90	\$0.87	2.0%
10-11	\$44.90	\$48.25	\$3.35	7.5%
11-12	\$48.25	\$50.53	\$2.28	4.7%
12-13	\$50.53	\$51.89	\$1.36	2.7%
13-14	\$51.89	\$53.83	\$1.94	3.74%
14-15	\$53.83	\$56.37	\$2.56	4.75%
15-16	\$56.37	\$58.48	\$2.11	3.75%
Total Increase/Average Percentage			\$37.16	5.0%

ORDINANCE NO. _____

AN ORDINANCE RELATING TO UTILITY RATES AND CHARGES; AMENDING CHAPTER 27, SUBSECTIONS 27-141 (a), 27-142 (a), 27-144 (c), 27-177 (a), 27-283 (a), AND SUBSECTIONS 27-284 (a) AND 27-284 (d) OF THE ST. PETERSBURG CITY CODE; AMENDING BASE CHARGES AND VOLUME CHARGES FOR WATER SERVICE; AMENDING WHOLESALE WATER SERVICE CHARGES FOR THE CITY OF GULFPORT; AMENDING BASE AND VOLUME CHARGES FOR IRRIGATION ONLY ACCOUNTS; AMENDING RECLAIMED WATER RATES AND CHARGES; AMENDING BASE AND VOLUME CHARGES FOR WASTEWATER SERVICE; AMENDING WASTEWATER SERVICE CHARGES FOR WHOLESALE CUSTOMERS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING AN EXPLANATION OF WORDS STRUCK THROUGH AND UNDERLINED; ESTABLISHING A DATE TO BEGIN CALCULATING NEW RATES FOR BILLING PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Subsection 27-141 (a) of the St. Petersburg City Code is hereby amended as follows:

Sec. 27-141. Established; amount; service categories defined; surcharge.

(a) *Monthly use rate.* City water customers will be charged monthly base and volume charges as set forth in the following subsections:

(1) *Base charges.* The base charges, determined by meter size, are listed in the following table:

Meter Size (in inches)	Base Charge
$\frac{5}{8}$ or $\frac{3}{4}$	\$ 10.61 <u>11.01</u>
1	26.53 <u>27.52</u>
1½	53.06 <u>55.04</u>
2	84.89 <u>88.06</u>

Meter Size (in inches)	Base Charge
3	169.78 <u>176.13</u>
4	265.28 <u>275.20</u>
6	530.56 <u>550.39</u>
8	848.89 <u>880.63</u>
10	1,220.29 <u>1,265.91</u>
12	2,281.40 <u>2,366.69</u>

(2) *Volume charges.* Volume charges, determined by gallons used, are listed in the following tables:

a. For single-family dwelling customers, \$2.44 for each 1,000 gallons consumed as cost of water from Tampa Bay Water and an inverted rate as follows:

*Volume Charges
Single-Family Dwelling Customer
Rates Per 1,000 Gallons
by Gallonage Increments*

First 5,600	\$1.40 <u>1.54</u>
Next 2,400	2.38 <u>2.56</u>
Next 7,000	4.10 <u>4.35</u>
Next 5,000	6.21 <u>6.53</u>
Over 20,000	14.86 <u>15.51</u>

b. For multifamily dwelling customers, \$2.44 for each 1,000 gallons consumed as cost of water from Tampa Bay Water and an inverted rate as follows:

*Volume Charges
Multifamily Dwelling Customer
Rates Per 1,000 Gallons
Total Volume Divided by Number of Dwelling Units Served by Meter*

First 5,600 per unit	\$ 1.40 <u>1.54</u>
Next 2,400 per unit	2.38 <u>2.56</u>
Next 7,000 per unit	4.10 <u>4.35</u>
Over 15,000 per unit	6.21 <u>6.53</u>

- c. For commercial customers, \$2.44 for each 1,000 gallons consumed as cost of water from Tampa Bay Water and an inverted rate as follows:

*Volume Charges
Commercial Customer
Rates Per 1,000 Gallons
Gallage Based on Monthly Average per Commercial Customer*

Up to average	\$ 1.40 <u>1.54</u>
Average to 1.4 times average	2.80 <u>3.00</u>
1.4 to 1.8 times average	4.10 <u>4.35</u>
Over 1.8 times average	<u>5.27</u> <u>5.56</u>

A monthly average of a 12-month period will be calculated per commercial customer for each fiscal year beginning October 1. The 12-month period utilized will be October through September of the preceding fiscal year and will be updated annually. For new commercial customers without consumption history, the lowest block rate will be utilized until a 12-month period between October and September is completed.

A commercial customer who experiences changed business conditions which would necessitate a revised calculation of the monthly average, may request a water use evaluation by the City. The City may calculate a new average based on that evaluation. After receiving notice of the results of the evaluation, the customer may appeal these results to the Utility Billing Review Committee within 14 days by filing notice of appeal with the City Clerk.

SECTION 2. Subsection 27-142 (a) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-142. - Wholesale water customers.

(a) Wholesale water service shall be provided to the City of Gulfport at a uniform volume rate of ~~\$4,705.00~~ 4,824.00 per million gallons effective October 1, ~~2014~~ 2015. Additional charges and surcharges shall be added to the uniform volume rate in accordance with the City of Gulfport's water service agreement with the City of St. Petersburg.

SECTION 3. Subsection 27-144 (c) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-144. Irrigation only accounts.

(c) *Monthly irrigation only account charges.*

Customers with an irrigation only account shall not be charged fees for wastewater services for that account but shall pay a base charge based on the meter connection size, and also shall pay the Tampa Bay Water volume charge and the a tiered volume rate based on water consumption as follows:

Irrigation Only Base and Volume Charges							
		Volume Rates (per 1,000 Gallons)			Consumption Ranges (in Gallons)		
Meter Size (inches)	Base Fee ₁	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
¾	\$13.61 <u>\$14.01</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-15,000	15,001-20,000	>20,000
1	\$29.53 <u>\$30.52</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-37,000	37,001-50,000	>50,000
1½	\$56.06 <u>\$58.04</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-75,000	75,001-100,000	>100,000
2	\$87.89 <u>\$91.06</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-120,000	120,001-160,000	>160,000
3	\$172.78 <u>\$179.13</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-240,000	240,001-320,000	>320,000
4	\$268.28 <u>\$278.20</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-375,000	375,001-500,000	>500,000
6	\$533.56 <u>\$553.39</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-750,000	750,001-1,000,000	>1,000,000
8	\$851.89 <u>\$883.63</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-1,200,000	1,200,001-1,600,000	>1,600,000
10	\$1,223.29 <u>\$1,268.91</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-1,750,000	1,750,001-2,300,000	>2,300,000
12	\$2,284.40 <u>\$2,369.69</u>	\$4.07 <u>\$4.22</u>	\$6.19 <u>\$6.42</u>	\$14.84 <u>\$15.40</u>	0-3,225,000	3,225,001-4,300,000	>4,300,000
Tampa Bay Water:		\$2.44 per 1,000 Gallons					

SECTION 4. Subsection 27-177 (a) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-177. - Rates

- (a) A rate shall be charged to the customers of the reclaimed water system in accordance with the following schedule:
 - (1) For nonmetered service for tracts of one acre in size or smaller, the monthly charge shall be ~~\$19.68~~ 20.42.
 - (2) For nonmetered service for larger tracts an additional monthly charge of ~~\$11.28~~ 11.70 per each additional acre, or portion thereof in excess of one acre, shall be added to the fee of ~~\$19.68~~ 20.42 per month.
 - (3) For customers on metered service, the charge shall be ~~\$0.56~~ 0.58 per 1,000 gallons per month, but in no case shall the charge be less than ~~\$19.68~~ 20.42 per month.
 - (4) A surcharge of 25 percent will be added for service outside the City.
 - (5) The customer shall be required to obtain a reclaimed water permit, the charge shall be \$25.00 per permit issued. All reclaimed water permits shall be issued by the Reclaimed Water section of the Water Resources Department.

SECTION 5. Subsection 27-283 (a) of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 27-283. - Wastewater service charge.

(a) *Established, amount.* There is hereby established and imposed upon the owners and/or occupants of all premises which are connected to the sewer system a charge, to be designated "wastewater service charge," which charge shall be based upon the amount of water used on the premises except for that amount of water used for irrigation only accounts as established pursuant to Section 27-144, as shown by the following schedule:

- (1) A base charge per month based upon meter size in accordance with the following table:

Meter Size (inches)	Base Charge
5/8 or 3/4	\$ 12.00 <u>12.45</u>

Meter Size (inches)	Base Charge	
1	30.01	<u>31.13</u>
1½	60.02	<u>62.25</u>
2	96.03	<u>99.60</u>
3	192.07	<u>199.20</u>
4	300.11	<u>311.25</u>
6	600.22	<u>622.50</u>
8	960.35	<u>996.00</u>
10	1,380.50	<u>1,431.75</u>
12	2,580.94	<u>2,676.75</u>

(2) In addition to the base charge, there shall be a charge of ~~\$4.60~~ 4.77 for each 1,000 gallons of potable water registered on the water meter.

(3) Rates charged to customers outside the City in accordance with subsections (1) and (2) of this section shall have added to the rate a surcharge of 25 percent of the total wastewater charge.

(4) The base charge and any volume charge will apply on all active services; the base charge will apply to all service in standby status; only when a service has been removed will the base charge not be in effect.

SECTION 6. Subsections 27-284 (a) and 27-284 (d) of the St. Petersburg City Code are hereby amended to read as follows:

Sec. 27-284. - Wholesale wastewater customers.

(a) Wholesale wastewater service shall be provided to the City of Gulfport; the City of South Pasadena; Bear Creek Sanitary Sewer District, Pinellas County; Ft. Desoto, Pinellas County; the City of Treasure Island; and Tierra Verde Utilities, Inc. at a uniform volume rate of ~~\$2,865.00~~ 2,956.00 per million gallons for wholesale wastewater service effective October 1, ~~2014~~ 2015, based upon metered wastewater flows.

(d) Wholesale wastewater service shall be provided to the City of St. Pete Beach at an estimated rate including a uniform operation and maintenance volume rate of ~~\$2,058.00~~ 2,052.00 per million gallons and a monthly capital charge of ~~\$49,651.00~~ \$52,082 for wholesale wastewater service effective October 1, ~~2014~~ 2015. At the end of each fiscal year, actual rates for the fiscal year will be determined in accordance with the terms of the agreement for wholesale wastewater service between the City of St. Petersburg and the City of St. Pete Beach.

SECTION 7. That the unconstitutionality or invalidity of any word, sentence, or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION 8. That words in ~~struck-through~~ type are deletions from the existing St. Petersburg City Code and words that are underlined are additions.

SECTION 9. That the rates and charges established by this ordinance shall be utilized in calculating customers' bills beginning on November 1, 2015 for water consumed during the preceding month.

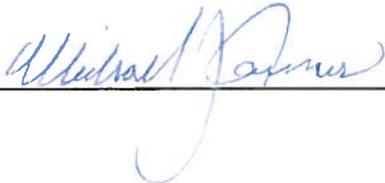
SECTION 10. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

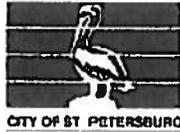
LEGAL:



City Attorney (designee)

ADMINISTRATION:





MEMORANDUM

TO: Mayor Rick Kriseman

THRU: Michael Connors, Public Works Administrator *MC*

FROM: Ben Shirley, Sanitation Director *BS*

DATE: August 17, 2015

SUBJECT: FY2016 Sanitation Rate Study

Introduction

I am pleased to report that no rate increase is being proposed in the 2016 Operating budget. This will be our seventh consecutive year with no rate increase for solid waste collection and disposal. Our continuing efforts have helped match revenues with expenses. In our current operating year increases in demolition costs have been partially offset by reduced fuel expenses due to the replacement of 17 diesel trucks with CNG.

In 2008 City Council approved a sanitation rate increase for FY2009 of 2.6% for residential and commercial customers. This was only the fourth rate increase in sanitation rates since 1988. For the period FY1988 through FY2005 rates remained stable as the City intentionally drew down the Sanitation Operating and Rate Stabilization Fund balances. With the increase approved by City Council for FY2009 the residential rate increased to \$22.33 per month and will remain there through FY2016.

Without a proposed increase the recommended rates will continue to be very competitive with other cities in the greater St. Petersburg area. In addition, it should be noted that the Sanitation Department provides a number of support functions such as graffiti and snipe sign removal, lot clearing, funding for the N-Team and Building Demolition, alley trimming, and other costs controlled by Parks and Codes Administration. These programs all play a major role in the cleanliness and appearance of our community and may exceed the service level of other providers.

Projected FY2016 Requirements

The Sanitation Department currently operates 17 CNG Collection trucks. The 2016 budget includes the purchase of an additional 8 CNG trucks. The gradual conversion of the diesel fueled fleet to CNG is in an effort to lower Sanitation's operating costs, increase efficiency and lower air emissions.

Sanitation costs have generally mirrored inflationary trends and reflect staff's effort to control costs when possible.

In November of 2014 City Council approved an ordinance providing for the creation, administration and management of a universal residential curbside recycling service. This service was instituted in July of 2015. The rate for the service of \$2.95 per month will not change in FY 2016. It is in addition to the current \$22.33 that is charged for regular garbage service.

Rate Data on Other Local Entities

The residential rate will be competitive with other large cities in the local area, as shown below:

<i>City</i>	<i>Monthly Residential Rate</i>
St. Petersburg (FY16 Proposed Rate)	\$22.33**
Tampa (FY16 Proposed Rate)	\$34.91*
Clearwater (FY16 Proposed Rate)	\$27.46*

* includes \$3.00 (Tampa) & \$2.60 (Clearwater) respectively for curbside recycling costs ** Includes \$.36 for centralized recycling costs

Proposed Changes to City Code

None pursuant to no increase in rates proposed.

Recommended Action

No action is necessary pursuant to no increase in rates proposed.



TO: Mayor Rick Kriseman

FROM: Michael J. Connors, P.E. 
Public Works Administration

DATE: August 17, 2015

SUBJECT: FY2016 Stormwater Rate Recommendation

Introduction

The Stormwater Utility Fee was implemented by the City of St. Petersburg in November 1989. The utility fee remained constant until 2005 when City Council amended the ordinance providing for an automatic annual rate adjustment pursuant to the prior year's Consumer Price Index. The ordinance was amended by City Council in FY13 to eliminate the automatic adjustment provision and allow for a specific rate to be adopted in accordance with the annual rate analysis.

An analysis for FY16 has been conducted. Based on (1) revenues estimated as constant, (2) expenses projected to be approximately 2.65% more than the FY15 budget, and (3) the projected fund balance to exceed the target, no rate increase is proposed for FY16. The City's stormwater rates would be held at \$6.84 for the typical single family account.

The Stormwater Utility Department oversees the operation, maintenance, reconstruction, and capital improvements of stormwater facilities in the City of St. Petersburg. Stormwater capital improvement projects are supplemented by Penny for Pinellas funds as well as grant funds. Revenues for the utility have continued to come in as budgeted and expenses have been controlled. The fund balance for the utility remains above target and is projected to cover ongoing needs. Additionally, the economic conditions in our community warrant keeping rates stable.

The department over the last several years has continued to improve operating efficiencies to include among others initiatives, staff and fleet reductions resulting in modest, if any, increases in expenses. A FY2015 operating expense increase in the amount of \$310,111 results from an increase in the transfer to the C.I.P. (\$200,000), vehicle replacement charges (\$153,949) and salaries/benefits (\$229,226) as offset by reductions in General Administrative charges (\$194,516) and (\$78,548) in a multitude of different line items.

Recommended Action

No action is necessary pursuant to no increase in rates proposed.

MEMORANDUM



August 31, 2015

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

FROM: Steven K. Leavitt, PE, Water Resources Director *SKL*

SUBJECT: FY16 Utility Rates Additional Backup

As requested at the Budget, Finance and Taxation Committee on August 27, 2015, attached and below, please find additional backup. The attached pie chart shows Water Resources' Operating Expenses by functional categories. As you can see from the chart, a significant portion of the department's operating expenses are required to provide service, meet regulatory requirements or are fixed due to debt or transfer requirements and therefore are not discretionary.

As discussed by Andy Burnham with Burton & Associates, in our BFT presentation, they perform a 5-year rate plan. Below is that plan based on the 3.75% increase to water, wastewater and reclaimed water rates recommended in FY16. We understand that the rates for FY16 could change based on recommendations made by City Council members to increase wastewater maintenance capital efforts going forward. As is customary, we perform a rate study annually and bring recommended rate adjustments to City Council on a yearly basis.

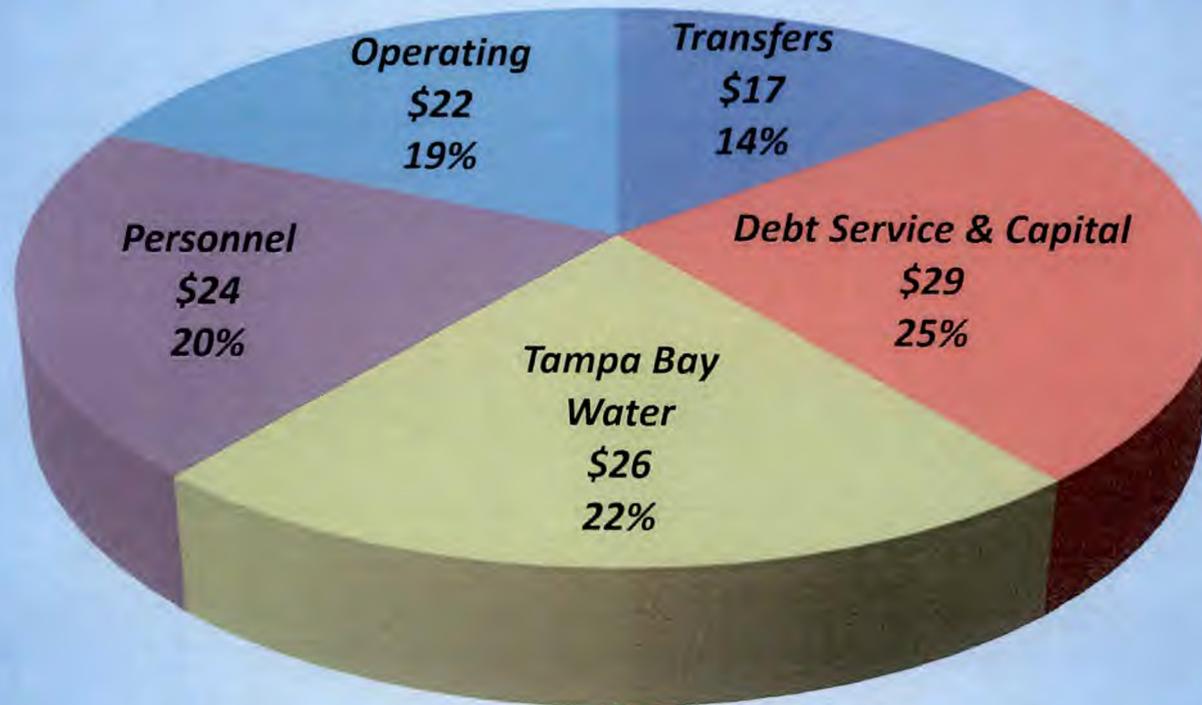
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Water	3.75%	3.75%	1.50%	3.25%	3.25%
Wastewater	3.75%	3.75%	1.50%	3.25%	3.25%
Reclaimed	3.75%	3.75%	1.50%	3.25%	3.25%

If you have additional questions, we will have our rate consultant available at the First Reading on September 3rd and then again at the Public Hearing on September 17th.

F-2

FY 2016 EXPENDITURE DISTRIBUTION

FY 2016 Budget = \$118M (\$ in Millions)



- 1) Inter-fund transfers, debt service and capital transfers, and Tampa Bay Water expenses are essentially fixed.
- 2) Significant portion of operating expenses (electricity and chemicals) are required to provide service and are not discretionary.
- 3) Similarly, a significant portion of personnel expenses are associated with regulatory staffing requirements.



CITY COUNCIL

Meeting of September 3, 2015

-
- TO:** The Honorable Charles W. Gerdes, Esq., Chair, and Members of City Council
- SUBJECT:** **City File LDR-2015-04:** Amending St. Petersburg City Code, Chapter 16, Land Development Regulations (“LDRs”),
- REQUEST:** First reading of the attached ordinance amending the LDRs providing for the amendment of the Nonconforming lot and Definitions sections of the St. Petersburg City Code.

BACKGROUND AND ANALYSIS: Council Member Steve Kornell submitted, and the City Council subsequently referred to the Public Service and Infrastructure Committee (“PS&I”), a request to review possible ordinance changes and process adjustments concerning nonconforming lots. Staff initially presented a general overview of the existing regulations and potential amendment discussions to the PS&I Committee on March 12, 2015 and later presented draft language to the PS&I Committee on May 28, 2015.

The proposal is to modify code so that substandard nonconforming lots of record under common ownership cannot be developed without approval of a variance and to add a definition of “Buildable Lot”.

Many subdivisions were platted prior to adoption of the City’s first zoning ordinance in 1933. Many neighborhoods were subsequently developed with one house on two or more platted lots. When zoning was established, minimum lot sizes were based on the development pattern, rather than the underlying subdivision plat. Therefore, many platted lots of record do not conform to the current zoning district standards, and are considered to be substandard lots.

Under today's code, single-family homes may be built on these platted lots of record, even if the lot does not meet the minimum standards for the zoning district. Such development is not always consistent with the development pattern of the neighborhood.

Restrictions were in place from 1973 through 2003 which limited development of nonconforming lots if the lots were in common ownership in 1977. Code was changed in 2003 to allow development on any platted lot of record.

Why was code changed in 2003?

- Issues with enforcement
- Property owners assume there are development rights for each platted lot
- Selling lot creates illegal lot, which cannot be developed
- Undue hardship for persons holding lots for investment purposes
- Not afforded same rights as others on their block
- Property Appraiser does not provide information
- No practical method for City to inform owners of the limitations, as the City does not regulate buying and selling of property

Issues and Concerns with changing code back to pre-2003 language:

- Landowner's reasonable expectations
- Character of the neighborhood
- Encouragement of infill development, when consistent with neighborhood development pattern

Prior to the Development Review Commission meeting, staff received four emails opposing the amendment. During the Development Review Commission public hearing on August 5th, ten citizens spoke in favor of the ordinance, including a representative of the Historic Old Northeast Neighborhood Association and one spoke in opposition. Commissioner Scherer expressed concerns that the previous change in 2003 was found consistent with the Comprehensive Plan, and therefore the change back would not be consistent. Commissioner Cravey recommended that there be some type of grandfathering provision to protect the rights of property owners who currently own undeveloped lots which would be subject to this change, and requested that the effective date be moved out one year to allow such property owners to convey their properties or develop the properties without having to comply with the new regulations. There have been no proposed changes to the ordinance in response to the DRC meeting. A letter in support of the changes from the Historic Old Northeast Neighborhood Association and a package of materials was submitted by the citizen opposing the amendment.

RECOMMENDATION:

Administration:

The Administration recommends APPROVAL.

Development Review Commission:

On August 5, 2015, the DRC reviewed the attached ordinance by a vote of 5 to 2 voted to recommend APPROVAL, based on consistency with the Comprehensive Plan.

Citizen Input:

Since DRC and as of the date of this report, there have been no further letters, emails or calls received. The previous correspondence is attached.

Recommended City Council Action:

1. CONDUCT the first reading and public hearing of the proposed ordinance; and
2. SET the second reading and adoption public hearing for September 17, 2015.

ATTACHMENTS:

1. Ordinance
2. DRC Staff Report
3. Letter from Old Northeast Neighborhood Association, citizen package submitted to DRC, and citizen emails.

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY OF ST. PETERSBURG LAND DEVELOPMENT REGULATIONS; AMENDING THE REQUIREMENTS FOR DIVISION OF NONCONFORMING LOTS HELD IN COMMON OWNERSHIP; ADDING A DEFINITION FOR BUILDABLE LOT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Section 16.60.030.2. of the St. Petersburg City Code is hereby amended to read as follows:

16.60.030.2. – Nonconforming lots.

- A. *Single-family districts.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory structures may be erected on any lot of record, except as provided herein, so long as it complies with the other regulations for the district in which such lot is located. This provision applies even though such lot fails to meet the requirements for area or width, or both, that generally apply to the district.
- B. *Nonconforming lots in common ownership.* When the City's property card, property deeds or the county's tax parcel identification number indicates that a parcel of property that has defined boundaries, and is under common ownership or was under common ownership as of the date of adoption this ordinance (September 17, 2015), and consists of ~~more than one~~ one or more undeveloped lots of record, the parcel is not divisible into separate buildable ~~subparcels~~ lots unless:
1. Each existing structure meets the current requirements for setbacks from the boundary lines of the lot of record upon which the structure is located and from the boundary lines of the ~~subparcels~~ buildable lot to be created, or a variance from such requirements has been approved ~~prior to the division of the parcel into subparcels~~; and
 2. ~~No lots of record shall be divided, nor shall a portion of a lot of record be combined with other lots or portions of lots, unless~~ All of the resulting parcels of property meet the current minimum lot area and dimensional requirements of the zoning district or ~~obtain~~ a variance from such requirements has been approved.

The division of combined lots of record which creates a substandard lot or setback causes each lot of record formerly under common ownership to be a violation of this chapter. No development permits shall be issued for any of the affected lots of record until the

violation is corrected. A variance to lot area and/or dimensional regulations must be obtained for each nonconforming lot of record formerly under common ownership subject to this section before an affirmative buildable lot determination can be made by the POD.

- C. *Lots without subdivision improvements.* For any nonconforming or conforming lot, whether platted or unplatted, no development permit shall be issued unless public improvements have been provided to service the lot in accordance with the subdivision section.

Section Two. Section 16.90.020.3. of the St. Petersburg City Code is hereby amended to add a definition for 'buildable lot,' which should be placed in the appropriate alphabetical location, to read as follows:

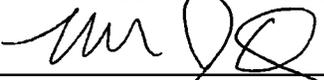
Buildable lot means a parcel of land which meets the requirements of this chapter and for which a development permit may be granted.

Section Three. Coding: As used in this ordinance, language appearing in ~~struck through~~ type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

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

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

APPROVED AS TO FORM AND CONTENT:



CITY ATTORNEY (designee)



DEVELOPMENT REVIEW COMMISSION

Prepared by the Planning & Economic Development Department

For Public Hearing on August 5, 2015
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

APPLICATION: LDR 2015-04

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

REQUEST: A text amendment related to Sections 16.60.030.2 and 16.90.020.3. More particularly, an ordinance providing for the amendment of the Nonconforming lot and definitions sections of the St. Petersburg City Code;

The applicant requests that the Development Review Commission ("DRC") review and recommend approval, confirming consistency with the City of St. Petersburg's Comprehensive Plan ("Comprehensive Plan").

AUTHORITY: Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission ("LDRC"), is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.

Recommendation

The Planning & Economic Development Department finds that the proposed request is consistent with the Comprehensive Plan and recommends **APPROVAL**.

Background

Council Member Steve Kornell submitted, and the City Council subsequently referred to the Public Service and Infrastructure Committee ("PS&I"), a request to review possible ordinance changes and process adjustments concerning nonconforming lots. Staff initially presented a general overview of the existing regulations and potential amendment discussions to the PS&I Committee on March 12, 2015 and later presented a draft language to the PS&I Committee on May 28, 2015.

The proposal is to modify code so that substandard nonconforming lots of record under common ownership cannot be developed without approval of a variance and to add a definition of "Buildable Lot".

B. *Nonconforming lots in common ownership.* When the City's property card, property deeds or the county's tax parcel identification number indicates that a parcel of property that has defined boundaries, and is under common ownership or was under common ownership as of the date of adoption this ordinance (September 17, 2015), and consists of ~~more than one~~ one or more undeveloped lots of record, the parcel is not divisible into separate buildable subparcels unless:

1. Each existing structure meets the current requirements for setbacks from the boundary lines of the lot of record upon which the structure is located and from the boundary lines of the subparcels to be created, or a variance from such requirements has been approved prior to the division of the parcel into subparcels; and
2. ~~No~~ Combined lots of record shall not be divided, nor shall a portion of a lot of record be combined with other lots or portions of lots, unless all of the resulting parcels of property meet the current minimum lot area and dimensional requirements of the zoning district or obtain a variance from such requirements.
3. The division of combined lots of record which creates a substandard lot or setback causes each lot of record formerly under common ownership to be a violation of this chapter, and no permits shall be issued for any of the affected lots of record until the violation is corrected.
4. A variance to lot area and/or dimensional regulations must be obtained for each nonconforming lot of record formerly under common ownership subject to this section before an affirmative buildable lot determination can be made by the POD.

Buildable lot means a parcel of land which meets the requirements of this chapter and for which a development permit may be granted.

Discussion

Many subdivisions were platted prior to adoption of the City's first zoning ordinance in 1933. Many neighborhoods were subsequently developed with one house on two or more platted lots. When zoning was established, minimum lot sizes were based on the development pattern, rather than the underlying subdivision plat. Therefore, many platted lots of record do not conform to the current zoning district standards, and are considered to be substandard lots.

Under today's code, single-family homes may be built on these platted lots of record, even if the lot does not meet the minimum standards for the zoning district. Such development is not always consistent with the development pattern of the neighborhood.

Restrictions were in place from 1973 through 2003 which limited development of nonconforming lots if the lots were in common ownership in 1977. Code was changed in 2003 to allow development on any platted lot of record.

Why was code changed?

- Issues with enforcement
- Property owners assume there are development rights for each platted lot
- Selling lot creates illegal lot, which cannot be developed
- Undue hardship for persons holding lots for investment purposes; Not afforded same rights as others on their block
- Property Appraiser does not provide information
- No practical method for City to inform owners of the limitations, as the City does not regulate buying and selling of property

Issues and Concerns with changing code back to pre-2003 language:

- Landowner's reasonable expectations
- Character of the neighborhood
- Encouragement of infill development, when consistent with neighborhood development pattern

Compliance with the Comprehensive Plan

The following objectives and policies from the Comprehensive Plan are applicable to the proposed amendment:

OBJECTIVE LU1:

The City shall take into account the citizen based themes noted in the Vision Element when considering development decisions.

Policy LU1.1 When considering the probable use of land in a development application, the principles and recommendations noted in the Vision Element should be considered where applicable.

Policy LU1.2 The City will continue to recognize the City Administration's policy responses, incorporated into the Implementations but not made a part of the Vision Element to the Comprehensive Plan, with the objective of supporting and improving the neighborhoods, community appearance, the environment, education, economic development, parks and recreation, transportation, personal security, and public safety, to the extent that the resources of the City will allow.

OBJECTIVE LU3:

The Future Land Use Map (Map 2) shall specify the desired development pattern for St. Petersburg through a land use category system that provides for the location, type, density and intensity of development and redevelopment. All development will be subject to any other requirements, regulations and procedures outlined in the land development regulations including, but not limited to: minimum lot size, setback requirements, density, floor area ratio, and impervious surface ratio.

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

Policy 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.

Policy LU8.1: Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-5 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

Housing Affordability Impact Statement

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

Adoption Schedule

The proposed amendment requires one (1) public hearing, conducted by the City of St. Petersburg City Council. The City Council shall consider the recommendation of the DRC and vote to approve, approve with modification or deny the proposed amendment:

- First Reading – September 3, 2015
- Second Reading and Public Hearing- September 17, 2015

Exhibits and Attachments

1. Ordinance
2. Housing Affordability Impact Statement
3. Public Services and Infrastructure Committee Minutes May 28, 2015
4. Staff Report to Planning Commission, August 20, 2002
5. Staff Report to City Council, March 20, 2003

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY OF ST. PETERSBURG LAND DEVELOPMENT REGULATIONS; AMENDING THE REQUIREMENTS FOR DIVISION OF NONCONFORMING LOTS HELD IN COMMON OWNERSHIP; ADDING A DEFINITION FOR BUILDABLE LOT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Section 16.60.030.2. of the St. Petersburg City Code is hereby amended to read as follows:

16.60.030.2. – Nonconforming lots.

- A. *Single-family districts.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory structures may be erected on any lot of record, except as provided herein, so long as it complies with the other regulations for the district in which such lot is located. This provision applies even though such lot fails to meet the requirements for area or width, or both, that generally apply to the district.

- B. *Nonconforming lots in common ownership.* When the City's property card, property deeds or the county's tax parcel identification number indicates that a parcel of property that has defined boundaries, and is under common ownership or was under common ownership as of the date of adoption this ordinance (September 17, 2015), and consists of ~~more than one~~ one or more undeveloped lots of record, the parcel is not divisible into separate buildable subparcels unless:
 - 1. Each existing structure meets the current requirements for setbacks from the boundary lines of the lot of record upon which the structure is located and from the boundary lines of the subparcels to be created, or a variance from such requirements has been approved prior to the division of the parcel into subparcels; and

 - 2. ~~No~~ Combined lots of record shall not be divided, nor shall a portion of a lot of record be combined with other lots or portions of lots, unless all of the resulting parcels of property meet the current minimum lot area and dimensional requirements of the zoning district or obtain a variance from such requirements.

 - 3. The division of combined lots of record which creates a substandard lot or setback causes each lot of record formerly under common ownership to be a violation of this chapter, and no permits shall be issued for any of the affected lots of record until the violation is corrected.

4. A variance to lot area and/or dimensional regulations must be obtained for each nonconforming lot of record formerly under common ownership subject to this section before an affirmative buildable lot determination can be made by the POD.

C. *Lots without subdivision improvements.* For any nonconforming or conforming lot, whether platted or unplatted, no development permit shall be issued unless public improvements have been provided to service the lot in accordance with the subdivision section.

Section Two. Section 16.90.020.3. of the St. Petersburg City Code is hereby amended to add a definition for ‘buildable lot,’ which should be placed in the appropriate alphabetical location, to read as follows:

Buildable lot means a parcel of land which meets the requirements of this chapter and for which a development permit may be granted.

Section Three. Coding: As used in this ordinance, language appearing in ~~struck through~~ type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

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

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

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY (designee)

City of St. Petersburg
Housing Affordability Impact Statement

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

I. **Initiating Department:** Planning & Economic Development

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

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2015-04).

III. **Impact Analysis:**

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

No (No further explanation required.)

Yes Explanation:

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

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

No (No further explanation required)

Yes Explanation:

IV: Certification

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

CHECK ONE:

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

 Department Director (signature)

 Date

OR

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

 Department Director (signature)

 Date

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

**Public Services and Infrastructure Committee Minutes
May 28, 2015**

CITY OF ST. PETERSBURG
Public Services and Infrastructure Committee Meeting
May 28, 2015 @ 9:15 a.m.

PRESENT: Committee Chair Bill Dudley; James R. Kennedy, Jr., Darden Rice, and Steve Kornell

ALSO PRESENT: Councilmembers Wengay Newton, Karl Nurse, and Charlie Gerdes; John Wolfe, City Attorney; Heather Judd, Assistant City Attorney; Michael Dema, Assistant City Attorney; Dave Goodwin, Planning and Economic Development Director; Elizabeth Abernethy, Zoning Official; Support Staff: Blaise Mazzola, Claims Supervisor and primary support staff; Mike Vineyard Manager Park Operations, and backup support staff; and Patricia Beneby, Deputy City Clerk

Committee Chair Dudley opened the meeting with roll call. Councilmember Kennedy moved with the second of Councilmember Rice for approval of the Agenda. All were in favor of the motion.

In connection with new business, City Code 16.60.030.2 Non Conforming Lots and Grandfathered Situations, Ms. Elizabeth Abernethy provided background regarding non-conforming lots and grandfathered situations. She discussed that restrictions were in place from 1973 through 2003 which limited development of non-conforming lots if the lots were in common ownership in 1977. The Code was changed in 2003 to allow development on any platted lot of record. The action proposed is to limit ability to develop lots of record under common ownership if they do not meet underlying zoning district minimum lot standards; allow variance process for reduction of minimum standards; and support if consistent with development pattern of the neighborhood. Michael Dema provided a draft ordinance change. Councilmember Kennedy questioned the City's exposure of a potential legal action by a property owner affected by the proposed changes. Mr. Dema responded that from a legal position he is comfortable with the changes. Ms. Abernethy stated that from a development standpoint this adds an additional step, but does not adversely affect them. Councilmember Nurse suggested a policy change to allow the City to give the land to the adjacent property owner so that the City does not have to maintain and the land goes back on the tax rolls. Ms. Abernethy believes that the definition of buildable lot will be helpful in assisting with future issues. Councilmember Kennedy made a motion for staff to draft a letter to the Pinellas County Property Appraiser to request that they do not split lots that do not conform to City Zoning Standards, and present the draft letter to full Council for discussion. All were in favor of the motion. Councilmember Kennedy made a motion for the Community Development Agency (CDA) to incorporate language to address how substandard lots can be placed with the property owners of adjoining lots and to send this to full Council for discussion. All were in favor of the motion. Councilmember Kennedy made a motion to recommend that a policy be created that will allow Non-CDA Lots that are substandard to be placed with the owners of adjoining lots and to send to full Council for discussion. All were in favor of the motion. Councilmember Kornell made a motion to approve the draft ordinance and send to the Development Review Commission for their approval. All were in favor of the motion.

In connection with the new business, Door-to Door Solicitation Ordinance, Heather Judd, Assistant City Attorney, provided a draft ordinance with potential changes to the current ordinance. She stated that the goal is to have objective criteria and have balance between deterring aggressive solicitation and the First Amendment. Councilmember Kornell questioned if a process that allowed a citizen to fill out an affidavit is possible. City Attorney John Wolfe stated that we must be cautious of the First Amendment. Councilmember Rice believes that much of the ordinance changes are reasonable and that she supports of the background check section of the draft. Councilmember Kennedy discussed 17.160 Paragraph 3 and whether or not signage indicating no solicitation must be on the individual home or the neighborhood sign to be enforceable. Councilmember Kennedy made a motion for staff

Public Services & Infrastructure Committee

May 28, 2015

Page 2

to include the Ordinance with the Committee Report to be heard at the next Council meeting (June 4) for First Reading and setting a public hearing date. All were in favor of the motion.

The Chair thanked Mr. Blaise Mazzola for his service as staff support, and announced June 11, 2015 as the next scheduled PSI Committee meeting.

There being no further business, the meeting was adjourned at 10:31 a.m.

**Staff Report to Planning Commission
August 20, 2002**



Staff Report to the St. Petersburg Planning Commission

Prepared by the Development Services Department, Development Review Services Division

For Public Hearing and Executive Action on August 20, 2002,
at 4:00 p.m., in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

City File #LDR/ZO-02-01
Agenda Item #2

Applicant: City of St. Petersburg

Request: At the direction of the Administration, Development Services proposes to amend sections of the Zoning Ordinance related to the definition of lots, the administration of grandfathered and nonconforming uses, and the duties of the Board of Adjustment.

Purpose: The primary purpose of these amendments is to further redevelopment and revitalization opportunities for existing buildings and sites within the City. Presently, many properties cannot be re-used or rehabilitated even if they are done so in a manner that is compatible with surrounding development. In many cases, these buildings must be converted to another type of use which the market or site location cannot support, or remain boarded and blighted. Other aspects of the proposed changes are intended to delete regulations that cannot be enforced or can only be enforced on a selective basis. The proposed regulations preclude the ability of the Board of Adjustment to reinstate any dwelling unit smaller than 375 square feet, which is the minimum size allowed by City Code for an efficiency unit. The amendments also limit the time for compliance if a dwelling unit that is reinstated remains occupied.

Analysis: Many of the changes in the attached (proposed) ordinance are housekeeping matters requested by the City's legal staff to make the ordinance easier to understand. The other changes, which are more substantive in nature, are outlined below. *(It should be noted that the following referenced page numbers refer to the page numbers in the attached ordinance.)*

Lot/Page 2

Under the proposed change, the definition of "Lot" is amended to make it more clear that a lot cannot be created on an alley. In some cases, land speculators have proposed to subdivide lots and create new lots fronting on alleys. For the most part,

these new lots can become second-class lots which can remain forever. The proposed amendment represents a clarification of previous City interpretation. For creative developments, however, variances to allow for unique subdivision of property can still be secured.

Lots of Record/Page 3

The definition of "*Lots of Record*" is amended to mean lots which were legally platted.

Section (g) Relating to the Issuance of Building Permits/Page 5

These requirements are now addressed by the newly adopted Building Code, and are redundant in this part of the Zoning Ordinance.

Nonconforming Lots/Pages 7-9

This amendment falls under the category of eliminating an "unenforceable regulation."

Beginning in 1973, the City ceased to recognize all platted lots as lots of record. Under certain conditions of development and ownership (e.g. two or more undeveloped lots in common ownership OR three or more underdeveloped lots in common ownership), the lots would be treated as one lot for purposes of zoning. For example, if a person owned three lots and one lot was developed, he/she would not be able to sell off either of the two lots even though they were legally platted and other lots of similar size in the neighborhood were developed with three homes. Furthermore, even though the property was treated as one lot by City Code, the original plat containing two or three platted lots still existed. Consequently, most citizens, unaware of this obscure regulation, believe that they own a platted lot(s) that they can sell.

Imposition of the current regulation is difficult, if not impossible, to enforce. The regulation is not common knowledge, it will not show up in a title search, and no one at the County Property Appraiser's Office will advise a potential purchaser of the regulation. There is no method for the City to advise the potential purchaser of a lot and of this requirement, and no electronic means to track or keep records of properties affected by the regulation. To set up an electronic tracking system, City staff would need to identify all properties in common ownership as of August 25, 1977. From that list, each set of properties would have to be evaluated based upon the number of lots and the extent to which lots are developed. The list would then have to be sorted to delete all cases that have slipped through the system over the past 25 years or were granted a lot line adjustment. Such a process represents government at its most cumbersome and least effective. Rather than enforcing a regulation that can be applied fairly and evenly, the City currently maintains a regulation that can only be selectively applied to whomever is caught. For the general public, the common thought is that if a person owns two platted lots, they

have two lots to sell. There is no reason for the average person to suspect that selling a platted lot would constitute an illegal action.

The current regulation also creates an undue hardship for persons who may have held on to property for investment purposes. These persons are not afforded the same development rights as others on their block. If the property is under a separate property identification number (PIN) from the property appraiser's office, the problem is compounded by the property tax cap. The tax cap applies to the homeowner's lot, but not to the lots that he/she may own on either side. For many, the property tax on these lots has become so burdensome that they must be sold for development or legally combined with the homesteaded lot.

Since adoption of the ordinance, hundreds of lots have been separated and sold in violation of this regulation. The property appraiser's office does not require that lot separation be consistent with local regulations, so there is no ability for the City to intervene in the sale. In the few times over the past few years that the illegal sale has been caught by the City, the unsuspecting buyers are left with the problem. **In all cases, the Environmental Development Commission has approved the required lot line adjustment to allow for the lots to be developed as they were originally platted.** Amending the regulation would allow for lots to be developed as they were originally and legally platted.

Nonconforming Structures/Page 9

The current regulation is so complicated that it cannot be administered or understood. The proposed change is to simply state that if the structure is destroyed by more than 75 percent of its current replacement value, the replacement structure shall comply with current codes.

Nonconforming Uses of Structures and Premises/Page 10

This falls under the "revitalization" classification.

This section will allow for the conversion of a nonconforming use to a grandfathered use. Since nonconforming uses can remain in perpetuity, the public interest is served in allowing the conversion to a less intense use that, by its nature, has been deemed to have some level of compatibility with the zoning district. *Abandoned* nonconforming uses cannot be converted to a grandfathered use under this proposal. Only legal existing uses can be converted.

Nonconforming Uses of Sites and Sites without Site Plans/Page 11

This section does not exist presently. It provides some clear status for sites which do not meet current development requirements, and under what circumstances a site plan change or alteration will trigger improvements, such as landscaping. Of special note in this section is the provision that no variances are required to bring a site into greater compliance with code requirements. For example, if a project which is

presently paved from corner to corner requires a 20 foot green yard and the applicant removes asphalt to provide 10 feet, he/she does not need a variance for 10 feet. If the variance is granted, the project is vested for 10 feet in perpetuity and the site never has to be brought into compliance with 20 feet. By not granting a variance, the City still maintains the ability to bring the site into greater compliance at some point in the future when it is redeveloped or renovated.

Grandfathered Uses of Structures and Premises (g)2(a)/Pages 12-13

This section provides for objective standards to allow for the conversion of one grandfathered use to another grandfathered use. These standards do not exist presently.

Grandfathered Uses of Structures and Premises (g)3-4/Page 13

This section clarifies the City's policy on grandfathered status as it relates to multi-tenant properties. Simply stated, the entire building must become abandoned to lose legal grandfathered status.

Status of Nonconformities/Pages 14-15

This section is stricken in its entirety. It is no longer of any use.

Nonconforming and Grandfathered Use Chart/Pages 16-22

Changes to the chart fall under the "revitalization" heading. They are intended to get unused and boarded buildings reoccupied, re-used, and contributing in a positive manner to the vitality of St. Petersburg.

The Board of Adjustment, in its consideration of reinstatement applications, has suggested that this chart should be revisited. **The position of the Board is that the public interest is better served by having boarded up buildings reopened for use, activity, and tax generation. Regulations that force buildings to remain abandoned and/or boarded because the *CHART* states that a viable use cannot be reinstated in a certain zoning district are undesirable. All uses which do not have an adverse impact or have impacts that can be mitigated should be reinstated for use.** For many grandfathered uses, a literal application of the chart is not working. Some changes are needed to allow for expanded community revitalization opportunities.

Furthermore, the current chart is unclear for some uses and requires substantial interpretation. The proposed revisions generally:

1. Do not make any changes to the status of grandfathered uses in the single-family (RS) zoning districts. All applications for reinstatement must still be heard by the Board of Adjustment.

2. Allow the Zoning Official to reinstate other uses outside of the RS zones when the applicants can demonstrate compliance with parking requirements and bring the site into compliance with current landscaping requirements. These uses are typically limited to the reinstatement of multifamily uses in multifamily zones, and non-residential uses in non-residential zones.
3. Allow for the reinstatement of new grandfathered uses in certain zones which could not be reinstated previously.

The current City Code does not allow for the reinstatement of many uses in zoning districts where they would be appropriate and desirable. For example, a triplex cannot be reinstated in an office or commercial district, so it remains unoccupied or boarded in some neighborhoods. Other examples include: business and professional schools in office zones; office uses in multifamily zones; retirement homes in commercial and office zones; and commercial uses in industrial zones. Most of these uses, if reoccupied and re-used would be an economic asset to the City. With appropriate mitigation, all of these uses can be re-established in a manner that contributes positively to the City's revitalization.

4. Adds the grandfathered and nonconforming use provisions of the UV-1 zoning district into the chart. Presently, they are set forth only in the UV-1 district regulations, which enhances the potential for mistakes by City staff.
5. Addresses the unclear *standing* of filling stations and motor vehicle repair uses. These types of uses are presently not included in the chart. With these amendments, their standing as a nonconforming use in certain zoning districts will be made easier to understand and defend.

Reinstatement Criteria (e)/Page 30

The Board will no longer have the ability to reinstate any dwelling unit less than 375 square feet in size. Three hundred seventy-five (375) square feet is the minimum floor area for an efficiency unit under code.

Reinstatement (g)/Page 32

Many applicants for reinstatement make application even though their buildings are technically illegally occupied. They maintain tenants in the buildings while they are making application and during the period in which they are implementing the improvements required by the Board of Adjustment. Under the proposed amendment, if the applicant insists on maintaining occupancy of the building during the period in which improvements are implemented, the maximum approval/compliance period will be six (6) months. Presently, many applicants take an extended period to implement required building and fire code improvements while the buildings are occupied. This causes the City and Board great concern because

both want for these buildings to be deemed safe for occupancy as soon as possible. This amendment will expedite the completion of required improvements so that occupied buildings are improved and made safe in a more timely manner.

Additional Changes Made as a Result of Two Workshops

To date, two workshops have been held in front of the Planning Commission: March 5th and June 4th, 2002. The Planning Commission recommended that the changes be forwarded to the neighborhoods and the community for input. On April 23rd, City staff met with neighborhood representatives to discuss certain issues of concern. Amendments to the draft ordinance addressing those concerns, along with revisions coming out of the June 4th workshop, are included in the ordinance attached to this memorandum. These changes are highlighted below:

1. A definition for “*site improvements*” has been included on page 3.
2. Measurable criteria have been added to site improvements which do not require a variance. These are noted on page 12.
3. Special Conditions for Granting Variances (6) and (7)/Page 26-27

Two new criteria are added to substantiate the existence of special conditions that warrant granting of a variance. One is “neighborhood character” to accommodate new (re)development consistent with an existing or historic development pattern. The second is “public facilities,” which supports the granting of variances for necessary public facilities and uses. The entire section regarding public interest as a criterion for granting of a variance has been eliminated pursuant to discussion at the June 4th workshop.

Housing Affordability Impact Statement:

The proposed amendment will not have a significant impact on housing affordability or accessibility. It is anticipated that the proposed amendments may increase housing availability, by allowing the Zoning Official, on a case by case basis, to reinstate residential uses in both residential and non-residential zoning districts, e.g., multifamily uses in a single family district, and multifamily uses in a general office district.

Compliance With the Comprehensive Plan:

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

Land Use Objective 8: 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.

Land Use Policy 8.1 Nonconforming and grandfathered uses shall be defined and regulated in a manner consistent with the requirements of the Zoning Ordinance and Chapter 163, F.S.

Land Use Policy 8.2 Nonconforming uses determined to be severely incompatible may be phased out through an appropriate amortization schedule as defined in the land development regulations.

Land Use Policy 8.3 The City will amend the Nonconformities and Grandfathered Uses and Structures section of the Zoning Ordinance to implement provisions that encourage the elimination or reduction of uses inconsistent with interagency hazard mitigation report recommendations that the City deems appropriate.

Land Use Objective 20: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

Land Use Policy 20.1 The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

In addition, the proposed ordinance is consistent with the Pinellas Planning Council's Countywide Plan Rules.

Recommendation: The Development Services Department finds that the proposed amendment is consistent with the Comprehensive Plan and recommends APPROVAL.

Attachment: Proposed Ordinance

**Staff Report to City Council
March 20, 2003**

**CITY OF SAINT PETERSBURG
CITY COUNCIL**



Meeting of March 20, 2003

Submitting Department: Development Services

Department Contact and Phone Number: John Hixenbaugh, 893-7874

Agenda Category: Public Hearing

Agenda Subject Matter: Ordinance _____ amending sections 29-2, 29-50, and 29-111 through 29-115 related to grandfathered and nonconforming uses and powers of the Board of Adjustment.

Reviewed and Approved by (signature and date):

Administrative: _____

[Handwritten signature] / KO

Budget: N/A

Legal: _____

[Handwritten signature]

Is attached backup material complete? YES (staff report, ordinance, and back-up)



SAINT PETERSBURG CITY COUNCIL
Meeting of March 20, 2003

TO: The Honorable Earnest Williams, Chair, and Members of City Council

SUBJECT: Ordinance _____ amending sections 29-2, 29-50, and 29-111 through 29-115 related to grandfathered and nonconforming uses and powers of the Board of Adjustment (City File LDR/ZO-2002-01).

RECOMMENDATION: The Administration and the Planning Commission recommend **APPROVAL**.

The attached ordinance amendment was recommended for approval by the City Council at first reading and first public hearing on February 6, 2003. Since that time, Staff has been in contact with Steve Plice, representing himself and Cathy Wilson. Mr. Plice, who has expressed concerns about parts of the amendment, has suggested two amendments, both of which are included in the attached ordinance. The first amendment requires public notice when the POD intends to approve a change of one grandfathered use to another grandfathered use. The second amendment is a point of clarification for the section related to sites without approved site plans. It is not substantive. The Administration can support both of these requested amendments.

INTRODUCTION:

At the direction of the Administration and at the request of the Board of Adjustment, the Development Services Department proposes to amend sections of the Zoning Ordinance related to the definition of lots, the administration of grandfathered and nonconforming uses, and the duties of the Board of Adjustment.

PUBLIC INPUT:

To date, two workshops have been held in front of the Planning Commission, one on March 5th and a second on June 4th, 2002. At the first workshop, the Planning Commission recommended that the changes be forwarded to the neighborhoods and the community for input. On April 23rd, City staff met with neighborhood representatives to discuss certain issues of concern. Amendments to the draft ordinance addressing those concerns, along with revisions coming out of the June 4th workshop, were made by the City. On August 20, 2002, the Planning Commission held a public hearing on the proposed changes. No members of the public were in attendance even though notices

were sent to each neighborhood association and the proposed amendment was posted on the City's website. After considerable discussion, the Planning Commission voted, by a vote of 7-2, to recommend that the ordinance be adopted. Those in dissent did not comment on any specific issues related to the ordinance, rather suggesting that it might be more appropriate to consider such amendments after adoption of the City's new zoning ordinance in the next two years.

In addition to the workshops and public hearing, the proposed amendment was also presented to the Policy and Planning Committee of the City Council on two occasions: September 26, 2002 and December 10, 2002. At the first meeting, recommendations were made for changes which have been incorporated into the current version of the ordinance. Furthermore, Councilmember Littrell asked that the item be deferred to a later meeting so that policy issues contained in the proposed ordinance could be evaluated. At the December 10 meeting, the item was reconsidered and recommended for scheduling before the entire City Council.

PURPOSE:

The primary purpose of these amendments is to further redevelopment and revitalization opportunities for existing buildings and sites within the City. *This is particularly timely given the current economic climate for redevelopment and investment.*

Presently, many properties cannot be re-used or rehabilitated even if they are done so in a manner that is compatible with surrounding development. In many cases, these buildings must be converted to another type of use which the market or site location cannot support, or remain boarded and blighted. Other aspects of the proposed changes are intended to delete regulations that cannot be enforced or can only be enforced on a selective basis. The proposed regulations preclude the ability of the Board of Adjustment to reinstate any dwelling unit smaller than 375 square feet, which is the minimum size allowed by City Code for an efficiency unit. The amendments also limit the time for compliance if a dwelling unit that is reinstated remains occupied.

DISCUSSION:

Many of the changes in the attached (proposed) ordinance are housekeeping matters requested by the City's legal staff to make the ordinance easier to understand. The other changes, which are more substantive in nature, are outlined below. *(It should be noted that the following referenced page numbers refer to the page numbers in the attached ordinance.)*

To assist the City Council in its consideration of the proposed amendment, the attached chart is provided along with the ordinance. The chart highlights the substantial changes and the intent behind the proposed amendments.

Lot/Page 2

Under the proposed change, the definition of "Lot" is amended to make it more clear that a lot cannot be created on an alley. In some cases, land speculators have proposed to subdivide lots and create new lots fronting on alleys. For the most part,

these new lots can become second-class lots which can remain forever. The proposed amendment represents a clarification of previous City interpretation.

Lots of Record/Page 3

The definition of "*Lots of Record*" is amended to mean lots which were legally platted.

Section (g) Relating to the Issuance of Building Permits/Page 3

These requirements are now addressed by the newly adopted Building Code, and are redundant in this part of the Zoning Ordinance.

Nonconforming Lots/Pages 7-9

This amendment falls under the category of eliminating an "unenforceable regulation."

Beginning in 1973, the City ceased to recognize all platted lots as lots of record. Under certain conditions of development and ownership (e.g. two or more undeveloped lots in common ownership OR three or more underdeveloped lots in common ownership), the lots would be treated as one lot for purposes of zoning. For example, if a person owned three lots and one lot was developed, he/she would not be able to sell off either of the two lots even though they were legally platted and other lots of similar size in the neighborhood were developed with three homes. Furthermore, even though the property was treated as one lot by City Code, the original plat containing two or three platted lots still existed. Consequently, most citizens, unaware of this obscure regulation, believe that they own a platted lot(s) that they can sell.

Imposition of the current regulation is difficult, if not impossible, to enforce. The regulation is not common knowledge, it will not show up in a title search, and no one at the County Property Appraiser's Office will advise a potential purchaser of the regulation. There is no method for the City to advise the potential purchaser of a lot and of this requirement, and no electronic means to track or keep records of properties affected by the regulation. To set up an electronic tracking system, City staff would need to identify all properties in common ownership as of August 25, 1977. From that list, each set of properties would have to be evaluated based upon the number of lots and the extent to which lots are developed. The list would then have to be sorted to delete all cases that have slipped through the system over the past 25 years or were granted a lot line adjustment. Such a process represents government at its most cumbersome and least effective. Rather than enforcing a regulation that can be applied fairly and evenly, the City currently maintains a regulation that can only be selectively applied to whomever is caught. For the general public, the common thought is that if a person owns two platted lots, they have two lots to sell.

There is no reason for the average person to suspect that selling a platted lot would constitute an illegal action.

The current regulation also creates an undue hardship for persons who may have held on to property for investment purposes. These persons are not afforded the same development rights as others on their block. If the property is under a separate property identification number (PIN) from the property appraiser's office, the problem is compounded by the property tax cap. The tax cap applies to the homeowner's lot, but not to the lots that he/she may own on either side. For many, the property tax on these lots has become so burdensome that they must be sold for development or legally combined with the homesteaded lot.

Since adoption of the ordinance, hundreds of lots have been separated and sold in violation of this regulation. The property appraiser's office does not require that lot separation be consistent with local regulations, so there is no ability for the City to intervene in the sale. In the few times over the past few years that the illegal sale has been caught by the City, the unsuspecting buyers are left with the problem. In the majority of cases, the Environmental Development Commission has approved the required lot line adjustment to allow for the lots to be developed as they were originally platted. Amending the regulation would allow for lots to be developed as they were originally and legally platted.

Nonconforming Structures/Page 9

The current regulation is so complicated that it cannot be administered or understood. The proposed change is to simply state that if the structure is destroyed by more than 75 percent of its current replacement value, the replacement structure shall comply with current codes.

Nonconforming Uses of Structures and Premises/Page 11

This falls under the "revitalization" classification.

This section will allow for the conversion of a nonconforming use to a grandfathered use. Since nonconforming uses can remain in perpetuity, the public interest is served in allowing the conversion to a less intense use that, by its nature, has been deemed to have some level of compatibility with the zoning district. *Abandoned* nonconforming uses cannot be converted to a grandfathered use under this proposal. Only legal existing uses can be converted.

Nonconforming Uses of Sites and Sites without Site Plans/Page 11

This section does not exist presently. It provides some clear status for sites which do not meet current development requirements, and under what circumstances a site plan change or alteration will trigger improvements, such as landscaping. Of special note in this section is the provision that no variances are required to bring a site into

greater compliance with code requirements. For example, if a project which is presently paved from corner to corner requires a 20 foot green yard and the applicant removes asphalt to provide 10 feet, he/she does not need a variance for 10 feet. If the variance is granted, the project is vested for 10 feet in perpetuity and the site may never have to be brought into compliance with 20 feet. By not granting a variance, the City still maintains the ability to bring the site into greater compliance at some point in the future when it is redeveloped or renovated.

Grandfathered Uses of Structures and Premises (g)2(a)/Page 13

This section provides for objective standards to allow for the conversion of one grandfathered use to another grandfathered use. These standards do not exist presently.

Grandfathered Uses of Structures and Premises (g)3-4/Page 13

This section clarifies the City's policy on grandfathered status as it relates to multi-tenant properties. Simply stated, the entire building must become abandoned to lose legal grandfathered status.

Status of Nonconformities/Pages 14-15

This section is stricken in its entirety. It is no longer of any use.

Nonconforming and Grandfathered Use Chart/Pages 16-21

Changes to the chart fall under the "revitalization" heading. They are intended to get unused and boarded buildings reoccupied, re-used, and contributing in a positive manner to the vitality of St. Petersburg.

The Board of Adjustment, in its consideration of reinstatement applications, has suggested that this chart should be revisited. **The position of the Board is that the public interest is better served by having boarded up buildings reopened for use, activity, and tax generation. Regulations that force buildings to remain abandoned and/or boarded because the CHART states that a viable use cannot be reinstated in a certain zoning district are undesirable. All uses which do not have an adverse impact or have impacts that can be mitigated should be reinstated for use.** For many grandfathered uses, a literal application of the chart is not working. Some changes are needed to allow for expanded community revitalization opportunities.

Furthermore, the current chart is unclear for some uses and requires substantial interpretation. The proposed revisions generally:

1. Do not make any changes to the status of grandfathered uses in the single-family (RS) zoning districts. All applications for reinstatement must still be heard by the Board of Adjustment.

2. Allow the Zoning Official to reinstate other uses outside of the RS zones when the applicants can demonstrate compliance with parking requirements and bring the site into compliance with current landscaping requirements. These uses are typically limited to the reinstatement of multifamily uses in multifamily zones, and non-residential uses in non-residential zones.
3. Allow for the reinstatement of new grandfathered uses in certain zones which could not be reinstated previously.

The current City Code does not allow for the reinstatement of many uses in zoning districts where they would be appropriate and desirable. For example, a triplex cannot be reinstated in an office or commercial district, so it remains unoccupied or boarded in some neighborhoods. Other examples include: business and professional schools in office zones; office uses in multifamily zones; retirement homes in commercial and office zones; and commercial uses in industrial zones. Most of these uses, if reoccupied and re-used would be an economic asset to the City. With appropriate mitigation, all of these uses can be re-established in a manner that contributes positively to the City's revitalization.

4. Adds the grandfathered and nonconforming use provisions of the UV-1 zoning district into the chart. Presently, they are set forth only in the UV-1 district regulations, which enhances the potential for mistakes by City staff.
5. Addresses the unclear *standing* of filling stations and motor vehicle repair uses. These types of uses are presently not included in the chart. With these amendments, their standing as a nonconforming use in certain zoning districts will be made easier to understand and defend.

Reinstatement Criteria (e)/Page 30

The Board will no longer have the ability to reinstate any dwelling unit less than 375 square feet in size. Three hundred seventy-five (375) square feet is the minimum floor area for an efficiency unit under code.

Reinstatement (g)/Page 32

Many applicants for reinstatement make application even though their buildings are technically illegally occupied. They maintain tenants in the buildings while they are making application and during the period in which they are implementing the improvements required by the Board of Adjustment. Under the proposed amendment, if the applicant insists on maintaining occupancy of the building during the period in which improvements are implemented, the maximum approval/compliance period will be six (6) months. Presently, many applicants take an extended period to implement required building and code improvements while the

buildings are occupied. This causes the City and Board great concern because both bodies want for these buildings to be deemed safe for occupancy as soon as possible. This amendment will expedite the completion of required improvements so that occupied buildings are improved and made safe in a more timely manner.



HONNA
P.O. Box 76324
St. Petersburg, FL 33734
www.honna.org

August 4, 2015

Application: LDR 2015-04

Commission Members,

The Association has long considered this section of the code detrimental to the historic character and diversity of our neighborhood. Homes on multiple lots are subject to particular risk of demolition because multiple houses can be built on the individual substandard lots without variances if the original house is razed. This has become an even bigger concern since the upturn in the economy. Our neighborhood was better protected under the earlier 1973-2003 code. Having a variance requirement will help to lessen the risks of demolition under the current code.

These substandard lots can be developed even though they do not meet the minimum requirements of the NT-2 and NT-3 zoning districts like ours. This can result in houses that are not in keeping with a neighborhood's character.

If this revision is adopted, more of our housing stock is likely to be preserved. For instance, a house on two non-conforming lots would no longer necessarily be threatened by demolition if an individual had to seek approval of variances for lot width and/or area **before** demolition in order to construct two new houses.

This change will also assist in preserving diversity in our neighborhood. St. Petersburg's traditional neighborhoods like the Old Northeast are considered desirable places to live, due in large part to their wide spectrum of economic and architectural diversity. When the Old Northeast was being developed, property owners often purchased two lots or one lot and a portion of another, which created much of the housing diversity that we so appreciate today. If all of our multiple lot properties continue to be redeveloped regardless of whether they meet width and area requirements, without having to get variances, we will soon lose this diversity of lot and house size that some of our larger properties afford the neighborhood.

We support approval of this request. Furthermore, we urge that **demolition permits not be issued before variances are considered** to further protect our historic housing stock.

Sincerely,

Peter Motzenbecker
President, Historic Old Northeast Neighborhood Association

#8

**Development Board Hearing
(August 5, 2015)**

1. Introduction

- a) **Why I am here**
- b) **appraiser Q & E**
- c) **planning Q & E**

2. Impact of Amendment

- a) **land use environment being regulated [house with extra lot(s)]**
- b) **concepts - Excess vs. Surplus Lands**
- c) **hardship – grandfathering and changing the rules**

3. Florida is a Full Compensation State

- a) **Government eminent domain condemnation of property rights**
- b) **Government regulatory condemnation of property rights**
- c) **Legal counsel & expert cost recoverable directly or indirectly**

4. Statute and Case Law

- a) **regulatory confiscation of compensible property rights**
- b) **Diminution of property value caused by regulatory – Bert J. Harris Act**
- c) **Jirik case – preeminence of platted lots of record and grandfathering**

5. Requested Action

- a) **restore ordinance language that recognizes the grandfathered development rights of platted lots of record.**
- b) **Remove the temporal tax parcel number language as it has nothing to do with a platted lot.**
- c) **Restore the side yard setback requirement for legally nonconforming lots to 10% of width.**



CITY OF ST. PETERSBURG

POST OFFICE BOX 2842, ST. PETERSBURG, FLORIDA 33731-2842

WEB SITE: www.stpete.org Channel 35 WSPF-TV

TELEPHONE: 727 893-7171

April 1, 2003

Dan Richardson
111 26th Avenue Northeast
St. Petersburg, Florida 33704

RE: Property generally located at 2172 Coffee Pot Blvd. Northeast and legally described as Revised Replat of Snell & Hamlet's Northshore Addition, Block 37, Lots 7-8

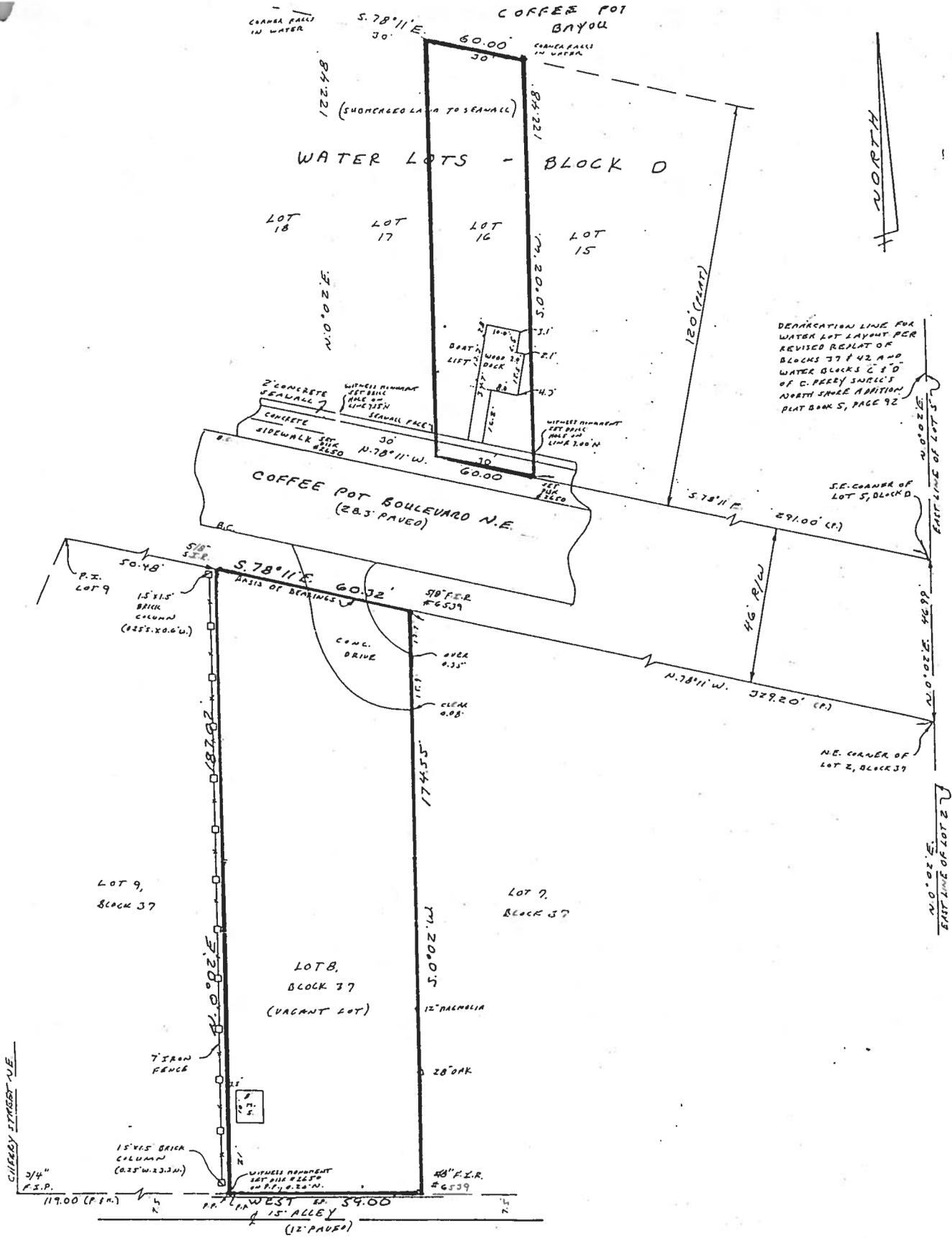
Dear Mr. Richardson:

The above-referenced property is located in the RS-100 (Residential Single-Family) zoning district. You have proposed to demolish the residence on site and build two single-family residences on each of the original two platted lots. While each of the lots does not meet the current lot size requirements of the St. Petersburg Zoning Ordinance, each lot did meet the lot size requirements at the time it was subdivided and is considered to be a buildable nonconforming lot of record. If the residence on site is demolished, the two lots of record may each have a single-family residence constructed in accordance with the RS-100 zoning district regulations.

If you have further questions, feel free to contact me at (727) 893-7881.

Sincerely,

Ted Petersen, Planner I
Development Review Services



A BOUNDARY SURVEY OF LOT 8, BLOCK 37 AND WATER LOTS 16 AND 17, BLOCK 'D', REVISED REPLAT OF C. PERRY SNELL'S NORTH SHORE ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: 60750	DAVID C. HARNER	FLOOD ZONE: "AE"
TELEPHONE: (727) 360-0636	PROFESSIONAL LAND SURVEYOR	FLOOD MAP DATE: 9/03/03
DATE OF FIELD SURVEY: 8/09/06	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125148
SCALE: 1 INCH = 30 FEET	TREASURE ISLAND, FL. 33706	PANEL NUMBER: 0217 G
DRAWN BY: DLP	SECTIONS 8 & 17 TOWNSHIP 31 SOUTH RANGE 17 EAST	CHECKED BY: DCH

CERTIFIED TO: DAN RICHARDSON

I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO FLORIDA STATUTE 472.027



CITY OF ST. PETERSBURG

POST OFFICE BOX 2842, ST. PETERSBURG, FLORIDA 33731-2842

Web Site: www.stpete.org CHANNEL 35 WSPF-TV

TELEPHONE: 727 893-7171

May 8, 2001

Dan K. Richardson
111 26th Avenue Northeast
St. Petersburg, Florida 33704

RE: Property generally located at 2196 Coffee Pot Boulevard Northeast, St. Petersburg, Florida, and legally described as Lot 10, Block 37, Snell's C. Perry North Shore Addition

Dear Mr. Richardson:

The above-referenced property is zoned RS-100, Residential Single-Family, and has a corresponding land use of Residential Urban. While this lot does not meet the current lot size requirements of the St. Petersburg Zoning Ordinance, it did meet the lot size requirements at the time it was subdivided and is considered to be a buildable nonconforming lot of record. A single family home could be constructed on-site provided that the current setbacks, parking, and height requirements of the RS-100 zoning district are met, or the applicable variances are received from the appropriate City Board.

I have enclosed a copy of the RS-100 zoning district regulations which indicate the required setbacks for this property. If you have further questions or need additional information, please contact me at (727) 893-7871.

Sincerely,

Terrill L. Brown, City Planner I
Development Review Services Division

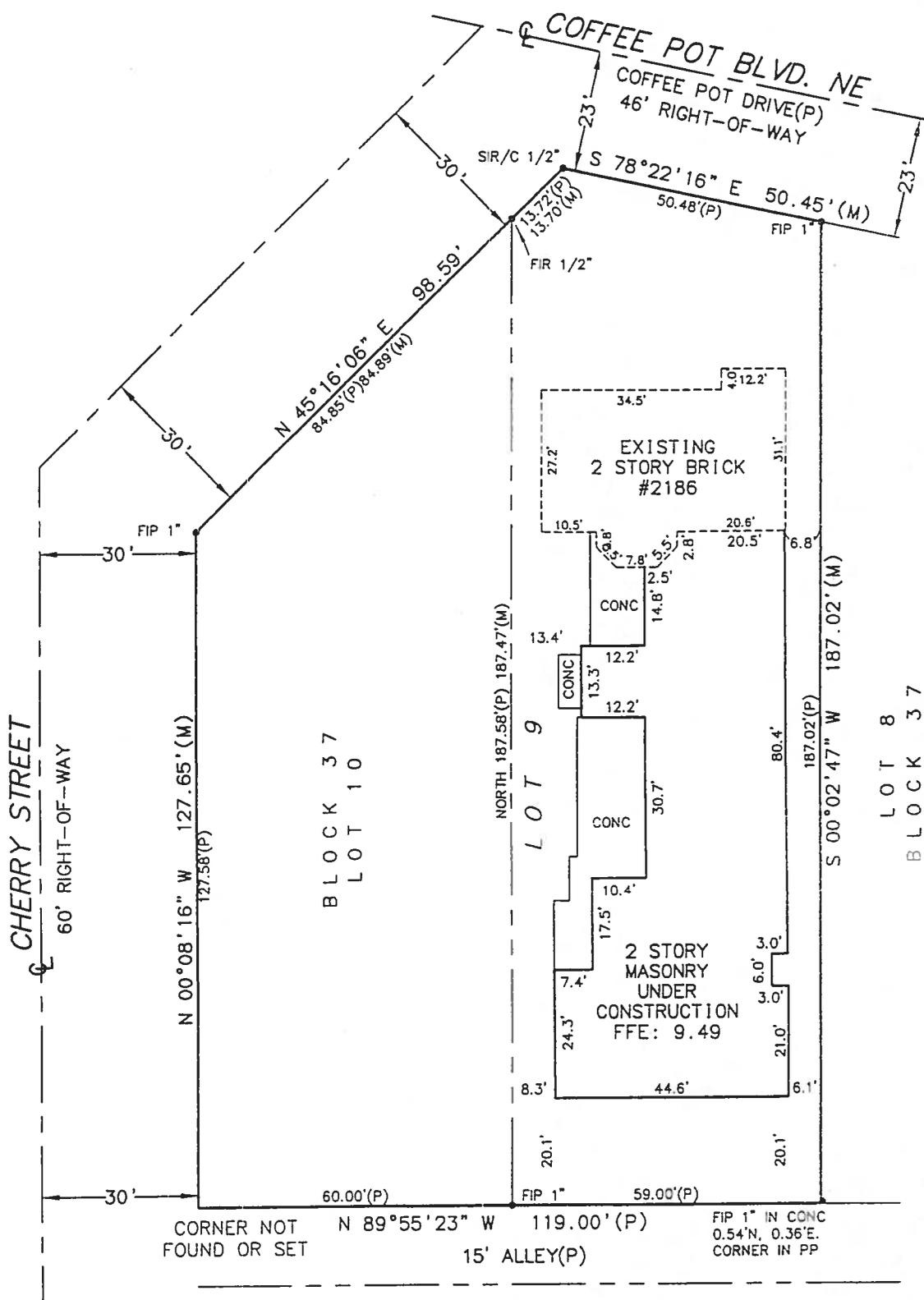
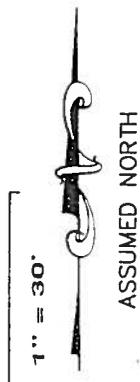
pc: John R. Hixenbaugh, AICP, Zoning Official, Development Review Services Division

SURVEYORS NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES MAY EXIST OTHER THAN AS SHOWN HEREON.
2. BASIS OF BEARING: THE SOUTHWEST LINE LOT 9, BEING NORTH. NO BEARINGS ON PLAT.
3. ELEVATIONS BASED ON NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD29).

DESCRIPTION:

A SURVEY OF LOT 9 AND 10, BLOCK "37", REVISED REPLAT OF BLOCKS 37, 38, 39 AND 42 AND WATER BLOCKS "C", "D" AND "E" OF C. PERRY SNELL'S NORTH SHORE ADDITION AS RECORDED IN PLAT BOOK 4, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

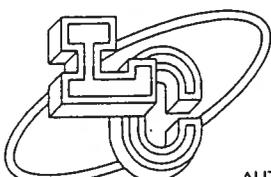


CERTIFIED TO:

Dan K. Richardson

CORNER NOT FOUND OR SET N 89°55'23" W 119.00' (P) FIP 1" IN CONC 0.54'N, 0.36'E. CORNER IN PP

SPECIAL PURPOSE SURVEY
FOUNDATION TIE-IN



LEFTCOAST SURVEYORS, INC.

LAND AND CONSTRUCTION SURVEYORS
710 94th AVENUE NO. SUITE 305 PH. (727) 576-2877
St. Petersburg, Florida 33702 FAX# (727) 576-6602

AUTHORIZATION NO. LB 7050

LEGEND:

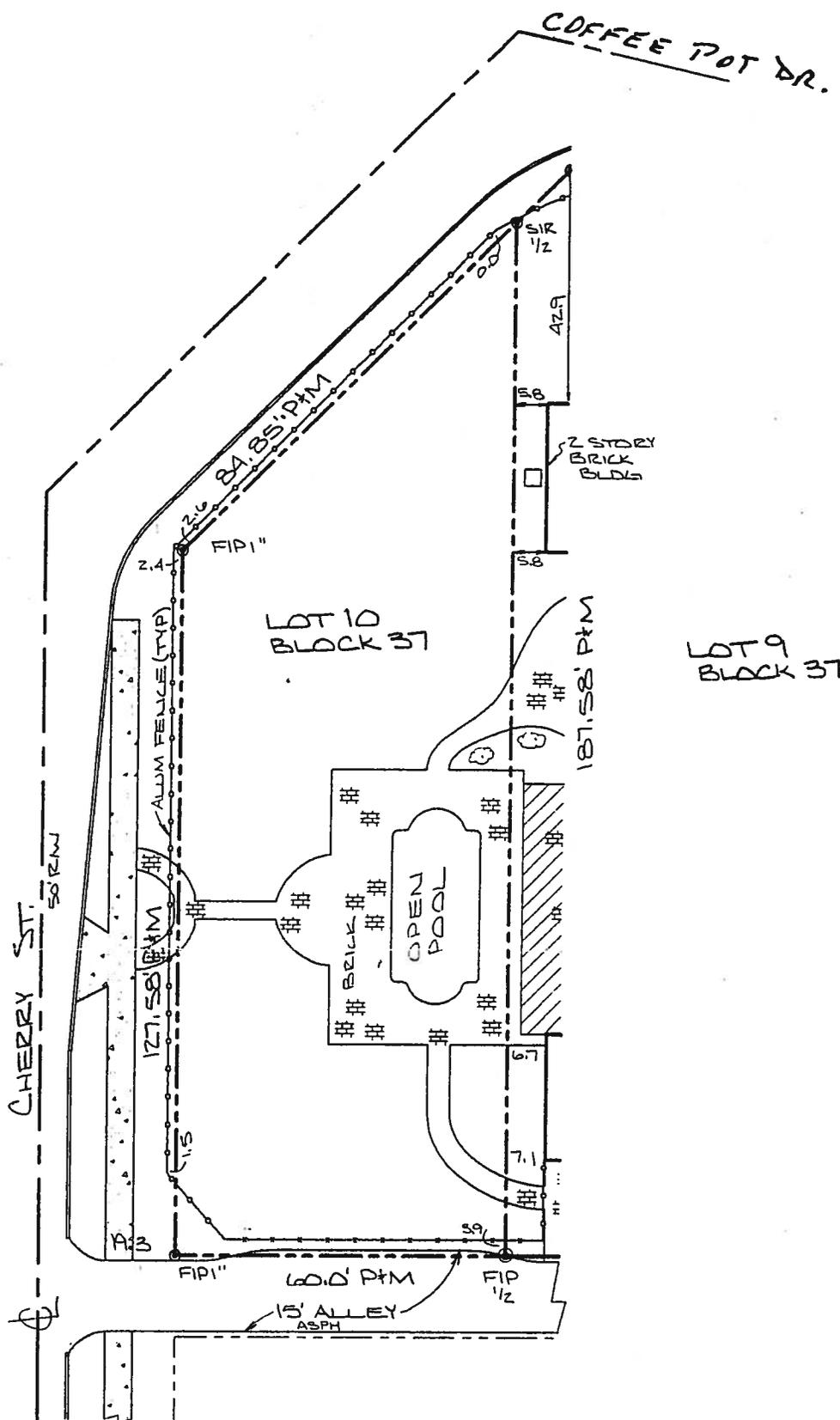
- EL = ELEVATION
- COR. = CORNER
- EP = EDGE OF PAVEMENT
- CLF = CHAIN LINK FENCE
- WF = WOOD FENCE
- LP = LIGHT POLE
- PP = POWER POLE
- CL = CENTERLINE
- CONC = CONCRETE
- FFE = FINISHED FLOOR EL
- FIP = FOUND IRON PIPE
- SIR/C = SET IRON PIPE WITH CAP #5115
- FIR = FOUND IRON PIPE
- (N) = MEASURED DIMENSION
- (P) = DIMENSION PER PLAT
- OHL = OVERHEAD LINES
- LB = LICENSED BUREAU
- CONC = CONCRETE

SURVEYED: 12/03/03	SCALE: 1" = 30'
FILE: 03-198	SURVEYED BY: MS/TH
FB. 46 PG. 70&71	DRAWN BY: DMAX
SEC. 17, TWP. 31 S., RNG. 17 E.	
DAYSTAMP	
REVISIONS:	

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

Michael A. Guiler
MICHAEL A. GUILER, P.L.S. - FLORIDA REG. No. 5107

12/5/03
DATE SIGNED



"BOUNDARY SURVEY"

LEGEND: F.I.R.=FOUND IRON ROD; F.C.I.R.= FOUND CAPPED IRON ROD; S.C.I.R.= SET CAPPED IRON ROD; F.I.P.= FOUND IRON PIPE; F.C.I.P.=FOUND CAPPED IRON PIPE; F.N.D.=FOUND NAIL & DISK; S.N.D.= SET NAIL & DISK; F.C.M.= FOUND CONCRETE MONUMENT; P.R.M.= PERMANENT REFERENCE MONUMENT; P.C.P.=PERMANENT CONTROL POINT; P.I.=POINT OF INTERSECTION; R/W = RIGHT OF WAY; ELEV.= ELEVATION; C.B.S.= CONCRETE BLOCK STRUCTURE; CONC.= CONCRETE; ASPH.= ASPHALT; PAVT.= PAVEMENT; COV.= COVERED; D= DEED; SEC.= SECTION; TWP.= TOWNSHIP; RGE.= RANGE; P-PLAT; M.= MEASURED; ESMT.= EASEMENT; R.= RADIUS; A.= ARC; C.=CHORD; C.B.= CHORD BEARING; STY.= STORY; C.L.F.= CHAIN LINK FENCE; W.F.= WOOD FENCE

A SURVEY OF LOT 10 , BLOCK "37", REVISED REPLAT OF BLOCKS 37, 38, 39 AND 42 AND WATER BLOCKS "C, "D" AND "E" OF C. PERRY SNELL'S NORTH SHORE ADDITION AS RECORDED IN PLAT BOOK 4, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

I, WILLIAM C. KEATING, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SURVEY REPRESENTED HEREON, AS MEETING THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 81G17-6 DEPT. OF PROFESSIONAL REGULATION. (NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL)

ELEVATION STATEMENT: THIS IS TO CERTIFY THAT WE HAVE OBTAINED ELEVATIONS SHOWN HEREON, OF THE ABOVE DESCRIBED LAND. THESE ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL VERTICAL DATUM, 1929, BENCHMARK SUPPLIED BY THE ENGINEERING DEPT., COUNTY, FLORIDA. FLOOD ZONE DISTINCTIONS ARE BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S MAPS ISSUED TO US. DUE TO INCONSISTENCIES FOUND IN THESE MAPS, THE ZONES ARE AN APPROXIMATE ESTIMATION TO THE BEST OF OUR ABILITY.

COMMUNITY No. 125740	PANEL No. 0015B	MAP DATE: 930-83	APPEARS TO BE IN FLOOD ZONE: A-B	BASE FLOOD ELEVATION 9.00
DRAWN BY: AC	DATE: 06/21/01	APPROVED BY: WILLIAM C. KEATING R.L.S. #1528, LB #16423		
CHECKED BY: W.K.	SCALE: 1"=30'	ALLIED SURVEYING 2118 E DREW STREET CLEARWATER, FLORIDA, 33765 727-446-1263		

Select Year: 2004

Go

The 2004 Florida Statutes

Title VI
CIVIL PRACTICE AND
PROCEDURE

Chapter 70
RELIEF FROM BURDENS ON REAL
PROPERTY RIGHTS

View Entire
Chapter

70.001 Private property rights protection.--

(1) This act may be cited as the "Bert J. Harris, Jr., Private Property Rights Protection Act." The Legislature recognizes that some laws, regulations, and ordinances of the state and political entities in the state, as applied, may inordinately burden, restrict, or limit private property rights without amounting to a taking under the State Constitution or the United States Constitution. The Legislature determines that there is an important state interest in protecting the interests of private property owners from such inordinate burdens. Therefore, it is the intent of the Legislature that, as a separate and distinct cause of action from the law of takings, the Legislature herein provides for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state, as applied, unfairly affects real property.

(2) When a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government, as provided in this section.

(3) For purposes of this section:

(a) The existence of a "vested right" is to be determined by applying the principles of equitable estoppel or substantive due process under the common law or by applying the statutory law of this state.

(b) The term "existing use" means an actual, present use or activity on the real property, including periods of inactivity which are normally associated with, or are incidental to, the nature or type of use or activity or such reasonably foreseeable, nonspeculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in the property greater than the fair market value of the actual, present use or activity on the real property.

(c) The term "governmental entity" includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority. The term does not include the United States or any of its agencies, or an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority, when exercising the powers of the United States or any of its agencies through a formal delegation of federal authority.

(d) The term "action of a governmental entity" means a specific action of a governmental entity which affects real property, including action on an application or permit.

(e) The terms "inordinate burden" or "inordinately burdened" mean that an action of one or more governmental entities has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large. The terms "inordinate burden" or "inordinately burdened" do not include temporary impacts to real property; impacts to real property occasioned by governmental abatement,

prohibition, prevention, or remediation of a public nuisance at common law or a noxious use of private property; or impacts to real property caused by an action of a governmental entity taken to grant relief to a property owner under this section.

(f) The term "property owner" means the person who holds legal title to the real property at issue. The term does not include a governmental entity.

(g) The term "real property" means land and includes any appurtenances and improvements to the land, including any other relevant real property in which the property owner had a relevant interest.

(4)(a) Not less than 180 days prior to filing an action under this section against a governmental entity, a property owner who seeks compensation under this section must present the claim in writing to the head of the governmental entity. The property owner must submit, along with the claim, a bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property. If the action of government is the culmination of a process that involves more than one governmental entity, or if a complete resolution of all relevant issues, in the view of the property owner or in the view of a governmental entity to whom a claim is presented, requires the active participation of more than one governmental entity, the property owner shall present the claim as provided in this section to each of the governmental entities.

(b) The governmental entity shall provide written notice of the claim to all parties to any administrative action that gave rise to the claim, and to owners of real property contiguous to the owner's property at the addresses listed on the most recent county tax rolls. Within 15 days after the claim being presented, the governmental entity shall report the claim in writing to the Department of Legal Affairs, and shall provide the department with the name, address, and telephone number of the employee of the governmental entity from whom additional information may be obtained about the claim during the pendency of the claim and any subsequent judicial action.

(c) During the 180-day-notice period, unless extended by agreement of the parties, the governmental entity shall make a written settlement offer to effectuate:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.
2. Increases or modifications in the density, intensity, or use of areas of development.
3. The transfer of developmental rights.
4. Land swaps or exchanges.
5. Mitigation, including payments in lieu of onsite mitigation.
6. Location on the least sensitive portion of the property.
7. Conditioning the amount of development or use permitted.
8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.
9. Issuance of the development order, a variance, special exception, or other extraordinary relief.
10. Purchase of the real property, or an interest therein, by an appropriate governmental entity.
11. No changes to the action of the governmental entity.

If the property owner accepts the settlement offer, the governmental entity may implement the settlement offer by appropriate development agreement; by issuing a variance, special exception,

or other extraordinary relief; or by other appropriate method, subject to paragraph (d).

(d)1. Whenever a governmental entity enters into a settlement agreement under this section which would have the effect of a modification, variance, or a special exception to the application of a rule, regulation, or ordinance as it would otherwise apply to the subject real property, the relief granted shall protect the public interest served by the regulations at issue and be the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

2. Whenever a governmental entity enters into a settlement agreement under this section which would have the effect of contravening the application of a statute as it would otherwise apply to the subject real property, the governmental entity and the property owner shall jointly file an action in the circuit court where the real property is located for approval of the settlement agreement by the court to ensure that the relief granted protects the public interest served by the statute at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

(5)(a) During the 180-day-notice period, unless a settlement offer is accepted by the property owner, each of the governmental entities provided notice pursuant to paragraph (4)(a) shall issue a written ripeness decision identifying the allowable uses to which the subject property may be put. The failure of the governmental entity to issue a written ripeness decision during the 180-day-notice period shall be deemed to ripen the prior action of the governmental entity, and shall operate as a ripeness decision that has been rejected by the property owner. The ripeness decision, as a matter of law, constitutes the last prerequisite to judicial review, and the matter shall be deemed ripe or final for the purposes of the judicial proceeding created by this section, notwithstanding the availability of other administrative remedies.

(b) If the property owner rejects the settlement offer and the ripeness decision of the governmental entity or entities, the property owner may file a claim for compensation in the circuit court, a copy of which shall be served contemporaneously on the head of each of the governmental entities that made a settlement offer and a ripeness decision that was rejected by the property owner. Actions under this section shall be brought only in the county where the real property is located.

(6)(a) The circuit court shall determine whether an existing use of the real property or a vested right to a specific use of the real property existed and, if so, whether, considering the settlement offer and ripeness decision, the governmental entity or entities have inordinately burdened the real property. If the actions of more than one governmental entity, considering any settlement offers and ripeness decisions, are responsible for the action that imposed the inordinate burden on the real property of the property owner, the court shall determine the percentage of responsibility each such governmental entity bears with respect to the inordinate burden. A governmental entity may take an interlocutory appeal of the court's determination that the action of the governmental entity has resulted in an inordinate burden. An interlocutory appeal does not automatically stay the proceedings; however, the court may stay the proceedings during the pendency of the interlocutory appeal. If the governmental entity does not prevail in the interlocutory appeal, the court shall award to the prevailing property owner the costs and a reasonable attorney fee incurred by the property owner in the interlocutory appeal.

(b) Following its determination of the percentage of responsibility of each governmental entity, and following the resolution of any interlocutory appeal, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the real property. The award of compensation shall be determined by calculating the difference in the fair market value of the real property, as it existed at the time of the governmental action at issue, as though the owner had the ability to attain the reasonable investment-backed expectation or was not left with uses that are unreasonable, whichever the case may be, and the fair market value of the real property, as it existed at the time of the governmental action at issue, as inordinately burdened, considering the settlement offer together with the ripeness decision, of the governmental entity or entities. In determining the award of compensation, consideration may not be given to business damages relative to any development, activity, or use that the action of the governmental entity or entities, considering the settlement offer together with the ripeness decision has restricted, limited, or prohibited. The award of

compensation shall include a reasonable award of prejudgment interest from the date the claim was presented to the governmental entity or entities as provided in subsection (4).

(c)1. In any action filed pursuant to this section, the property owner is entitled to recover reasonable costs and attorney fees incurred by the property owner, from the governmental entity or entities, according to their proportionate share as determined by the court, from the date of the filing of the circuit court action, if the property owner prevails in the action and the court determines that the settlement offer, including the ripeness decision, of the governmental entity or entities did not constitute a bona fide offer to the property owner which reasonably would have resolved the claim, based upon the knowledge available to the governmental entity or entities and the property owner during the 180-day-notice period.

2. In any action filed pursuant to this section, the governmental entity or entities are entitled to recover reasonable costs and attorney fees incurred by the governmental entity or entities from the date of the filing of the circuit court action, if the governmental entity or entities prevail in the action and the court determines that the property owner did not accept a bona fide settlement offer, including the ripeness decision, which reasonably would have resolved the claim fairly to the property owner if the settlement offer had been accepted by the property owner, based upon the knowledge available to the governmental entity or entities and the property owner during the 180-day-notice period.

3. The determination of total reasonable costs and attorney fees pursuant to this paragraph shall be made by the court and not by the jury. Any proposed settlement offer or any proposed ripeness decision, except for the final written settlement offer or the final written ripeness decision, and any negotiations or rejections in regard to the formulation either of the settlement offer or the ripeness decision, are inadmissible in the subsequent proceeding established by this section except for the purposes of the determination pursuant to this paragraph.

(d) Within 15 days after the execution of any settlement pursuant to this section, or the issuance of any judgment pursuant to this section, the governmental entity shall provide a copy of the settlement or judgment to the Department of Legal Affairs.

(7)(a) The circuit court may enter any orders necessary to effectuate the purposes of this section and to make final determinations to effectuate relief available under this section.

(b) An award or payment of compensation pursuant to this section shall operate to grant to and vest in any governmental entity by whom compensation is paid the right, title, and interest in rights of use for which the compensation has been paid, which rights may become transferable development rights to be held, sold, or otherwise disposed of by the governmental entity. When there is an award of compensation, the court shall determine the form and the recipient of the right, title, and interest, as well as the terms of their acquisition.

(8) This section does not supplant methods agreed to by the parties and lawfully available for arbitration, mediation, or other forms of alternative dispute resolution, and governmental entities are encouraged to utilize such methods to augment or facilitate the processes and actions contemplated by this section.

(9) This section provides a cause of action for governmental actions that may not rise to the level of a taking under the State Constitution or the United States Constitution. This section may not necessarily be construed under the case law regarding takings if the governmental action does not rise to the level of a taking. The provisions of this section are cumulative, and do not abrogate any other remedy lawfully available, including any remedy lawfully available for governmental actions that rise to the level of a taking. However, a governmental entity shall not be liable for compensation for an action of a governmental entity applicable to, or for the loss in value to, a subject real property more than once.

(10) This section does not apply to any actions taken by a governmental entity which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to transportation.

(11) A cause of action may not be commenced under this section if the claim is presented more than 1 year after a law or regulation is first applied by the governmental entity to the property at issue. If an owner seeks relief from the governmental action through lawfully available administrative or judicial proceedings, the time for bringing an action under this section is tolled until the conclusion of such proceedings.

(12) No cause of action exists under this section as to the application of any law enacted on or before May 11, 1995, or as to the application of any rule, regulation, or ordinance adopted, or formally noticed for adoption, on or before that date. A subsequent amendment to any such law, rule, regulation, or ordinance gives rise to a cause of action under this section only to the extent that the application of the amendatory language imposes an inordinate burden apart from the law, rule, regulation, or ordinance being amended.

(13) This section does not affect the sovereign immunity of government.

History.--s. 1, ch. 95-181.

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*1253 498 So.2d 1253

11 Fla. L. Weekly 636

DEPARTMENT OF TRANSPORTATION,
DIVISION OF ADMINISTRATION,

Petitioner,

v.

Clara E. JIRIK, Respondent.

No. 67362.

Supreme Court of Florida.

Dec. 11, 1986.

Owner of three contiguous lots brought inverse condemnation action after Department of Transportation built a retaining wall which cut off access to one of the lots. The Circuit Court, Monroe County, M. Ignatius Lester, J., determined that a taking had occurred, and department appealed. The District Court of Appeal, 471 So.2d 549, affirmed. On review for direct conflict of decisions, the Supreme Court, Barkett, J., held that: (1) vacant city property constitutes presumptively separate units for purpose of determining condemnation damages if platted into lots, and (2) substantial, competent evidence, supported conclusion that the three lots did not enjoy unity of use, and thus were separate and independent for purpose of determining inverse condemnation damages.

District Court of Appeal decision approved.

McDonald, C.J., dissented with opinion in which Ehrlich, J., concurred.

- 1. EMINENT DOMAIN ⇌ 137
 - 148 ----
 - 148II Compensation
 - 148II(C) Measure and Amount
 - 148k135 Taking Part of Tract or Property
 - 148k137 Land constituting single tract.

Fla. 1986.

Factors to be considered in determining whether property is a single tract for purpose of determining condemnation damages are physical contiguity, unity of ownership, and unity of use.

- 2. EMINENT DOMAIN ⇌ 137

- 148 ----
- 148II Compensation
- 148II(C) Measure and Amount
- 148k135 Taking Part of Tract or Property
- 148k137 Land constituting single tract.

Fla. 1986.

If land is actually occupied or in use, unity of use is the chief criterion in determining whether contiguous parcels are one unit or separate and independent for purpose of determining condemnation damages.

- 3. EMINENT DOMAIN ⇌ 200

- 148 ----
- 148III Proceedings to Take Property and Assess Compensation
- 148k199 Evidence as to Compensation
- 148k200 Presumptions and burden of proof.

Fla. 1986.

Vacant city property constitutes presumptively separate units for condemnation purposes if platted into lots; presumption of separateness is rebuttable; disapproving *Di Virgilio v. State Road Department*, 205 So.2d 317 (Fla. App. 4 Dist.).

- 4. EMINENT DOMAIN ⇌ 221

- 148 ----
- 148III Proceedings to Take Property and Assess Compensation
- 148k213 Assessment by Jury
- 148k221 Questions for jury.

[See headnote text below]

- 4. EMINENT DOMAIN ⇌ 262(4)

- 148 ----
- 148III Proceedings to Take Property and Assess Compensation
- 148k250 Appeal
- 148k262 Review
- 148k262(4) Questions of fact, verdicts, and findings.

Fla. 1986.

Question whether certain pieces or parcels of land are to be considered separate and independent for purpose of determining entitlement to condemnation damages is a question of fact, and thus, unless fact finder's determination as to unity or separateness is not supported by competent evidence or is clearly erroneous, determination should not be overturned

on appeal.

5. EMINENT DOMAIN 205

148 ----

148III Proceedings to Take Property and Assess Compensation

148k199 Evidence as to Compensation

148k205 Weight and sufficiency.

Fla. 1986.

Substantial, competent evidence supported finding of trial court that three contiguous parcels held by single owner did not enjoy unity of use, and thus should be considered separate and independent for purpose of determining inverse condemnation damages; property was divided into separate parcels as part of established subdivision plan, and of five parcels originally owned by owner, two were sold separately; parcels did not depend on one another for reasonable use, and each was of a workable size to accommodate home or small business.

*1254 Robert I. Scanlan and Franz E. Dorn, Appellate Attys., Ella Jane P. Davis, Trial Atty., and A.J. Spalla, General Counsel, Tallahassee, for petitioner.

Karl Beckmeyer, Tavernier, for respondent.

BARKETT, Justice.

We have for review *Division of Administration, State Department of Transportation v. Jirik*, 471 So.2d 549 (Fla. 3d DCA 1965), which expressly and directly conflicts with *Di Virgilio v. State Road Department*, 205 So.2d 317 (Fla. 4th DCA 1967), cert. dismissed, 211 So.2d 556 (Fla.1968). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

This matter arises from an inverse condemnation action in which respondent alleges that the state's construction of a wall along the border of her property constitutes a taking for which she is entitled to just compensation. The central issue before us is whether the trial court correctly treated respondent's property as three separate lots for purposes of determining whether a taking occurred.

Respondent Jirik owned five adjoining canal-front lots in Plantation Key, Florida. She sold one of the lots--lot five--some twenty years ago. In 1968, she entered into an agreement for a transfer of deed to lot four. Lots one, two, and three have remained

vacant. These three parcels *1255 form a compact body bounded on the north by Freelan Road, on the east by Tavernier Creek, on the south by Darny Canal, and on the west by lot four.

In 1978, the Florida Department of Transportation built a bridge over Tavernier Creek and onto Freelan Road. The retaining wall built by the department completely blocks access to and from lot one to Freelan Road, and partially obstructs access to and from lot two to the road. No part of the structure, however, actually trespasses onto any of Jirik's land. Nevertheless, access to lot one from Freelan Road is only possible by crossing lot two.

Jirik instituted inverse condemnation proceedings seeking damages for the substantial diminution in the value of lot one resulting from the loss of access to and from that lot to Freelan Road. In response, the Department of Transportation argued that lots one, two and three are a single tract for condemnation purposes, and since the retaining wall does not substantially interfere with access to the entire parcel, there has been no compensable taking. The trial court rejected the department's argument, found that the three lots were indeed separate, and concluded that although there existed no diminution of access to lot two, there had been a taking through loss of access to lot one for which compensation was owed. On appeal, the district court affirmed the trial court's ruling. We approve that decision.

[1] It is well established that government action which eliminates direct access to real property amounts to a taking for condemnation purposes. See, e.g., *State Department of Transportation v. Stubbs*, 285 So.2d 1 (Fla.1973); *City of Orlando v. Cullom*, 400 So.2d 513 (Fla. 5th DCA), review denied, 411 So.2d 381 (Fla.1981). On the facts of this case, the determination as to whether or not access has been eliminated rests solely on whether Jirik's three adjoining parcels are separate and independent or a single tract. We agree with the district court that the factors to be considered in making such a determination are physical contiguity, unity of ownership, and unity of use. See, e.g., *Mulkey v. Division of Administration, State Department of Transportation*, 448 So.2d 1062, 1065 (Fla. 2d DCA 1984); *County of Volusia v. Niles*, 445 So.2d 1043, 1047 (Fla. 5th DCA 1984). Although the three-factor test is usually applied in the context of eminent domain proceedings in which severance damages (FN1) are in dispute, we find it

equally appropriate here. The critical issue in the severance cases--whether allegedly discrete parcels are in fact one tract for purposes of determining a compensable taking--is identical to the issue in this case. (FN2)

The three factors are not inflexible but rather are working rules courts have adopted to do substantial justice. Cf. *United States v. Miller*, 317 U.S. 369, 375-76, 63 S.Ct. 276, 280-81, 87 L.Ed. 336 (1943). Thus, the respective importance of each factor depends upon the fact situation in individual cases. The factor most often controlling, however, in determining whether land is a single tract is unity of use. (FN3) *1256 *Barnes v. State Highway Commission*, 250 N.C. 378, 384, 109 S.E.2d 219, 225 (1959). See *United States v. Honolulu Plantation Co.*, 182 F.2d 172, 179 (9th Cir.), cert. denied, 340 U.S. 820, 71 S.Ct. 51, 95 L.Ed. 602 (1950); *Baetjer v. United States*, 143 F.2d 391, 395 (1st Cir.), cert. denied, 323 U.S. 772, 65 S.Ct. 131, 89 L.Ed. 618 (1944); *City of Winston-Salem v. Tickle*, 53 N.C.App. 516, 524, 281 S.E.2d 667, 671 (1981), review denied, 304 N.C. 724, 288 S.E.2d 808 (1982).

In this case, it is undisputed that the three parcels are physically contiguous and are all owned by Jirik. The parties disagree, however, as to whether the three parcels have been used separately or have been treated as a single unit. Thus, the determination of whether Jirik's land is a single tract turns on whether the land enjoyed unity of use.

There is conflicting authority as to whether a presumption should apply when determining whether the unity of use factor applies to lots, such as those in the case at bar, which although vacant, are part of an established subdivision layout. The department relies on *Di Virgilio* for the proposition that contiguous lands which are only nominally divided are presumed to be one unit "unless actually devoted to such divergent uses that they take on the character of separate properties." 205 So.2d at 320. The district court below declined to apply *Di Virgilio* and adopted the presumption first established by *Wilcox v. St. Paul & Northern Pacific Railway Co.*, 35 Minn. 439, 442, 29 N.W. 148, 150 (1886):

{[]n respect to city property, in fact unoccupied, but which appears to have been platted or divided into blocks and lots, nothing more being shown,

the property should be treated as lots or blocks, intended for use as such, and not as one entire tract. *Prima facie* that character has been given to it by the proprietor. Presumably the division or platting was with a view to the use of the property, or to its disposal and ultimate use, in such subdivisions as have been made; and if any facts exist which might be considered sufficient to rebut this presumption, they should be disclosed.

We believe petitioner's reliance on *Di Virgilio* to be misplaced. In that case, which involved portions of a tract split by a roadway, the issue was whether the roadway divested the parcel of its unitary character. There was no evidence that the parcel was platted into lots nor did the owner object to treatment of the land as one unit at the trial. The *Di Virgilio* court in fact did find a "unity of highest and best use between the tracts," and that "the enjoyment of the parcel taken was reasonably and substantially necessary to the enjoyment of the parcel left." 205 So.2d at 320. We find *Di Virgilio* inapplicable.

[2] [3] After careful review of the relevant case law, we conclude, in agreement with the district court below, that the presumption set out in *Wilcox* is sound and that it is applicable to the facts of this case. (FN4) Presumptions affecting the burden of producing evidence (FN5) are established primarily to facilitate the determination of the action. Law Revision Council Note-1976, § 90.304, Fla.Stat. (1979). They are "expressions of experience" and are "designed to dispense with unnecessary proof of facts that are likely to be true if not disputed." *Id.* As we have noted above, if the land is actually occupied or in use, the unity of the use is the chief criterion in determining *1257 whether contiguous parcels are one unit or separate and independent. When property is, in fact, unoccupied, the question of whether separate lots are one unit is more difficult. Given the complexity and formalities of modern-day city planning, we believe that a presumption of separateness as to vacant platted urban lots is reasonable and would facilitate the determination of the separateness issue in the absence of contrary evidence. As one commentator has noted, considerable time and expense is necessary to bring a modern subdivision to the platting stage. Note, *The Jirik Decision: Should Platting Raise a Presumption of Separateness in Inverse Condemnation Cases?*, 15 Stetson L.Rev. 915, 937-38 (1986). Furthermore, an owner of one or more platted lots cannot easily abandon or

disregard formally established divisions because planning boards, city commissions, and other governmental entities must approve such decisions. *Id.* at 938. Thus, the reason behind the presumption is stronger today than when the rule was first established in *Wilcox*. We therefore hold that vacant city property constitutes presumptively separate units if platted into lots. The presumption of separateness is, of course, rebuttable. Other factors relevant to unity of use, or the lack of it, have been adequately enumerated by the district court below, and do not warrant further consideration here.

[4] Turning now to the case at bar, we note that the question of whether certain pieces or parcels of land are to be considered separate and independent for the purposes of determining entitlement to damages is generally held to be a question of fact. (FN6) See *Sharp v. United States*, 191 U.S. 341, 354, 24 S.Ct. 114, 117, 48 L.Ed. 211 (1903); *United States v. 8 41 Acres of Land*, 680 F.2d 388, 393 (5th Cir.1982); *United States v. 3,276.21 Acres of Land*, 194 F.Supp. 297, 302 (S.D.Cal.1961). See generally, *The Law of Nichols' Eminent Domain* (Rev. 3d ed. 1985), § 14.26, at 14-649 to 654. Accordingly, unless the fact finder's determination as to unity or separateness is not supported by competent evidence or is clearly erroneous, that determination should not be overturned on appeal. See *8 41 Acres of Land*, 680 F.2d at 393; *Stipe v. United States*, 337 F.2d 818, 821 (10th Cir.1964).

[5] After reviewing the relevant evidence, the trier of fact below concluded that Jirik's three parcels do not enjoy a unity of use. That finding is supported in the record by substantial, competent evidence. The property was divided into separate parcels as part of an established subdivision plan. Of the five parcels originally owned by Jirik, two were sold separately. Each of the three remaining parcels faces the water on the one side, and had, prior to the erection of the retaining wall, direct access to a public road on the other. The parcels do not depend on one another for reasonable use. Each is of a workable size to accommodate a home or small business. Given the presumption of separateness and a complete lack of evidence to the contrary, the district court correctly declined to overturn the trial court's finding that the parcels are in fact separate units.

Accordingly, the district court decision upholding the trial court's findings is approved. The Fourth District's opinion in *Di Virgilio*, to the extent it conflicts with our holding herein, is disapproved.

It is so ordered.

ADKINS, BOYD, OVERTON and SHAW, JJ.,
concur.

McDONALD, C.J., dissents with an opinion, in which EHRlich, J., concurs.

McDONALD, Chief Justice, dissenting.

I agree with the conclusions and remarks made by Judge Schwartz in his dissent in *1258, the decision under review. I therefore dissent from this opinion.

EHRlich, J., concurs.

FN1. Severance damages are awarded when government condemns only a portion of a larger parcel. *Sharp v. United States*, 191 U.S. 341, 354, 24 S.Ct. 114, 117, 48 L.Ed. 211 (1903) (where the government condemns part of a parcel of land, damage to remainder is proper subject of award). Severance damages are awarded only when the part taken and the remainder are together a single parcel. *Id.* at 354-55, 24 S.Ct. at 117-18.

FN2. This is in accord with the general principle that inverse condemnation actions are governed by the same rules that apply to eminent domain proceedings. See *Breidert v. Southern Pacific Co.*, 61 Cal.2d 659, 663 n. 1, 394 P.2d 719, 721 n. 1, 39 Cal.Rptr. 903, 905 n. 1 (1964); *Lanning v. City of Monterey*, 181 Cal.App.3d 352, 226 Cal.Rptr. 258 (1986).

FN3. The significance of the use factor is in keeping with the underlying rationale for awarding severance damages, i.e., that just compensation requires that the owner be put in as good a position pecuniarily as he would have occupied if his property had not been taken. *Miller*, 317 U.S. at 373, 63 S.Ct. at 279. If two parcels are, in fact, separated and devoted to different and inconsistent uses, the taking of one parcel will do no damage to the other. If, on the other hand, there is unity of use such that the parcels are functionally one, the taking of one parcel may result in serious damages to the other. 4A Nichols, *The Law of Eminent*

Domain (Rev. 3d ed. 1985), § 14.26, 14-648 to 649.

FN4. The district court below correctly noted that there is authority in other jurisdictions specifically rejecting the *Wilcox* presumption. See, e.g., *Monongahela West Penn Public Service Co. v. Monongahela Development Co.*, 101 W.Va. 165, 132 S.E. 380 (1926); *Alabama Central Railroad Co. v. Musgrove*, 169 Ala. 424, 53 So. 1009 (1910); *State, Department of Highways v. Mouldous*, 200 So.2d 384 (La.Ct.App.), writ denied, 251 La. 36, 202 So.2d 653 (1967).

FN5. The Florida Rules of Evidence recognize two types of rebuttable presumptions, one type affecting the burden of producing evidence, and the other affecting burden of proof because it declares or implements some strong social policy. See § 90.302, Fla.Stat. (1985). We are not concerned here with the latter type.

FN6. Although the Seventh Circuit held in *United States v. 105.40 Acres of Land*, 471 F.2d 207 (7th Cir.1972), that this determination is one for the trial judge rather than the jury, the question is nonetheless a factual one.

Elizabeth Abernethy

From: George Wilsey <gfwilsey@gmail.com>
Sent: Saturday, August 01, 2015 8:12 PM
To: Elizabeth Abernethy
Subject: Re: non conforming amendment

Ms. Abernethy: Thank you for the documents. I will be out of town the next week and cannot attend the meeting, but offer these comments for consideration.

I have reviewed the minutes of the Staff 3/20/2003 report to the Planning Commission, which recommended revision of the code to recognize platted lots as lots of record. The reasons for that recommendation and the problems created by the prior code are clearly set forth.. Regretfully those problems will be revived if the proposed amendment is adopted.

I realize that the amendment is being considered because of the adverse effects of the present code on the future character of Allendale Terrace. As a long time resident of Allendale that does cause me concern. I have mixed emotions about the matter since I also am a proponent of private property rights.

However, I perceive that there are serious constitutional issues with the proposed amendment . The amendment treats the owners of platted lots in the same subdivision differently depending on how many adjoining lots they own. The owner of one lot is not affected, but the owner of two or more lots has serious limitations imposed on such owner. It would be "illegal" to transfer a "combined" lot unless all the resulting parcels conform to the present code. I doubt very much that the city has the power or authority to declare transfer of a platted lot to be illegal. Standing alone that should be clearly unconstitutional. If so the "penalty" of "no permit may be issued" likewise fails to meet muster.

This would appear to be a form of attempted taking or inverse condemnation, and the City could ultimately be responsible for the owners loss of value.

Thank you for your consideration, George F. Wilsey, 3950 11th Street North, St Petersburg Florida

From: [Elizabeth Abernethy](#)
Sent: Wednesday, July 29, 2015 2:32 PM
To: [George Wilsey](#)
Subject: RE: non conforming amendment

Here you go,
I am also sending the DRC agenda,

Thanks!
--Liz

From: George Wilsey [mailto:gfwilsey@gmail.com]
Sent: Thursday, July 23, 2015 12:17 PM
To: Elizabeth Abernethy
Subject: non conforming amendment

Elizabeth Abernethy

From: Lee Burgess <lhb49@icloud.com>
Sent: Friday, July 31, 2015 11:59 AM
To: Elizabeth Abernethy
Subject: Proposed Amendment to Nonconforming Lot Section

Dear Ms. Abernethy,
I oppose the above proposed amendment for the following reasons:

1. The amendment is anti-development.
2. The amendment serves the interest of only a few property owners.
3. The amendment appears to violate the property protections afforded by the Fifth Amendment of the United States Constitution.

Sincerely,
Mary Lee Hood Burgess, Trustee
Helen W. Hood Revocable Trust
942 40th Ave N
St. Petersburg, FL 33703

Elizabeth Abernethy

From: Thomas Burgess <tburgess4@me.com>
Sent: Monday, August 03, 2015 2:59 PM
To: Elizabeth Abernethy
Subject: Proposed Amendment to Nonconforming Lot Section

Dear Ms. Abernethy, I am writing to voice my opposition to this amendment. I feel this kind of city wide change should not be made without at least major feedback from the people it most affects which are the citizens. If this had not been brought to my attention I may have never had a chance to voice my opposition until it was too late. I recently attended a party at a home in Snell Isle that knocked my socks off. It sits on a 70 foot lot. Another home I have greatly admired for years on Coffee Pot Blvd sits on a 50 foot lot. The size of the lot does not make the neighborhood. The quality of the homes does. These two homes are perfect examples of this. I hope everyone involved in this decision will take a look at the many outstanding homes throughout the city that have been built on non conforming lots.

Thomas and Stephanie Burgess
1001 40th Ave N

Sent from my iPhone

iSeries Timekeeper: City Of St. Petersburg Florida
PUNCH DETAIL REPORT
7/27/15 THRU 8/09/15

DAY	DATE	ROUNDED		ACTUAL		DAILY NOTES	SCHEDULED		PAY CODE	HOURS	AP	Department	TOTAL HOURS
		IN	OUT	IN	OUT								
FRI	7/31/15	730A	430P	730A	430P	A	730A	430P		8.00	1	3701553	40.00
MON	8/03/15	730A	430P	730A	430P	A	730A	430P		8.00	1	3701553	48.00
TUE	8/04/15	730A	430P	730A	430P	A	730A	430P		8.00	1	3701553	56.00
WED	8/05/15	730A	430P	730A	430P	A	730A	430P		8.00	1	3701553	64.00
THU	8/06/15	730A	430P	730A	430P	A	730A	430P		8.00	1	3701553	72.00
FRI	8/07/15	730A	430P	730A	430P	A	730A	430P		8.00	1	3701553	80.00
TOT HRS: 80.00 WORKED 79.00 NON-WORKED 1.00 PAID 80.00 NON-PAID .00 ADJUST HOURS BY PAY CODE REGULAR HOURS 79.00 VACATION 1.00													

EMPLOYEE:	29148	Zito, Charles J Jr	PAY PERIOD RULE:		BB	W	OT	NO	COMP	HOURS	AP	Department	TOTAL HOURS
			B0	400P									
MON	7/27/15	700A	400P	700A	400P					8.00	1	3701553	8.00
TUE	7/28/15	700A	400P	700A	400P					8.00	1	3701553	16.00
WED	7/29/15	700A	400P	700A	400P					8.00	1	3701553	24.00
THU	7/30/15	700A	400P	700A	400P					8.00	1	3701553	32.00
FRI	7/31/15	700A	400P	700A	400P					8.00	1	3701553	40.00
SAT	8/01/15		TRANS	1200A					104	5.00	1	3701553	45.00
MON	8/03/15	700A	400P	700A	400P					8.00	1	3701553	53.00
TUE	8/04/15	700A	400P	700A	400P					8.00	1	3701553	61.00
WED	8/05/15		TRANS	1200A					001	.50	1	3701553	61.50
REPLACES ANNUAL LEAVE ON 8/7													
WED	8/05/15	700A	400P	700A	400P					8.00	1	3701553	69.50
THU	8/06/15	700A	400P	700A	400P					8.00	1	3701553	77.50
FRI	8/07/15		TRANS	700A					020	2.50	1	3701553	80.00
OVER TIME REPLACES ANNUAL LEAVE FOR 8/7													
SAT	8/08/15		TRANS	1200A					001	5.00	1	3701553	85.00
REPLACES ANNUAL LEAVE ON 8/7													
TOT HRS: 85.00 WORKED 82.50 NON-WORKED 2.50 PAID 85.00 NON-PAID .00 ADJUST HOURS BY PAY CODE REGULAR HOURS 82.50 OVER TIME 2.50 VACATION 5.00													

** FINAL TOTALS
 TOT HRS: 3251.50 WORKED 2860.25 NON-WORKED 391.25 PAID 3251.50 NON-PAID .00 ADJUST \$412.74
 HOURS BY PAY CODE REGULAR HOURS 2855.25 SICK LV- LT 97.50 VACATION 254.25 UNSCHED P LV 15.50
 HOURS BY PAY CODE FAM LV-EXT ILL 8.00 COMP TIME TAKE 16.00 OVER TIME 5.00
 ADJ BY PAY CODE Safety Shoes \$109.13 CITY VEHICLE \$264.00 Mileage \$39.61

Elizabeth Abernethy

From: Thomas Burgess <tpb48@me.com>
Sent: Friday, July 31, 2015 10:42 AM
To: Elizabeth Abernethy
Subject: Re: Proposed Amendment to Nonconforming Lot Section

I oppose the above proposed amendment for the following reasons:

1. The amendment is anti development.
2. The amendment serves the interest of only a few property owners.
3. The amendment appears to violate the property protections afforded by the Fifth Amendment of the US Constitution.

Thomas P Burgess
960 40th Avenue N
St. Petersburg, FL 33703

On Jul 29, 2015, at 2:43 PM, Elizabeth Abernethy wrote:

Please find attached the proposed code amendment affecting nonconforming lots
I thought you might be interested in this item

Feel free to pass along to anyone else you think would be interested,

Regards,
Elizabeth Abernethy, AICP
Zoning Official, Development Review Services Manager
Planning & Economic Development Department
City of St. Petersburg
P.O. Box 2842, St. Petersburg, FL 33731
727-892-5344 / Fax: 727-892-5557
Elizabeth.Abernethy@stpete.org

Please note all emails are subject to public records law.

Your Sunshine City

<LDR 2015-04.pdf><August 2015 DRC Agenda FINAL.pdf>

REVISED
AUG 26 2015

ST. PETERSBURG CITY COUNCIL

Meeting of September 3, 2015

TO: The Honorable Charles W. Gerdes, Esq., Chair, and Members of City Council
FROM: Elizabeth Abernethy, Zoning Official
DATE: August 24, 2015
SUBJECT: September 03, 2015, City Council Meeting, Agenda Item F.3, Revised Ordinance, City File LDR-2015-04

Please find attached, a revised Ordinance that amends the Land Development Regulations related to nonconforming lots. The Ordinance was modified after incorporation of edits proposed by the public.

The previously submitted ordinance should be disregarded.

Attachment: revised Ordinance LDR-2015-04

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY OF ST. PETERSBURG LAND DEVELOPMENT REGULATIONS; AMENDING THE REQUIREMENTS FOR DIVISION OF NONCONFORMING LOTS HELD IN COMMON OWNERSHIP; ADDING A DEFINITION FOR BUILDABLE LOT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Section 16.60.030.2. of the St. Petersburg City Code is hereby amended to read as follows:

16.60.030.2. – Nonconforming lots.

- A. *Single-family districts.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory structures may be erected on any lot of record, except as provided herein, so long as it complies with the other regulations for the district in which such lot is located. This provision applies even though such lot fails to meet the requirements for area or width, or both, that generally apply to the district.
- B. *Nonconforming lots in common ownership.* When the City's property card, property deeds or the county's tax parcel identification number indicates that a parcel of property that has defined boundaries, and is or becomes under common ownership on or after the date of adoption this ordinance (September 17, 2015), and consists of more than one lot of record, and one or more of such lots is undeveloped the parcel is not divisible into separate buildable ~~subparcels~~ lots unless:
1. Each existing structure meets the current requirements for setbacks from the boundary lines of the lot of record upon which the structure is located and from the boundary lines of the ~~subparcels~~ buildable lot to be created, or a variance from such requirements has been approved ~~prior to the division of the parcel into subparcels~~; and
 2. ~~No lots of record shall be divided, nor shall a portion of a lot of record be combined with other lots or portions of lots, unless~~ All of the resulting parcels of property meet the current minimum lot area and dimensional requirements of the zoning district or ~~obtain~~ a variance from such requirements has been approved.

The division of combined lots of record which creates a substandard lot or setback causes each lot of record formerly under common ownership to be a violation of this chapter. No development permits shall be issued for any of the affected lots of record until the

violation is corrected. A variance to lot area and/or dimensional regulations must be obtained for each nonconforming lot of record formerly under common ownership subject to this section before an affirmative buildable lot determination can be made by the POD.

- C. *Lots without subdivision improvements.* For any nonconforming or conforming lot, whether platted or unplatted, no development permit shall be issued unless public improvements have been provided to service the lot in accordance with the subdivision section.

Section Two. Section 16.90.020.3. of the St. Petersburg City Code is hereby amended to add a definition for 'buildable lot,' which should be placed in the appropriate alphabetical location, to read as follows:

Buildable lot means a parcel of land which meets the requirements of this chapter and for which a development permit may be granted.

Section Three. Coding: As used in this ordinance, language appearing in ~~struck-through~~ type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

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

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

APPROVED AS TO FORM AND CONTENT:



CITY ATTORNEY (designee)



CITY COUNCIL

Meeting of September 3, 2015

-
- TO:** The Honorable Charles W. Gerdes, Esq., Chair, and Members of City Council
- SUBJECT:** **City File LDR-2015-05:** Amending St. Petersburg City Code, Chapter 16, Land Development Regulations ("LDRs"), Tree Protection and Landscaping Requirements.
- REQUEST:** First reading of the attached ordinance amending the LDRs making regulatory changes, making clarifications, and improving consistency with state and local law.

BACKGROUND AND ANALYSIS: Council Member Steve Kornell submitted, and the City Council subsequently referred to the Public Service and Infrastructure Committee ("PS&I"), a request to review possible ordinance changes and process adjustments concerning tree protection. Staff initially presented a general overview of the existing regulations and potential amendment discussions to the PS&I Committee on May 8, 2014 and later presented a draft proposed ordinance to the PS&I Committee on September 25, 2014. Concurrent meetings with a community advocate group also took place on April 25, May 30, and October 17, 2014 to discuss potential amendments of the City's tree protection ordinance. It was decided to approach the amendment efforts in two phases and this application pertains to the second phase. The first phase was related to the permitting and regulation of tree removals and landscaping on single-family or two unit residential properties. The first phase ordinance was adopted on December 18, 2014.

For the second phase, the working group continued monthly meetings through June 10, 2015, culminating in the proposed amendments presented today. A workshop was held to present these second phase amendments with the Development Review Commission (DRC) on July 1, 2015, and comments were incorporated into the draft ordinance. The proposed amendments were presented to the Public Services and Infrastructure (PS&I) Committee on July 16, 2015. No changes were made from PS&I. The DRC public hearing was held on August 5, 2015. DRC comments included the following: Commissioner Scherer was generally concerned that changes are over reaching; he does not agree with the change to palms, from only protecting Royal Palms and Sabal/Cabbage Palms to protecting all native palms. He recommended that we do not make this change. In response, there are two additional palms that are not currently protected that would be expected to be protected as a result of this change, the Paurotis palm and the Florida Thatch Palm.

Chairman Charles Flynt recommended that the requirement for a permit for trimming grand trees be removed, and that a requirement be added to require that only a certified arborist be allowed to trim grand trees. Staff does not currently support this amendment, as we have not had any

negative feedback regarding this new requirement adopted last December. Since December, staff has issued 10 grand tree trimming permits and 14 grand tree removal permits.

These amendments can be generally described as follows:

- Levels the playing field with our neighboring jurisdictions and provides greater flexibility
- Combines the two code sections that address tree protection and landscape standards into one section, to improve clarity and usability
- Provides for general updates to improve clarity and consistency of our code
- Modifies code to incentivize protection of existing protected trees
- Extends “Grand” tree standards to all properties
- Establishes a “Signature Tree” category to provide protection for certain non-native species including Kapok, Banyan, Jacaranda and Royal Poinciana
- Limits the number of palms trees that can be substituted for shade trees, to provide increase in tree canopy and shade
- Requires removal of prohibited trees at time of development or redevelopment

The attached summary chart and ordinance provides detailed information related to the proposed changes.

RECOMMENDATION:

Administration:

The Administration recommends APPROVAL.

Development Review Commission:

On August 5, 2015, the DRC reviewed the attached ordinance and unanimously voted to recommend APPROVAL, based on consistency with the Comprehensive Plan.

Citizen Input:

As of this writing of this report, no comments have been received. As previously noted, these amendments were drafted in conjunction with a stakeholder group over through monthly meetings which commenced last October.

Recommended City Council Action:

1. CONDUCT the first reading and public hearing of the proposed ordinance; and
2. SET the second reading and adoption public hearing for September 17, 2015.

ATTACHMENTS:

1. LDR 2015-05 – Tree Preservation and Landscape Code Amendments Summary Table
2. Ordinance
3. DRC Staff Report



LDR 2015-05 – TREE PRESERVATION AND LANDSCAPE CODE AMENDMENTS

Summary Table

CURRENT SECTION NO.	SECTION TITLE	COMPLEXITY	DESCRIPTION
1	16.40.060 AND 16.40.150 <i>Tree and Mangrove Protection and Landscaping and Irrigation</i>	Clarification	Problem Statement: Section 16.40.060 Tree and Mangrove Protection and Section 16.40.150 Landscape and Irrigation both address tree and landscape regulations. These sections need to be combined or need to be sequential. Requested Action: Combine these sections, less confusing to have these two sections of code together. Pre-2007 code, these were in the same section.
2	16.40.060.1.1 <i>Purpose</i>	Clarification	Problem Statement: Purpose statement needs updating to reflect current policy regarding tree preservation and landscape objectives. Requested Action: Update purpose statement to include additional objectives.
3	16.40.060.1.2 <i>Interpretations & Definitions</i>	Clarification	Problem Statement: Certain terms need definitions Requested Action: Add definitions section for clarity
4	16.40.060.2.1 <i>Landscaping</i>	Clarification	Problem Statement: No purpose statement Requested Action: Add statement
5	16.40.060.1.3 <i>Groundcover Incentives Development and redevelopment of properties</i>	Consistency Improvement	Problem Statement: Code regulations generally fall into two categories: 1. one- and two-unit residential properties and 2. All other properties. Current language is not consistent on how these two categories are referred to Requested Action: Amend all Sections: to refer to either "one- and two-unit residential properties" or "non-residential properties and multifamily properties greater than two units"
6	16.40.060.1.3.B.1. <i>Groundcover Incentives</i>	Regulatory Change	Problem Statement: Allows for waiver of a shade tree if no St. Augustine grass is planted; rarely used provision of code and counters the desire to increase shade Requested Action: Eliminate waiver
7	16.40.060.2.1.1. <i>Development and redevelopment of new one- and two-unit residential properties</i>	Regulatory Change and Clarification	Problem Statement: Code allows either shade or understory trees on residential properties. The list of trees includes only understory trees. There is a desire to increase the overall canopy, and shade trees are preferred. Requested Action: Add language to require two shade trees unless there are site constraints warrant substitution for understory trees. Delete list of understory trees from this section of code
8	16.40.060.2.1.3. <i>Development and redevelopment of new one- and two-unit residential properties</i>	Regulatory Change	Problem Statement: Code change in December added additional tree and hedge requirements for larger lots. Additional hedges are not needed. Requested Action: Delete additional hedges
9	16.40.060.2.1.4.C. <i>Additional requirements for one- and two-unit residential properties Ground Cover</i>	Regulatory Change	Problem Statement: Height limit of ground cover in rights-of-way is too restrictive Requested Action: increase allowable height of ground cover in rights-of-way from 12" to 24"
10	16.40.060.2.1.4.D. <i>Additional requirements for one- and two-unit residential properties Mulch</i>	Regulatory Change	Problem Statement: Discourage use of cypress mulch, not a sustainable material; amount of landscaping required within mulch areas is not sufficient Requested Action: Add language to discourage cypress mulch, increase planting in mulch areas from one plant per 50 square feet to one per 10 square feet
11	16.40.060.2.1.4.G <i>Additional requirements Screening of Equipment</i>	Clarification	Problem Statement: Code isn't clear that screening is required for one and two unit properties Requested Action: Add screening requirements
12	16.40.060.2.1.4.H. <i>Additional requirements Tripping hazards</i>	Clarification	Problem Statement: Certain objects in the right-of-way are tripping hazards Requested Action: Prohibit objects within four feet of the curb or road edge

13	16.40.060.2.1.1. And other sections	Appeal Process	Clarification	<p>Problem Statement: Clarify appeal process throughout</p> <p>Requested Action: Add additional language: The POD's design... may be appealed by the property owner to the DRC, whose decision shall be deemed the final decision of the City</p> <p>Problem Statement: Code is not clear that alteration of any existing landscaping requires a permit. We want to make sure that landscaping material isn't removed if it is required landscaping under current code, thereby creating a nonconforming condition. For example, a site that was developed under a previous code, or even before there was a landscape code, should not be able to remove existing landscaping and trees if that landscaping and the trees are necessary to meet the current code. It needs to be clear.</p> <p>Requested Action: Add following: For purposes of this section, alteration shall mean any modification to existing landscaping which was required as part of a previously approved landscape plan or is necessary to meet the minimum standards of this code.</p> <p>Problem Statement: Current code requires 3 shade trees per 50 linear feet, which is excessive for a 10 or 20-foot wide planting area; previous code required 50-foot wide planting area</p> <p>Requested Action: Reduce to 1 shade tree and 1 understory tree every 30 linear feet for more appropriate spacing of trees</p>
14	16.40.060.2.1.1.	Development and redevelopment of non-residential properties and multifamily properties greater than two units Landscape permit required.	Clarification	<p>Problem Statement: Provide greater flexibility in regulating landscape requirements</p> <p>Requested Action: Add additional language: The POD may allow the interior green yards to vary in width if additional green yards are expanded to provide the equivalent square footage of green yards on the site.</p>
15	16.40.060.2.1.1.	Green yard, exterior Minimum number of trees in EC	Regulatory Change	<p>Problem Statement: Current requirement is excessive and language requiring planting to about building leads to maintenance issues</p> <p>Requested Action: Reduce number of plants from one per linear foot to one per three linear feet. Clarify that planting needs to leave space for growth.</p>
16	16.40.060.2.1.2.	Green yard, interior	Regulatory Change	<p>Problem Statement: Requirement for 4-foot high screening for vehicle headlights is excessive and may be counter to CPTED principles</p> <p>Requested Action: Modify from 4-feet to 3-feet</p>
17	16.40.060.2.1.1.	Foundation Landscaping	Regulatory Change	<p>Problem Statement: Increase incentives for preservation of protected and grand trees; Island width is insufficient to accommodate maturation of trees</p> <p>Requested Action: Allow POD to reduce certain landscape code provisions in return for preservation of protected and grand trees; Increase minimum island from 5-feet to 8-feet</p>
18	16.40.060.2.1.1.	Vehicular use landscaping/screening requirements	Clarification	<p>Problem Statement: Code does not require more than one species to be planted. Planting of more than one species prevents monoculture, reduces disease</p> <p>Requested Action: Add new section requiring use more than one species of tree, ratio based on number of trees</p>
19	16.40.060.2.1.1.	Interior parking lot landscaping. Terminal Islands Interior Islands	Regulatory Change	<p>Problem Statement: Placement of trees can conflict with signage and utilities as trees mature</p> <p>Recommended Action: Add language about tree placement with respect to signs and utilities to prevent future conflicts</p>
20	16.40.060.2.1.1.	Minimum number of shade and understory tree species	Regulatory Change	<p>Problem Statement: Current code does not provide for Low Impact Development (LID) landscaping plan option</p> <p>Requested Action: Add new section to provide option for landscape plan that is part of a Low Impact Development design</p>
21	16.40.060.2.1.1.	Tree Placement	Clarification	<p>Problem Statement: Specification for hedge every four feet is insufficient to provide desired opaque screening buffer</p> <p>Requested Action: Increase planting from every four feet to three feet</p>
22	16.40.060.2.1.1.	Low Impact Development (LID)	Regulatory Change	<p>Problem Statement: Site constraints can limit the use of landscaping for screening</p> <p>Requested Action: Allow use of decorative architectural feature in lieu of landscaping. Specify that plants must be 3-feet from such structures</p>
23	16.40.060.2.1.1.	Landscaping adjacent to fences, walls or dumpsters	Regulatory Change	<p>Problem Statement: No incentive to save larger trees</p> <p>Requested Action: Add language to give additional credits for saving larger trees and add language requiring staff to evaluation condition of trees to be preserved</p>
24	16.40.060.2.1.1.	Landscaping adjacent to mechanical equipment	Regulatory Change	<p>Problem Statement: Code does not specify that a barricade detail needs to be shown on plans</p> <p>Requested Action: Add language</p>
25	16.40.060.2.1.1	Specimen Trees	Regulatory Change	<p>Problem Statement: Precludes any planting in an utility easement</p>
26	16.40.060.2.1.1	Specimen Trees	Clarification	
27	16.40.060.2.1.5	Utilities	Clarification	

				Requested Action: Modify to specify no planting within 10-feet of overhead line
28	16.40.060.2.1.6.	Landscape specifications	Clarification	Problem Statement: Plant lists do not reflect current technical standards Requested Action: All lists updated in accordance with current technical standards, as published by University of Florida/Institute for Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department
29	16.40.060.2.1.6.	Landscape specifications Trees: Palm	Regulatory Change	Problem Statement: No limit on substitution of palm trees for shade trees; code objective is to provide shade for parking areas Requested Action: Provide for a limit for substitution adjacent to parking areas, of no more than 50%
30	16.40.060.2.1.6.	Landscape specifications Trees: Exempt	Regulatory Change and Clarification	Problem Statement: "Exempt" can be a confusing term; Certain exempt trees should be reclassified as prohibited Requested Action: Change "Exempt" to "Unprotected"; re-designate certain species as prohibited
31	16.40.060.2.1.6.	Landscape specifications Trees: Prohibited	Regulatory Change and Clarification	Problem Statement: Code does not require removal of nuisance trees and certain additional species need to be added to the list Requested Action: Add certain species to list of nuisance trees and require removal of trees at time of development or redevelopment which triggers compliance with landscaping
32	16.40.060.2.1.7	Variances from required landscaping	Regulatory Change	Problem Statement: Code does not have a provision to allow substitution of larger size trees for smaller trees on a proportionate basis Requested Action: Add language
33	16.40.060.2.1.7	Variances from required landscaping	Regulatory Change	Problem Statement: Add incentives for preservation of existing protected or grand trees Requested Action: Add language allowing variances for preservation of existing protected or grand trees
34	16.40.060.2.1.7	Variances from required landscaping	Regulatory Change	Problem Statement: Code allows substitution of site amenities for landscaping; this does not further the purpose of this code section Requested Action: Modify language to allow payment in lieu of on-site planting
35	16.40.060.2.2.	Irrigation	Regulatory Change	Problem Statement: Code does not have provision for irrigation plan related to LID design Requested Action: Modify language to waive requirement for permanent irrigation system related to LID design
36	16.40.060.3.1	Maintenance of trees and vegetation for all properties within the City.	Clarification	Problem Statement: Code does not reflect current Best Practices Requested Action: Modify language regarding staking and limiting limbing from 1/3 to 25%
37	16.40.150.2	Tree Protection Grand Trees	Regulatory Change and Clarification	Problem Statement: Phase 1 of the updates to the Tree Preservation requirements adopted in December 2014 addressed Grand Trees for one and two unit residential properties; Code is not clear on standards for removal for safety hazard to a structure vs. condition of the tree Requested Action: Combine sections to extend the Grand tree protection to all properties; clarify standards for removal
38	16.40.150.2	Tree Protection Signature Trees	Regulatory Change	Problem Statement: There is no provision to protect or recognize Requested Action: Establish a new category of tree protection for Signature Trees, to include banyan trees, kapok trees that are 30" in diameter or greater and Jacaranda trees and Royal Poinciana trees that are 8" in diameter or greater. This affords a level of protection and allows staff to recognize existing trees as meeting minimum planting requirements for a property
39	16.40.150.2.1	Tree Protection Palm Trees	Regulatory Change	Problem Statement: Code currently protects royal palms and sabal palms Requested Action: Extend protection to all native palms trees, with four feet or more minimum clear trunk, as measured from lowest green frond to ground level
40	16.40.150.2 and 16.40.060.2.1.1.B. 1	Identification of trees on plans	Clarification	Problem Statement: Clarifies current policy requiring development plans to identify trees Requested Action: Add language specifying that plans identify all existing Protected, Grand and Signature trees on all plans for development on the subject site and within 10-feet of the subject site, by size and species
41	16.40.150.2	Tree Protection Licensed professionals involved in Grand trees	Clarification	Problem Statement: Licensed landscape architect are not specified Requested Action: Amend Sections to allow licensed landscape architects in addition to licensed architects and engineers
42	16.40.150.2.5.	Relocation of Existing Trees	Regulatory Change	Problem Statement: Code does not specify that trees can be relocated. Many neighboring jurisdictions have such provisions. Requested Action: Add new Section to allow and regulate relocation of existing trees

AN ORDINANCE AMENDING SECTIONS 16.40.060 AND 16.40.150 OF THE ST. PETERSBURG CITY CODE; PROVIDING AMENDMENTS TO THE PURPOSE, DEFINITIONS, REQUIREMENTS FOR NEW AND EXISTING ONE AND TWO FAMILY RESIDENTIAL UNITS, NON-RESIDENTIAL AND MULTIFAMILY PROPERTIES, INCENTIVES, LANDSCAPE MATERIAL AND IRRIGATION REQUIREMENTS; REQUIRING A MINIMUM NUMBER OF TREES AND OTHER VEGETATION; PROVIDING FOR ADMINISTRATIVE MODIFICATION; AMENDING THE TREE PROTECTION SECTIONS TO PROVIDE GREATER PROTECTION FOR TREES, INCLUDING CREATING CLASSIFICATIONS FOR GRAND, SIGNATURE AND SPECIMEN TREES; REQUIRING ADDITIONAL PERMITS FOR REMOVING AND TRIMMING CERTAIN TREES; PROVIDING FOR RELOCATION OF TREES; AMENDING THE LISTS OF APPROVED AND PROHIBITED VEGETATION; PROVIDING FOR VARIANCES AND APPEALS; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section 1. Sections 16.40.060 through 16.40.060.3.2 of the St. Petersburg City Code are hereby amended to read as follows:

Section 16.40.060. – Landscaping and Irrigation; Tree Protection.

16.40.060.1.1. Purpose.

The purpose of this section is to improve the appearance, environment, character and value of the total urban area within the City by protecting, promoting and maintaining a healthy, diverse and mature canopy of native and naturalized hardwood and evergreen tree species and by requiring ~~vegetation~~ and the installation and maintenance of vegetation on ~~private property~~ in a manner which conserves water.

Implementation of these requirements reduces water consumption, ~~reduces~~ stormwater runoff, ~~reduces~~ impervious surface area, 'heat island' effects, paved surfaces, vehicular use areas and the visual impact of large building masses; increases the urban canopy, improves environmental and water quality, provides a more pedestrian friendly environment, and enhances the overall aesthetic appearance and value of the City, thereby promoting the public health, safety and general welfare. Water conservation shall be achieved by the selection of appropriate plant materials, the removal of nuisance and invasive vegetation, the use of water-efficient landscaping and irrigation systems, the use of Low Impact Development landscape designs and appropriate maintenance.

It is also the intention of this section to encourage the design and use of plant materials which reduce watering requirements, for example, with less St. Augustine sod turf and with more planting beds of drought tolerant plant materials and drought-tolerant turf. To that end, this section provides incentives for increasing the use of drought tolerant sod turf or planting beds and decreasing the use of St. Augustine sod turf.

16.40.060.1.2. Interpretations and definitions.

For the purposes of this section only:

'Multifamily' is defined in the Use Permissions and Parking Matrix.

'Non-residential' shall mean any use other than multifamily and one and two unit residential properties.

'Landscaping', 'landscape' and 'landscape materials' shall include any kind of vegetation and shall be used interchangeably unless the context clearly contemplates otherwise.

'Streetscape plan' shall mean a plan approved by the POD for the right of way of an area of the City.

All landscape materials shall comply with the visibility at intersection requirements.

16.40.060.1.3. – Ground Cover Incentives.

A. ~~Commercial~~ Non-residential, multifamily and residential construction permit applications ~~approved after June 18, 2009~~, are eligible for a partial refund of the permit fees if the landscaping as installed does not include any St. Augustine sod turf.

1. For new one and two unit ~~family~~ residential construction, the City will refund \$150.00 of the permit fee paid.

2. For ~~commercial~~ non-residential and multifamily ~~residential~~ construction, the City will refund \$300.00 of the permit fee paid.

3. The determination of the eligibility for the refund shall be made upon the final inspection by the City.

B. ~~Commercial~~ Non-residential and multifamily ~~residential~~ construction permit applications ~~received after June 18, 2009~~, are eligible for a waiver of the following landscape requirements if the landscape plan does not include any St. Augustine sod turf. A condition of the permit approval shall be that St. Augustine sod turf shall not be planted, or allowed to grow, on the permitted property.

~~1. For new one and two unit family residential construction, one of the required shade trees shall be waived.~~

~~2. For commercial non-residential or multifamily residential construction, one required interior landscape island shall be waived.~~

16.40.060.2. - Landscaping and irrigation.

16.40.060.2.1. - Landscaping.

Existing Florida native plant material shall be given priority for preservation in the development and redevelopment of a property and existing healthy native trees and palms and other vegetation should be protected and preserved, and integrated into landscape plans.

16.40.060.2.1.3.1. - Development and redevelopment of new one and two unit residential properties.

New one and two unit residential single-family or duplex properties, ~~that meet the minimum lot size for the zoning district,~~ shall meet the following landscape requirements prior to issuance of the certificate of occupancy:

- ~~1. A minimum of two shade trees ~~a minimum of eight feet in height~~ shall be located on the lot ~~which shall be Florida Grade No. 1 or better.~~ The POD may allow one understory tree to be substituted for one shade tree where there are site constraints such as, but not limited to, existing above ground or underground utilities or the presence of tree canopy from adjacent properties that limit the available shade tree planting area . , and shall be of the following species:~~

~~Cedar, southern red (*Juniperus virginiana*).~~

~~Grape myrtle (*Lagerstroemia indica*).~~

~~Holly, american (*Ilex opaca*).~~

~~Holly, dahoon (*Ilex cassine*).~~

~~Holly, east palatka (*Ilex attenuate* "east palatka").~~

~~Holly, yaupon (*Ilex vomitoria*).~~

~~Magnolia, little gem (Magnolia grandiflora "little gem").~~

~~Any shade tree listed in this section. (See, currently, 16.40.060.2.1.6.)~~

- ~~2. A minimum of ten shrubs, accent plants or ornamental grasses a minimum of 18 inches in height, shall be located in the front yard. Shrubs, accent plants and ornamental grasses shall be Florida Grade No. 1 or better.~~
3. Existing protected vegetation of the above species and height shall be eligible to meet this requirement.
4. Each property shall have an irrigation system for all landscaped areas.
5. All required yards not abutting streets shall be maintained as permeable landscaped vegetative green space with the exception of driveways, walks, patios and similar paved areas and non-organic mulch areas.
6. When the property exceeds the minimum lot size requirements of the zoning district, the ~~tree and shrub~~ requirements herein shall be increased proportionally based on the size of the property or portion thereof in excess of the minimum. For example, the minimum lot size in NT-1 is currently 5,800 square feet and requires two approved trees ~~and ten shrubs~~. If the property is 11,600 square feet, this would be equivalent to two lots of minimum lot size and therefore four approved trees ~~and 20 shrubs~~ would be required.
7. Variances. The approval of any variance shall be conditioned on installation and maintenance of the greatest amount of required landscaping determined to be reasonable.

16.40.060.2.1.4-2. - Additional requirements for new and existing ~~private~~ one and two unit residential family properties.

A. *Required permeable green space for yards abutting streets ~~public roadways~~.* Required front yards and required side yards abutting streets shall be maintained as permeable landscaped vegetative green space with the exception of ~~necessary~~ driveways, walks, patios and similar paved areas and non-organic mulch areas, which areas combined shall not exceed 25 percent of the required yard area for corner lots and 45 percent of the required yard area for inside lots. Facilities constructed to achieve compliance with ADA requirements shall be exempt from this surface calculation. Yards abutting streets which do not conform to the provisions herein and which existed as of August 25, 1977, are grandfathered and exempt from this subsection.

B. *Ground cover, private property.* Permeable portions of private property including required yards shall be maintained with an herbaceous layer of sod or ground cover plant material. Installation of St. Augustine sod turf at a property with a new structure which receives

construction permits and is constructed after January 1, 2010, is limited to a maximum of 50 percent of the permeable area of the lot.

C. *Ground cover, rights-of-way.* Permeable portions within the adjoining rights-of-way shall be maintained in accordance with an approved streetscape plan or, where an approved streetscape plan does not exist, with an herbaceous layer of sod or ground cover plant material. Where landscaping material is used in the right-of-way within four feet of the curb or road edge and there is no approved landscape plan, the landscaping materials plantings, excluding sod, shall not exceed 24 inches in height above the top of the adjacent curb, or if there is no curb, the road bed, provided that the landscaping landscape material does not result in a hazard or impairment to public vehicular or pedestrian traffic or violate the visibility at intersection section.

D. *Mulch.* Organic mulch is a beneficial addition to landscaping in many situations including providing a surface covering under shrubs, or where ground cover material is maturing. The intention of these regulations is to allow mulch within a landscape design while not allowing an entire yard to only be covered with mulch. The use of cypress mulch is discouraged.

1. *Installation standards.* Where used in lieu of sod or ground cover plant material, organic mulch shall be placed to a minimum depth of three inches. The top level of the mulch shall not exceed the height of the immediately adjacent ground surface. Mulch shall not be placed directly against a plant stem or tree trunk. Non-organic mulch ground covers including rubber, decorative gravel or crushed stone shall be allowed only in planting areas (e.g., in gardens or hedge areas) and not as a substitute for sod, ground cover or organic mulch.

2. *Limits on installation on private one and two unit residential properties.*

a. Organic mulch may be used without limit underneath shrubs and trees, provided the ground cover, shrubs, and trees or a combination thereof are planted and maintained at a cumulative ratio of at least one shrub plant or tree, planted within the mulch per each 10 square feet of organic mulched area;

b. No more than 50 percent of the required front and street side yard may be covered with mulch;

c. Where a mulch parking surface has been permitted pursuant to the parking and loading design section, a separation consisting of an herbaceous layer of sod or ground cover of not less than eight foot in width shall be provided between the parking area and any adjacent mulch area allowed pursuant to this section.

3. *Limits on installation in rights-of-way.* Organic mulch may be used in permeable areas of the right-of-way to keep moisture in the soil while other forms of approved ground cover plant material are maturing. Mulch is prohibited within four feet of the curb or road edge if there is no curb. Mulch in the right-of-way must be contained within borders

sufficient to prevent flotation of mulch into the roadway. With the exception of permitted driveway or sidewalk materials, the use of shell, rock or other similar hardened non-organic mulch surface materials in the right-of-way is prohibited.

E. Irrigation, existing ~~private~~ one and two-family unit residential properties. A permanent irrigation system is not required for existing ~~private~~ one and two unit residential properties; however, where one is installed, it shall be designed to avoid runoff, overspray or other similar conditions where water flows onto or over adjacent property, non-irrigated areas, walkways, roadways or structures. Irrigation systems shall be maintained so there are no broken irrigation heads or leaks. Automatic sprinkler systems shall install a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

F. Vegetation, existing one and two unit residential properties. Any ~~single-family or duplex~~ one or two unit residential property that meets or exceeds the tree and/or shrub standards set forth in the previous section for new ~~single-family or duplex~~ one or two unit residential properties, ~~is required to~~ shall maintain the minimum standards for the property. This does not mean that existing one or two unit residential ~~single-family or duplex~~ properties that do not meet the requirements set forth in the previous section for new one or two unit residential ~~single-family or duplex~~ properties are required to install vegetation to meet those requirements.

G. Landscaping adjacent to mechanical equipment on site. Mechanical equipment, (e.g. backflow preventers, utility cabinets, air conditioners, etc.) visible from streets, excluding alleys, shall be landscaped with a continuous hedge comprised of shrubs planted no more than 30 inches on center or a decorative fence or architectural feature if the location is inadequate for landscape (e.g. too small, insufficient light). Landscaping shall be installed no less than three feet from the equipment to allow for access, maintenance and required air flow.

H. Decorative objects, including, but not limited to, rocks and planter beds, shall not be located within four feet of the curb of the street or where there is no curb, the road edge.

16.40.060.2.1.3.1. - Development and redevelopment of non-residential and multi-family property ~~other than one and two unit properties.~~

A. Applicability. The following requirements shall apply to all development and redevelopment of non-residential and multi-family ~~other than single-family and duplex~~ properties:

1. Development means for the purposes of this section, the construction of a new building, ~~any required parking area,~~ or any new parking area.

2. *Redevelopment* means for the purposes of this section, any proposed construction development proposal which:

(1) a. Requires Development Review Commission, Community Planning and Preservation Commission, or Community Redevelopment Agency review and approval;

(2) b. Requires additional parking;

(3) c. Seeks to expand the gross floor area of an existing building by more than 15 percent; or

(4) d. Requires a building permit based on the value for interior or exterior work or a combination thereof, equal to or exceeding the percentage shown in the following table (the term "appraised value" means the total value for ad valorem tax purposes according to the Property Appraiser of Pinellas County, Florida):

Total redevelopment cost of project as a percentage of total appraised value	Total appraised value of land and structure
50 percent	Less than \$50,000.00
45 percent	\$50,000.00 to \$99,999.00
40 percent	\$100,000.00 to \$149,999.00
35 percent	\$150,000.00 to \$199,999.00
30 percent	\$200,000.00 to \$249,999.00
25 percent	\$250,000.00 or more

3. Existing properties which do not have an approved landscape plan and which perform exterior (building, site, or a combination thereof) work that requires a permit from the City, but which do not meet the definition of "development" or "redevelopment" shall provide landscaping which is at least ten percent of the value of the permitted work.

These landscape materials shall meet one or more of the landscape specifications in this section. A landscape permit is required.

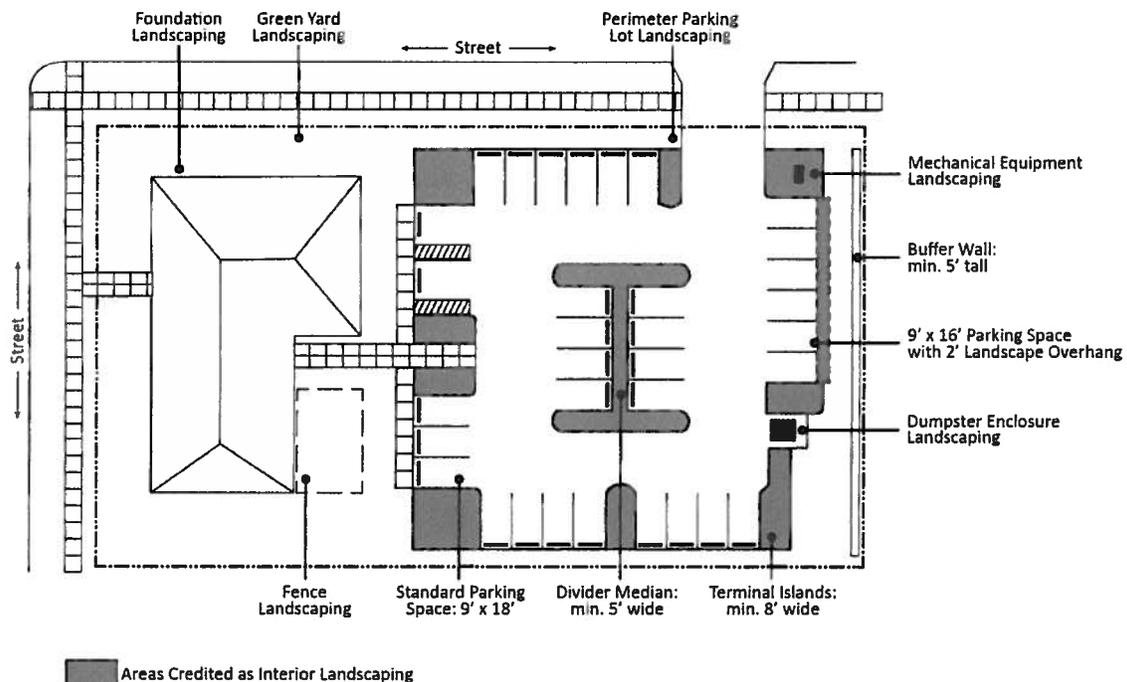
B. *Landscape permit required.* A landscape permit is shall be required for the alteration, installation or replacement of any landscape required by this section. For the purposes of this section, alteration means any modification to existing landscaping which was required as part of a previously approved landscape plan or is necessary to meet the minimum standards of the Code. A permit is not required to replace dead landscaping materials with like materials unless a tree removal permit is required.

1. A landscape plan shall be submitted in accordance with this section.
2. An irrigation plan showing the use of an automatic low-volume irrigation system designed specifically for the proposed landscape installation shall also be provided. This plan shall include a site plan using a readable and defined scale, illustrating the proposed irrigation zones and delineating micro-irrigation zones and areas utilizing irrigation techniques other than micro-irrigation.

C. *Installation of landscape materials.* Installation of landscape materials shall be in accordance with the approved landscape plan and shall be installed in a sound, workmanlike manner and in accordance with ANSI A300 Standards, recognized and accepted planting procedures as determined by the International Society of Arboriculture or the Pinellas County Cooperative Extension Service.

D. *Minimum landscape requirements.*

Minimum Landscape Requirements



*This diagram is intended to provide an illustrative view of these regulations. Property owners are advised to contact the City to verify interpretation of the City Codes as applied to a specific property.

1. *Green yard, exterior.* Green yards shall be provided in all yards abutting streets. Except for surface parking lots, if the required front yard (setback) is smaller than the required green yard, the required green yard shall be the depth of the required front yard. For sites with irregular frontage, the POD may allow the green yard to vary in width, but it shall extend for the entire frontage and provide the equivalent square feet of green yard along the same frontage. Green yards shall be landscaped as follows:

Site location/zoning	Required green yard depth for all abutting streets (not alleys)	Minimum required tree landscaping (per linear ft. of property frontage)
DC-C, DC-1, DC-2, DC-3, DC-P, CCT-1, CCT-2, <u>CRT-1</u> , CRT-2	5 ft.	1 shade tree per 35 linear ft. or fraction above half thereof
EC	20 ft. on major streets, 10 ft. on other streets.	3 <u>1</u> shade trees and 1 understory tree per <u>30</u> per 50 linear ft. or fraction above half thereof
All other districts	10 ft.	2 shade trees per 50 linear ft. or fraction above half thereof

2. *Green yard, interior.* Interior green yards, when not abutting vehicular ~~vehicle~~ use areas, shall be provided along all interior property lines and property lines abutting alleys. The minimum width of all interior green yards shall be five feet unless the required side or rear yard is smaller, in which case the required green yard shall be the depth of the required interior side or rear yard. A minimum of one shade tree per 50 linear feet or fraction above half thereof is required. Under-story trees may be substituted for shade trees on a 1½ for one basis. The POD may allow the interior green yards to vary in width if additional green yards are expanded to provide the equivalent square footage of green yards on the site.

3. *Foundation landscaping.*

- a. A minimum of one foundation plant is required for each three linear feet ~~linear feet~~, and one under-story tree is required for each 30 linear feet (or portion thereof), of the exterior building perimeter. Foundation plantings may be comprised of shrubs, accent plants, ornamental grasses, and ground cover in any combination;

provided that no less than 50 percent of the total required materials are shrubs, accent plants and/or ornamental grasses.

When calculating the minimum number of required plants, the linear distance of openings for overhead or loading area doors, motor vehicle bays or entrances to the building, or the perimeter of attached or detached canopies shall be excluded. Foundation plants may be planted in groupings so long as the minimum number of required plants is provided. The foundation landscaping shall be required on all building sides except those sides facing an alley. Foundation landscaping shall abut the building (while allowing the necessary space for growth) and shall be used or installed in such a manner so as to screen mechanical equipment attached to or adjacent to the building, provide direction to and enhance entrances and walkways, and provide visual breaks along monotonous building facades.

b. Properties located within the CRT, CCT and DC-1, D-2, and DC-3 districts. The base of buildings, Building elevations or portions of buildings, elevations not visible from the street, excluding alleys, shall are not be required to have foundation landscaping. Where reduced building setbacks along streets physically prevent the installation of foundation landscaping, it shall not be required.

4. *Vehicular use landscaping/screening requirements.* Vehicular use areas shall meet the following additional requirements:

a. *Perimeter parking lot landscaping.* A minimum of one shade tree per 35 linear feet (or portion thereof) shall be planted around the perimeter of vehicular use areas. A continuous hedge comprised of shrubs planted not more than 30 inches on center shall be planted around the perimeter of the vehicular use area. The pervious area for perimeter parking lot landscaping shall be at least five feet in width, measured from the inside of the curb, sidewalk or other paved surface abutting the pervious area. Additional landscaping is not shall not be required for the perimeter parts of the vehicular use area adjacent to the building.

(1) *Properties located within the CRT, CCT, and DC-1, DC-2, and DC-3 districts.* Parking lots or portions of parking lots not visible from the streets, excluding alleys, are not shall not be required to install perimeter landscaping. Where a parking space is designed perpendicular to the streets, excluding alleys, such that the front of the space allows requires the headlights to shine onto the streets, a minimum three ~~four~~-foot high solid masonry wall or decorative ~~wood or vinyl~~ fence shall be erected to prohibit headlights from shining onto the streets.

b. *Interior parking lot landscaping.* Interior parking lot landscaping shall be provided as follows:

(1) *Required square footage of landscape area.* For all vehicular use areas with more than ten parking spaces, a minimum of ten percent of the vehicular use area shall be devoted to interior landscaping. In calculating this percentage, the area shall include both pervious and impervious portions of the vehicular use area. Terminal and interior islands and divider medians shall be used to comply with required interior parking lot landscaping. For redevelopment of properties in the CRT, CCT, DC1, DC-2, and DC-3 zoning districts, the POD may reduce the required landscape up to 5% where existing site constraints (e.g. insufficient permeable area) make compliance impracticable or where such reduction will allow preservation of existing Protected and/or Grand trees. The following diagram illustrates an example of areas which shall qualify as interior landscaping.

(2) *Terminal islands.* Each row of parking spaces shall end with terminal islands to separate parking from adjacent drive lanes. Each terminal island shall measure at least eight five feet in width by 18 feet in length, measured from the inside of the curb. The POD may reduce the required width by up to three feet (minimum width five feet) where existing site constraints (e.g. small site) make compliance impracticable or where such reduction will allow preservation of existing Protected and/or Grand trees. Within terminal islands, one shade tree shall be required for every 150 square feet (or fraction above one half thereof), with a minimum of one shade tree required per terminal island. Terminal islands shall be landscaped with shrubs, accent plants, ornamental grasses and ground cover, excluding sod turfgrass, which is planted to provide 100 percent coverage within two years. ~~Shrubs, accent plants and ornamental grasses~~ Landscaping in islands adjacent to parking spaces shall be set back a minimum of two feet behind the back of the curb to provide for pedestrian access to parked vehicles.

(a) *Properties located within the CRT, CCT and D-1, DC-2 and DC-3 districts.* Parking lots or portions of parking lots not visible from the streets excluding alleys, shall not be required to install terminal islands.

(3) *Interior Islands.* Each interior island shall measure at least eight five feet in width by 18 feet in length, measured from the inside of the curb. The POD may reduce the required width by up to three feet (minimum width five feet) where existing site constraints (e.g. small site) make compliance impracticable or where such reduction will allow preservation of existing Protected and/or Grand trees. Interior islands less than five feet in width, measured from the inside of the curb, shall not be credited towards interior landscaping unless a

variance is granted. Within interior islands, one shade tree shall be required for every 150 square feet (or fraction above one half thereof), with a minimum of one shade tree required per interior island. Landscaping in islands adjacent to parking spaces shall be set back a minimum of two feet behind the back of the curb to provide for pedestrian access to parked vehicles.

(4) *Divider medians.* Landscaped divider medians shall form a continuous landscaped strip between abutting rows of parking areas or access drives. The minimum width of a divider median shall be five feet, measured from the inside of the curb. One shade tree or two under-story trees shall be required for each 30 linear feet of divider median (or fraction above one half thereof). Shrubs shall be planted in divider medians which separate parking areas from access drives to form a continuous hedge the full length of the divider median.

(5) *Tree species diversity.* It is important to provide a mix of tree species on larger sites. When the required number of trees is: less than 10, one or more species shall be provided; less than 20 trees, two or more species shall be provided; more than 20 trees, three or more species shall be provided.

(6) *Tree placement.* Trees shall not be located adjacent to free-standing sign faces or below wall sign faces where the tree will create a visual obstruction at the time of planting or in the future. Shade trees shall not be located below overhead utility lines where the tree will contact the line at the time of planting or in the future. Shade trees shall not be located over underground utility lines. Clustering of perimeter trees is permitted to prevent the obstruction of sign faces and conflicts with overhead or underground utility lines. The POD may allow required shade trees to be substituted with native palms and/or understory trees on a three per one basis to prevent such conflicts. Where site constraints limit planting of required trees, larger trees at least 4" minimum dbh, may be substituted for required trees on a two for one basis.

c. *Curbing.* Nonmountable concrete curbing shall be provided within all parking areas to prevent vehicles from encroaching onto and overhanging required plantings, sidewalks, rights-of-way or adjacent property. Wheel stops may be substituted at the closed end of parking stalls where they abut required plantings or sidewalks.

(1) Curbing may be placed within the parking space up to 2½ feet from the closed end of the parking stall. When curbing is utilized, the 2½ foot wide strip may be landscaped when abutting green space.

(a) Landscaping shall be low-growing to accommodate the vehicular overhang.

(b) The landscaped area within the parking space counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward green yard, perimeter landscaping or divider median requirements.

(2) Wheel stops shall be located up to 2½ feet from the closed end of the parking stall. Wheel stops shall have a minimum height of six inches above finished grade of the parking area and shall be properly anchored and maintained in good condition.

d. *Screening abutting residential uses.* Where vehicular use areas abut property used for a one or two unit residential property residence, a minimum five-foot high solid masonry wall or decorative ~~wood or vinyl~~ fence shall be installed in such a manner so as to screen the vehicular use area from the adjacent one or two unit residential property use. Where this wall or fence requirement is applied to properties with existing mature shade trees, the wall or fence may be truncated and supplemented with trees and shrubs to achieve such screening ~~the purpose of this subsection~~.

e. Low Impact Development Landscaping Plan. A Low Impact Development (LID) Landscaping Plan may be approved by the POD as part of a stormwater management plan in lieu of some of the requirements of this subsection for the area in which it is implemented.

5. *Landscaping adjacent to fences, walls, or dumpster enclosures.* The exterior of any opaque fence, wall, or dumpster enclosure visible from any street shall be landscaped with a minimum of one shrub for every three ~~four~~ linear feet and one under-story tree for every 25 linear feet.

6. *Landscaping adjacent to mechanical equipment on site.* Mechanical equipment, (e.g., ~~such as~~ backflow preventers, utility cabinets, and air conditioners, etc.) visible from streets, excluding alleys, shall be landscaped with a continuous hedge comprised of shrubs planted no more than 30 inches on center or a decorative fence or architectural feature if the location is inadequate for landscaping (too small, insufficient light). Landscaping shall be installed no less than three feet from the equipment to allow for access, maintenance and required air flow.

7. *Landscaping within the adjoining rights-of-way.*

a. Landscaping within the adjoining rights-of-way shall be provided in accordance with an approved streetscape plan or, where an approved streetscape plan does not exist, plantings shall be comprised of low growing shrubs,

accent plants, ornamental grasses, ground cover or sod in any combination. Where the irrigation system uses reclaimed water, all sod shall be St. Augustine. Where landscaping material is used in the right-of-way within four feet of the curb or road edge and there is no approved landscape plan, the plantings, excluding sod, shall not exceed 24.12 inches in height above the top of the adjacent curb, or if there is no curb, the road bed, provided that the landscape material does not result in a hazard or impairment to vehicular or pedestrian traffic.

b. Properties located within the CRT, CCT, and DC-1, DC-2, and DC-3 districts. Within these districts, landscaping shall be provided in accordance with an approved streetscape plan or, where an approved streetscape plan does not exist, in accordance with the following: One shade tree per 30 linear feet shall be provided. Where there is insufficient permeable area to support tree growth, trees should be planted in tree pits or planting strips (see Figure XXXX). The POD may substitute shade trees with understory trees or native palms on a three per one basis if shade trees are not site appropriate. Ground cover plantings shall be comprised of shrubs, accent plants, ornamental grasses, ground cover or St. Augustine sod in any combination provided that no less than 25 percent of the total landscape area is planted with low growing shrubs, accent plants, ornamental grasses or ground cover.

8. Protection of existing specimen trees.

a. A percentage of Specimen trees existing on a site, other than properties located within CCT-2, CRT-2 and all DC districts, shall be preserved. The POD may reduce the required percentage by up to 25% to allow preservation of one or more Grand trees that are equal to or greater than the required total inches reduced. Existing Specimen trees may be used to satisfy the requirements for planting additional trees as follows: trees 18" dbh shall equal one required tree, trees 19"-26" dbh shall equal two required trees, trees 27"-36" dbh shall equal three required trees; trees over 36" dbh shall equal five required trees. The number of existing specimen trees to be preserved on a site shall be determined as follows:

Total Inches (dbh) of existing specimen trees on site	Minimum percent of inches of existing specimen trees to be preserved
50 or less	50 percent
51—100	40 percent

101—150	30 percent
Greater than 150	25 percent

b. Existing trees which will remain on the property and which are identified on the landscape plan may satisfy some or all of the required landscaping provided that the trees meet the quantity, applicable species and size requirements. Trees determined to be in decline may not be used to satisfy required landscaping and the POD may require the removal of any tree determined to constitute a safety hazard.

c. Existing trees to be preserved shall be protected from construction-related impacts by placement of suitable protective barriers, constructed to specifications issued by the POD, which shall remain in place until such time as the removal of the protective barrier is authorized by the POD. ~~It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery, or temporary or permanent soil deposits within six feet of~~ the trunk or within two-thirds of the drip line, whichever is greater, of any tree identified on the landscape plan which is to remain on the site. No attachments or wires shall be attached to any protected tree. Barricade details shall be shown on the landscape plan and installed prior to the commencement of construction.

d. Whenever a change of elevation takes place that raises or lowers the ground level elevation at or within the drip line of any existing tree, a method to preserve the existing ground elevation within the drip line shall be utilized. Such methods include but are not limited to tree wells, dry wells, retaining walls and terracing. The method of protection shall be shown on the landscape plan and is subject to approval by the POD. In addition to any other penalties, the direct or indirect destruction of existing trees by failure to comply with appropriate protection during construction shall be a violation of this section. Existing trees which are required to remain on site and are seriously damaged as a result of construction activities destroyed during development or work shall be replaced on a 2:1 ratio based on the number of inches at dbh.

9. *Protection of existing native plant communities.*

a. For vehicular use areas, where healthy, native vegetation exists on a site prior to its development, in part or in whole, the POD may adjust the requirements of this section to allow credit for such plant material (excluding ~~palms~~, any sick, topped or

damaged trees, or any trees included on the unprotected and prohibited species tree lists) provided that the POD finds such an adjustment is in keeping with and will preserve the intent of this section and provides the equivalent or greater amount of plants or inches dbh of trees.

b. Native vegetation shall be preserved using the largest contiguous and compact area reasonable. ~~Preservation~~ Preserved areas shall be included in the following calculations.

1. (1) For residential and residential mixed-use developments within the coastal high hazard zone greater than 2½ acres and for residential and residential mixed-use developments outside of the coastal high hazard zone greater than 20 acres, not less than 25 percent of the native vegetation shall be preserved.

~~3c.~~ (2) All other types of new development subject to special exceptions or site plan review shall preserve a portion of the native vegetation ~~on the site~~. For new development less than five acres, not less than ten percent of the native vegetation shall be preserved retained. For new development five or more acres, not less than 15 percent of the native vegetation ~~on-site~~ shall be preserved retained.

16.40.060.2.1.4.2. - Additional requirements for new and existing nonresidential and multifamily properties other than one and two unit properties; ground cover, mulch private property.

- A. Permeable portions of ~~private~~ property including required yards shall be maintained with an herbaceous layer of sod or ground cover plant material. Installation of St. Augustine sod turf at a property with a new structure which receives construction permits ~~and is constructed after January 1, 2010~~, is limited to a maximum of ten percent of the permeable area of the property.
- B. Mulch. New and existing nonresidential and multifamily properties shall comply with the same mulch requirements established above for new and existing one and two unit residential properties.

16.40.060.2.1.5. - Utilities and utility easements.

No person shall plant a tree or shrub in a utility easement. Any vegetation planted in a utility easement shall be herbaceous vegetation and shall not interfere with the use of the easement for utility purposes which includes the maintenance and replacement of underground utilities.

16.40.060.2.1.6. - Landscape specifications.

A. Unless otherwise specified, all landscape materials shall meet the following specifications:

TREES: SHADE								
All required shade trees shall measure a minimum of ten ft. in height and two inches diameter at breast height (dbh) at the time of planting. All shade trees shall be rated Florida Grade No. 1 and selected from the following list.								
Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Cypress, Bald	<i>Taxodium distichum</i>	X	X	X		X	X	X
Elm, Chinese (Drake)	<i>Ulmus parvifolia</i>			X		X		
Elm, florida	<i>Ulmus Americana, var. spp. floridana</i> "Floridana"	X		X		X	X	
Elm, Winged	<i>Ulmus Alata</i>	X	X				X	
Loblolly Bay	<i>Gordonia lasianthus</i>	X	X	X				X
Magnolia, Southern*	<i>Magnolia grandiflora</i>	X	X				X	X
Magnolia, Sweetbay*	<i>Magnolia virginiana</i>	X	X	X				X

TREES: SHADE

All required shade trees shall measure a minimum of ten ft. in height and two inches diameter at breast height (dbh) at the time of planting. All shade trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Maple, Florida	<i>Acer saccharum</i> , "Floridanum"	X		X			X	
Maple, Red	<i>Acer rubrum</i>	X		X				X
Mulberry, Red*	<i>Morus rubra</i>	X	X				X	
Oak, Live	<i>Quercus virginiana</i>	X	X			X	X	
Pine, Long-Leaf	<i>Pinus palustris</i>	X	X			X		
Pine, Slash	<i>Pinus elliotii</i>	X	X			X		
Sugarberry*	<i>Celtis laevigata</i>	X	X				X	
Sweetgum*	<i>Liquidambar styraciflua</i>	X	X				X	
Sycamore	<i>Platanus occidentalis</i>	X	X				X	X
Tupelo	<i>Nyssa sylvatica</i>	X	X				X	

TREES: SHADE

All required shade trees shall measure a minimum of ten ft. in height and two inches diameter at breast height (dbh) at the time of planting. All shade trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Willow, weeping	<i>Salix babylonica</i>		X					X

*Tree produces berries or seed pods, which make it an unsuitable choice for locations near parking or sidewalk spaces. Other shade trees identified as Florida Friendly by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department Southwest Florida Water Management District will be considered ([http://fyn.ifas.ufl.edu/pdf/FYN Plant Selection Guide v090110.pdf](http://fyn.ifas.ufl.edu/pdf/FYN_Plant_Selection_Guide_v090110.pdf)).

TREES: UNDERSTORY

All required understory trees shall measure a minimum of eight ft. in height and 1.5 inches diameter at breast height (dbh) at the time of planting. All understory trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Bay, Red	<i>Persea borbonia</i>	X		X		X		
Bay, Silk	<i>Persea humilis</i>	X	X			X		
Bay, Swamp	<i>Persea palustris</i>	X		X			X	
Buttonwood,	<i>Conocarpus</i>	X	X				X	

TREES: UNDERSTORY

All required understory trees shall measure a minimum of eight ft. in height and 1.5 inches diameter at breast height (dbh) at the time of planting. All understory trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Green	<i>erectus</i>							
Buttonwood, Silver	<i>Conocarpus erectus "sericeus"</i>	X	X				X	
Cedar, Southern Red	<i>Juniperus virginiana</i>	X	X			X		
Crape Myrtle, "Natchez"	<i>Lagerstroemia indica and any disease resistant varieties "Natchez"</i>		X			X	X	
Crape Myrtle, "Muskegee"	<i>Lagerstroemia indica "Muskege e"</i>		X				X	
Hawthorn, Summer	<i>Crataegus flava</i>	X		X			X	
Holly, American	<i>Ilex opaca</i>	X		X		X		
Holly, Dahoon	<i>Ilex cassine</i>	X		X			X	X

TREES: UNDERSTORY

All required understory trees shall measure a minimum of eight ft. in height and 1.5 inches diameter at breast height (dbh) at the time of planting. All understory trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Holly, East Palatka	<i>Ilex attenuata</i> "East Palatka"	X	X			X	X	
Holly, Weeping Yaupon	<i>Ilex vomitoria</i> "Pendula"	X		X			X	
Holly, Yaupon	<i>Ilex vomitoria</i>	X		X		X		
Ligustrum	<i>Ligustrum japonicum</i>		X			X		
Magnolia, "Little Gem"	<i>Magnolia grandiflora</i> , and other dwarf varieties that have a maximum height of fifteen feet "Little Gem"			X			X	X
Oak, Sand Live	<i>Quercus virginiana</i> "Geminata"	X	X			X		
Plum, Chickasaw	<i>Prunus angustifolia</i>	X		X		X		

TREES: UNDERSTORY

All required understory trees shall measure a minimum of eight ft. in height and 1.5 inches diameter at breast height (dbh) at the time of planting. All understory trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Plum, Flatwoods	<i>Prunus umbellata</i>	X		X			X	
Plum, Pigeon	<i>Coccoloba diversifolia</i>	X	X			X		
Plum, Saffron	<i>Bumelia celastrina</i>	X		X			X	
Podocarpus (tree form)	<i>Podocarpus macrophyllus</i>			X			X	
Seagrape (tree form)	<i>Coccoloba uvifera</i>	X	X			X		
Sweet Acacia	<i>Acacia farnesiana</i>	X	X			X		
Wild Olive	<i>Cordia boissieri</i>		X				X	

Other understory trees identified as Florida Friendly by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department Southwest Florida Water Management District will be considered.

All required palm trees shall measure a minimum height of eight feet of clear trunk. Palm trees identified with an * may be substituted on a one for one basis with shade tree planting requirements. Palm trees identified with a + may be substituted on a three for one basis with shade tree planting requirements. No more than 50% of required shade trees may be substituted for palms in vehicular use areas. All palm trees shall be credited on a one for one basis towards understory tree planting requirements. All palms trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Bismarck Palm*	<i>Bismarckia nobilis</i>		X	X			X	
Cabbage Palm+	<i>Sabal palmetto</i>	X	X			X	X	
Date Palm, Canary Island*	<i>Phoenix canariensis</i>		X			X		
Date Palm, Medjool*	<i>Phoenix dactylifera</i>		X				X	
Date Palm, Pygmy	<i>Phoenix roebelenii</i>			X			X	
Date Palm, Silver	<i>Phoenix sylvestris</i>		X				X	
Fan Palm, Ribbon	<i>Livistona decipiens</i>		X				X	
Foxtail Palm	<i>Wodyetia bifurcata</i>		X				X	

All required palm trees shall measure a minimum height of eight feet of clear trunk. Palm trees identified with an * may be substituted on a one for one basis with shade tree planting requirements. Palm trees identified with a + may be substituted on a three for one basis with shade tree planting requirements. No more than 50% of required shade trees may be substituted for palms in vehicular use areas. All palm trees shall be credited on a one for one basis towards understory tree planting requirements. All palms trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Paurotis Palm	<i>Acoelorrhaphe wrightii</i>	X	X				X	
Pindo Palm	<i>Butia odorata capitata</i>			X			X	
Royal Cuba* Palm,	<i>Roystonea regia</i>			X			X	
Royal Florida* Palm,	<i>Roystonea elata</i>	X		X			X	
Thatch Florida Palm,	<i>Thrinax radiata</i>	X	X			X		
Triangle Palm	<i>Neodypsis decaryi</i>		X				X	
Traveler's Palm	<i>Ravenala madagascariensis</i>		X				X	
Windmill Palm	<i>Trachycarpus fortunei</i>			X		X		

All required palm trees shall measure a minimum height of eight feet of clear trunk. Palm trees identified with an * may be substituted on a one for one basis with shade tree planting requirements. Palm trees identified with a + may be substituted on a three for one basis with shade tree planting requirements. No more than 50% of required shade trees may be substituted for palms in vehicular use areas. All palm trees shall be credited on a one for one basis towards understory tree planting requirements. All palm trees shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high

Other palm trees identified as Florida Friendly by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department Southwest Florida Water Management District will be considered.

SHRUBS

All required shrubs shall measure a minimum of 24 inches in height at the time of planting. Shrubs required to create a hedge shall be planted not more than 30 inches on center. Shrubs shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Anise, Yellow	<i>Illicium parviflorum</i>	X		X			X	
Buttonwood, Green	<i>Conocarpus erectus</i>	X	X			X		
Buttonwood, Silver	<i>Conocarpus erectus 'sericeus'</i>	X	X			X		
Cocoplum, Redtip	<i>Chrysobalanus icaco</i>	X	X	X		X		

SHRUBS

All required shrubs shall measure a minimum of 24 inches in height at the time of planting. Shrubs required to create a hedge shall be planted not more than 30 inches on center. Shrubs shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Firebush	<i>Hamelia patens</i>	X		X		X	X	
Gallberry	<i>Ilex glabra</i>	X		X			X	
Hibiscus	<i>Hibiscus rosa-sinensis</i>		X				X	
Holly, Dwarf Yaupon	<i>Ilex vomitoria</i> "Schilling Dwarf" <u>Dwarf cultivars or varieties</u>	X		X		X	X	
Ixora	<i>Ixora coccinea</i>		X				X	
Podocarpus	<i>Podocarpus macrophyllus</i>			X		X	X	
Privet, Florida	<i>Forestiera segregata</i>	X	X			X		
Seagrape	<i>Coccoloba</i>	X	X			X		

SHRUBS

All required shrubs shall measure a minimum of 24 inches in height at the time of planting. Shrubs required to create a hedge shall be planted not more than 30 inches on center. Shrubs shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
	<i>uvifera</i>							
Silverthorn	<i>Elaeagnus pungens</i>		X			X		
Simpson Stopper	<i>Myrcianthes fragrans</i>	X		X			X	
Viburnum, Awabuki	<i>Viburnum odoratissimum</i> "Awabuki"			X			X	
Viburnum, Sandankwa	<i>Viburnum suspensum</i>			X		X	X	
Viburnum, Sweet	<i>Viburnum odoratissimum</i>			X			X	
Viburnum, Walters	<i>Viburnum obovatum</i>	X		X		X	X	

Other shrubs identified as Florida Friendly by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department Southwest Florida Water Management District will be considered.

ACCENT (AND MASSING) PLANTS

All required foundation plants and accent plants shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Allamanda	<i>Allamanda cathartica</i>		X			X		
Allamanda	<i>Allamanda neriifolia</i>		X			X		
American Beautyberry	<i>Callicarpa americana</i> spp.	X		X			X	
Azalea, Florida Flame	<i>Rhododendron austrinum</i>	X		X	X		X	
Azalea, Pinxter or Piedmont	<i>Rhododendron canescens</i>	X		X	X		X	
Florida Bamboo, <u>clumping varieties only</u>	<i>Bambusa</i> spp.		X	X			X	
Azalea	<i>Rhododendron</i> spp.			X	X		X	

ACCENT (AND MASSING) PLANTS

All required foundation plants and accent plants shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Bird Of Paradise	<i>Strelitzia reginae</i>		X				X	
Bougainvillea	<i>Bougainvillea glabra</i>		X			X		
Butterfly Weed	<i>Asclepias tuberosa</i>	X	X			X		
Cardboard Plant	<i>Zamia furfuracea</i>		X	X		X		
Cast-Iron Plant	<i>Aspidistra elatior</i>				X	X		
Christmasberry	<i>Lycium carolinianum</i>	X		X		X		
Coontie	<i>Zamia floridana</i>	X		X		X		
Copperleaf	<i>Acalypha wilkesiana</i>		X				X	

ACCENT (AND MASSING) PLANTS

All required foundation plants and accent plants shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Crinum Lily	<i>Crinum spp.</i>		X				X	
Croton	<i>Codiaeum variegatum</i>			X			X	
Firebush	<i>Hamelia patens</i>	X		X			X	
Firespike	<i>Odontonema cuspidata</i>		X			X	X	
Ginger, Shell	<i>Alpinia zerumbet</i>			X			X	X
Golden Dewdrop	<i>Duranta erecta <u>erecta</u></i>			X			X	
Hawthorn, Indian, <u>disease resistant cvs.</u>	<i>Raphiolepis spp. indica</i>		X	X			X	
Hibiscus, Red	<i>Hhibiscus coccineus</i>	X		X				X

ACCENT (AND MASSING) PLANTS

All required foundation plants and accent plants shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Iris, African	<i>Dietes spp.</i>		X			X		
Lady Palm	<i>Rhapis excelsa</i>				X	<u>X</u>	X	
Mimosa, Sunshine	<i>Mimosa strigillosa</i>	X	X			<u>X</u>	X	
Milkweed, Scarlet	<i>Asclepias curassavica</i>		X			X		
Needle Palm	<i>Rhapidophyllum hystrix</i>	<u>X</u>			X		X	
Philodendron	<i>Philodendron spp.</i>			X		X	<u>X</u>	
Plumbago	<i>Plumbago auriculata</i>		X				X	
Palmetto, Saw	<i>Serenoa repens</i>	X	X	<u>X</u>		X		
Shrimp Plant	<i>Justicia</i>			X			X	

ACCENT (AND MASSING) PLANTS

All required foundation plants and accent plants shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
	<i>brandegeana</i>							
Snowberry	<i>Chiococca alba</i>	X	X				X	
Snow Bush	<i>Breynia disticha</i>			X		<u>X</u>	X	
Thryallis	<i>Galphimia gracilis</i>		<u>X</u>	X			X	
Turks-Cap	<i>Malvaviscus arboreus</i>		X			X		
Varnish Leaf	<i>Dodonaea viscosa</i>	X		X		X		
White Indigoberry	<i>Randia aculeata</i>	X		X		X		
Wild Coffee	<i>Psychotria nervosa</i>	X		<u>X</u>	X	<u>X</u>	X	
Yellow Necklace	<i>Sophora tomentosa</i>	X	X			X		

ACCENT (AND MASSING) PLANTS

All required foundation plants and accent plants shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Pod	"Truncata"							

Other accent plants identified as Florida Friendly by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department Southwest Florida Water Management District will be considered.

ORNAMENTAL GRASSES

All required foundation plants and ornamental grasses shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Fakahatchee Grass	<i>Tripsacum dactyloids</i>	X		X		X	X	
Fakahatchee Grass, Dwarf	<i>Tripsacum floridanum</i>	X		X		X	X	
Gulf Grass Muhly	<i>Muhlenbergia capillaris</i>	X	X			X		

ORNAMENTAL GRASSES

All required foundation plants and ornamental grasses shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			<i>sun</i>	<i>mix</i>	<i>shade</i>	<i>low</i>	<i>med</i>	<i>high</i>
Sand Cordgrass	<i>Spartina bakeri</i>	X	X			X	X	X
Salt Marsh Cordgrass	<i>Spartina patens</i>	X	X			X	X	X

Other ornamental grasses identified as "Florida Friendly" by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department Southwest Florida Water Management District will be considered.

GROUND COVER

All required foundation plants and ornamental grasses shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			<i>sun</i>	<i>mix</i>	<i>shade</i>	<i>low</i>	<i>med</i>	<i>high</i>
Aztec Grass	<i>Ophiopogon spp.</i>			X		X		
Beach Sunflower	<i>Helianthus debilis</i>	X	X			X		

GROUND COVER

All required foundation plants and ornamental grasses shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Beach Morning Glory	<i>Ipomoea imperati</i>	X	X			X		
Blue Daze	<i>Evolvulus glomerata</i>		X				X	
Coral Honeysuckle	<i>Lonicera sempervirens</i>	X		X		X	X	
Jasmine, Asiatic (Minima) and other low growing varieties	<i>Trachelospermum asiaticum</i>			X		X	X	
Jasmine, Downy	<i>Jasminum multiflorum</i>			X		X	X	
Juniper, Parson	<i>Juniperus davurica</i>		X			X	X	
Juniper, Shore	<i>Juniperus conferta</i>		X			X	X	
Lantana, Trailing	<i>Lantana montevidensis</i>		X			X		

GROUND COVER

All required foundation plants and ornamental grasses shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.

Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Liriope, Evergreen Giant	<i>Liriope "Evergreen Giant"</i>			X		X		
Mimosa, Sunshine	<i>Mimosa strigillosa</i>	X	X			X	X	
Porterweed	<i>Strachytarpheta jamaicensis</i>	X	X				X	X
Railroad Vine	<i>Ipomoea pescaprae</i>	X	X			X		
Sage, Tropical	<i>Salvia coccinea</i>	X	X			X	X	
Sea Oxeye Daisy	<i>Borrichia frutescens</i>	X	X				X	
Sea Purslane	<i>Sesuvium portulacastrum</i>	X	X			X		
Twinflower	<i>Dyschoriste oblongifolia</i>	X	X			X		

GROUND COVER								
All required foundation plants and ornamental grasses shall be a minimum of one gallon nursery specification at the time of planting. Plants shall be rated Florida Grade No. 1 and selected from the following list.								
Common	Scientific	Native	Light requirements			Water requirements		
			sun	mix	shade	low	med	high
Other foundation plants identified as Florida Friendly by the <u>University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, Environmental Horticulture Department Southwest Florida Water Management District</u> will be considered.								

B. Native-vegetation requirements. Plant selection criteria. The species of required landscape materials shall be site appropriate and shall be selected based on the existing and neighboring vegetative communities, sun exposure, soil types, proposed function of the materials, cold tolerance, water use, fertilizer needs, existence of utilities or overhead power lines, and aesthetics.

C. Exempt Unprotected trees. Due to their status as non-native exotic species or invasive species, the following tree species any unprotected or prohibited trees may be removed from private property and the abutting right of way without a permit unless they are part of an approved landscape plan, or otherwise required by this section, and shall not be used to meet the vegetation required by this section:

EXEMPT UNPROTECTED TREES		
Common	Scientific	Place of Origin
Acacia, earleaf	<i>Acacia auriculiformis</i>	Australia, New Guinea, Indonesia
Australian pine	<i>Casuarina equisetifolia</i>	South Pacific, SE Asia (Australia)
Australian pine	<i>Casuarina cunninghamiana</i>	South Pacific, SE Asia

EXEMPT UNPROTECTED TREES		
Common	Scientific	Place of Origin
		{Australia}
Avocado	<i>Persea americana</i>	Central America
Brazilian pepper	<i>Schinus terebinthifolius</i>	Brazil, Argentina, Paraguay
Carrotwood	<i>Cupaniopsis anacardioides</i>	Australia
Cherry laurel	<i>Prunus caroliniana</i>	North America
Chinaberry	<i>Melia azederach</i>	Asia
Citrus	Inc. orange, lemon, lime, kumquat, etc. <u>All species.</u>	Eastern Asia
Ear	<i>Enterolobium cyclocarpum</i>	Central America
Eucalyptus	<i>Eucalyptus</i> spp. Exe. <u>except</u> silver dollar variety	Australia
Ficus ¹	<i>Ficus</i> spp. Exe. <u>banyan</u>	South America
Italian cypress	<i>Cupressus sempervirens</i>	South Europe
Jacaranda ¹	<i>Jacaranda acutifolia</i>	Brazil

EXEMPT UNPROTECTED TREES		
Common	Scientific	Place of Origin
Jerusalem thorn	<i>Parkinsonia aculeata</i>	Central America
<u>Kapok</u> ¹	<u><i>Ceiba pentandra</i></u>	<u>South America</u>
Loquat	<i>Eriobotrya japonica</i>	China
Mango	<i>Mangifera indica</i>	India
Monkey puzzle tree	<i>Araucaria spp. - <u>araucana</u></i>	Australia
Norfolk Island pine	<i>Araucaria excelsa</i>	Norfolk Island
<u>Orchid Tree</u>	<i>Bauhinia spp., except <u>Bauhinia variegata</u></i>	Eastern Asia (India, China)
Palms	Exc. Cabbage and Royal	
Royal Poinciana ¹	<i>Delonix regia</i>	Madagascar
Punk	<i>Melaleuca quinquenervia</i>	Australia, New Guinea, Solomon Isle
Silk oak	<i>Grevillia robusta</i>	Australia
Toog	<i>Bischofia javanica</i>	Tropical Asia, Pacific Islands

EXEMPT UNPROTECTED TREES		
Common	Scientific	Place of Origin
Woman's tongue	<i>Albizia spp.</i>	Tropical Asia, Northern Australia

!Note - Jacaranda and Royal Poinciana Trees over 8" DBH and Banyan and Kapok over 30"DBH are Signature trees and therefore may be required to obtain a permit before removing.

C. Prohibited trees. It is shall be unlawful to plant or cause to be planted, or to sell or offer for sale, within the City limits the following exotic and nuisance plant species: Brazilian pepper tree (*Schinus terebinthifolius*), punk tree (*Melaleuca quinquenervia*), Australian pine tree (*Casuarina equisetifolia*). Any development or redevelopment which is required to obtain a landscaping permit or file a landscape plan shall remove all prohibited trees on the property and abutting right of way and shall include a plan to prevent re-growth prior to approval of a certificate of occupancy.

PROHIBITED TREES		
Common	Scientific	Place of Origin
<u>Acacia, earleaf</u>	<u><i>Acacia auriculiformis</i></u>	<u>Australia, New Guinea, Indonesia</u>
<u>Australian pines, all</u>	<u><i>Casuarina spp.</i></u>	<u>South Pacific, SE Asia (Australia)</u>
<u>Brazilian pepper</u>	<u><i>Schinus terebinthifolius</i></u>	<u>Brazil, Argentina, Paraguay</u>
<u>Carrotwood</u>	<u><i>Cupaniopsis anacardioides</i></u>	<u>Australia</u>
<u>Chinaberry</u>	<u><i>Melia azederach</i></u>	<u>Asia</u>
<u>Chinese tallow</u>	<u><i>Triadica sebifera</i></u>	<u>China, Japan</u>
<u>Lead tree</u>	<u><i>Leucaena leucocephala</i></u>	<u>Central America</u>
<u>Punk</u>	<u><i>Melaleuca quinquenervia</i></u>	<u>Australia, New Guinea, Solomon Isle</u>
<u>Strangler fig</u>	<u><i>Ficus aurea</i></u>	<u>North America</u>

16.40.060.2.1.7. - Variances from required landscaping; Appeals.

A. Where unique conditions related to existing buildings, dimensional aspects of platted lots, or a lack of available space or water to support the required landscape materials preclude strict compliance with this section, or to provide for the preservation of protected or grand trees, the POD may adjust the requirements of this section as follows:

1. Relocation of required landscape materials or landscape areas to other parts of the property or the abutting right-of-way;
2. ~~Substitution of additional site amenities for required landscaping shall be allowed on at least a dollar-for-dollar ratio and shall serve a public purpose whose need is demonstrated for the site. Acceptable site amenities shall include decorative pedestrian lighting, street furnishings where necessary, enhanced sidewalks of paver block or hex block, decorative street signs, and neighborhood and business district signs. If it is not reasonably possible to comply with the planting requirements of this section, the POD may approve a payment in lieu of planting which shall be utilized to provide additional landscaping on public property or right of way. Such payment in lieu shall be \$500 per tree and \$150 per shrub or other vegetation and shall be placed in the environmental enhancement fund.~~

B. Requests for variances shall be reviewed by the Development Review Commission (DRC).

C. Variances from the "protection of existing native ~~existing~~ plant communities section" hereof for sites which cannot accommodate both the native vegetation requirement and the development or redevelopment shall only be granted with the condition that the following mitigation be performed. Mitigation on-site shall recreate a native plant community in all three strata (ground cover, under-story and trees), utilizing plant materials at least twice as large as normally required (to more quickly recreate the lost mature vegetation). Mitigation may be off-site if the mitigation enhances or enlarges existing large tract wildlife areas as shown on the biological resources map. No variance from this subsection shall be allowed.

D. Decisions of the POD to approve or deny a landscape plan may be appealed by the property owner to the DRC, whose decision shall be deemed a final decision of the City.

16.40.060.2.2. - Irrigation.

A. *Irrigation design and layout.* Irrigation systems are required for the development and redevelopment of non-residential and multifamily property other than one and two unit properties. Irrigation systems shall comply with the following requirements:

1. Irrigation systems shall be water efficient irrigation systems designed to provide no more than the minimum amount of water required by any specific landscape material to ensure survival of that material. Irrigation system piping shall be underground. Such systems shall utilize a combination of sprinkler mechanisms and zones to accommodate the individual irrigation requirements of each type of landscape material, including trees, shrubs, ornamentals and sod turf areas.

2. Irrigation systems shall be designed to provide 100 percent coverage and to prevent overspray, runoff, low land drainage and other conditions where water flows onto or over adjacent property, non-irrigation areas, water features and impervious areas.

3. Irrigation systems shall be operated by an automatic irrigation controller or timer which has sufficient programming flexibility to respond to the needs of the irrigation devices being used and is capable of irrigating high requirement areas on a different schedule from low water requirement areas (provided that separate zones exist), has program flexibility (to allow repeat cycles and multiple program capability) and battery backup (to retain programs).

4. The design of the irrigation system shall include sprinkler heads and devices appropriate for the landscape material to be irrigated. Sprays and rotors shall not be on the same control value circuit and shall have matching application rates within each zone. Sprinkler spacing shall not exceed 55 percent of the sprinkling diameter of coverage.

5. Irrigation systems shall be designed with low trajectory heads, micro irrigation or low-volume water distributing devices in order to prevent overspray onto impervious areas. Micro irrigation systems shall not be used to irrigate sod turf areas. Sprinkler heads in and adjacent to lawn areas shall be designed to be flush with the ground surface when not in use.

6. Irrigation systems shall be designed to place high water demand areas, such as lawns, on separate zones from those areas with reduced water requirements.

7. A rain sensor device or switch shall be installed to regulate the controller's operation that will override the irrigation cycle of the sprinkler system when one-half to three-quarter inch of rainfall has occurred on any day.

8. Irrigation application rates and controller duration times for each zone shall be calculated and noted on the irrigation plans.

9. A permanent irrigation system shall not be required for areas within an approved Low Impact Design landscape plans.

B. *Irrigation system maintenance.*

~~1.~~The irrigation system shall be maintained and managed to ensure water efficiency and prevent wasteful practices. This shall include, but not be limited to resetting the

automatic controller according to the season, flushing the filters, testing the rain sensor device and replacing malfunctioning sensors, monitoring adjusting, and repairing irrigation equipment such that the efficiency of the system is maintained, repairing broken irrigation heads and leaks; ~~replenishing mulch, utilizing turf and landscape best operational procedures designed to reduce negative impacts on the environment.~~

~~2. Landscape areas should not be watered when wind speeds exceed five miles per hour.~~

16.40.060.3. - Maintenance of trees and vegetation.

16.40.060.3.1. - Maintenance of trees and vegetation for all properties within the City.

A. The owner of record of the property and occupant of the property are responsible for the maintenance of trees and vegetation on the private property and in abutting rights-of-way. Vegetation shall comply with all codes including visibility at intersections and requirements for hedges. Where support staking cabling/bracing of vegetation is provided at the time of installation, the staking system cables and braces shall be installed properly, avoid harming the vegetation, and be removed no later than one year after installation to prevent damage to the vegetation.

B. Vegetation shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical exposure, insects, disease, blight or other cause. Exceptions regarding damage due to lack of water shall be made when water consumption is limited by emergency orders or declarations by state or local agencies.

C. Except for those tree species listed as unprotected or prohibited exempt, it shall be unlawful for any person to damage, top, poison or in any manner injure or cause to be injured any tree regardless of condition.

1. Trees shall be trimmed or pruned in such a manner so as to not alter their natural form, growth habit or character and shall not be pruned into "unnatural" shapes, including but not limited to, circles, ovals, or squares. ~~This does not prevent the removal of limbs from the throat of the trunk.~~

2. Not more than one-quarter one-third of the tree canopy shall be trimmed or pruned in any year unless it is dead. ~~This includes, but is not limited to, species such as crape myrtle (*Lagerstroemia indica*) and holly (*Ilex spp.*).~~

D. Sod (including turf and Turf, turfgrass) or other herbaceous growth other than ground cover species shall be maintained at a maximum overall height of ten inches or less; ground

cover plant material shall be maintained at an overall height not to exceed 24 inches. Property designated as a preservation area shall not be required to meet these standards. Property owners who employ Florida-Friendly ~~friendly~~ LanscapingSM, ~~xeriscape~~ or wildlife habitat management principles such that their private property or adjacent right-of-way does not meet these criteria shall have a management plan and demonstrate active, ongoing maintenance. Management plans shall be plans designed by a landscape architect, plans which employ accepted Florida-friendly ~~and-xeriscape~~ management practices, and plans approved by the University of Florida Institute of Food and Agricultural Science's (IFAS) ~~Urban Wildlife-Habitat-program~~. Examples of activities addressed in maintenance plans include routine pruning, mowing, edging, weeding, fertilizing, pest control, irrigation system adjustments, seeding and replanting. Florida-friendly ~~and-xeriscape~~ management plans shall also address ~~incorporate~~ these principles:

- 1) Vegetation plan and design;
- 2) Analyze and amend the soil;
- 3) Limit sod turf to active use areas;
- 4) Select appropriate plant species;
- 5) Irrigate efficiently;
- 6) Use mulch; and
- 7) Maintain the landscape appropriately.

Wildlife habitat areas shall consist of native and introduced plant species designed, planted and maintained to provide food source, cover, roosting and nesting habitat for specific species.

E. Vegetation which is a hazard to public safety is prohibited in the right-of-way. Hazardous vegetation with pronounced thorns (such as Spanish bayonet, century plant, bougainvillea, and lime trees) shall not be closer than two feet to a sidewalk or walkway. Hedges are prohibited in the right-of-way except as allowed by the fences, walls and hedges section.

F. Vegetation adjacent to public sidewalks and public streets shall not encroach onto the sidewalk or street surface except that sod turf ~~or turf grass~~ and ground cover should be kept trimmed to the edge of the sidewalk or street surface but may encroach up to six inches. The branches of trees and shrubs which grow above sidewalks shall provide a minimum of eight feet of vertical clearance and above streets and alleys, a minimum of 14 feet of vertical clearance.

G. It is unlawful for the owner or occupant of property ~~any person~~ to permit to remain on any property, ~~owned or occupied by such person~~, including the abutting rights-of-way, any tree or tree branch that is in such diseased or dead condition so as to be in danger of falling upon any right-of-way or the property of another.

H. It shall be unlawful to dispose, deposit, drop, or place grass clippings, tree trimmings and other vegetative material in the right-of-way or on the property of another or upon any street or alley or into waters within the City or directly or indirectly into the municipal storm sewer system. This section shall not be construed to prohibit the use of mulching lawn equipment. A violation of this section is transient in nature and irreparable. Any person in violation of this section may be cited immediately upon observation of the violation.

1) Each property owner or occupant of property where activities that violate this subsection occur may be cited for each violation of this subsection.

2) Any person who maintains or removes yard vegetation on behalf of any other person for compensation (e.g. lawn care and lawn maintenance companies, including any and all supervisors and employees) shall be subject to a fine of \$500.00 for each violation of this subsection.

I. It shall be unlawful for any owner or occupant of property, including the abutting right-of-way, to allow to exist upon the property or abutting right-of-way vegetation or trees which violate this section.

J. Unless approved by the POD, rights-of-way shall be maintained at a level and even grade.

K. The removal of vegetation or trees required by this section and the failure to replace required vegetation or trees when such vegetation or tree dies or is removed, shall be unlawful. Replacement vegetation or trees shall meet the size and grade requirements of this section.

16.40.060.3.2. - Clearance of lots in preservation areas.

No person shall clear, disturb or remove any vegetation or dead or living plant life located within any preservation area without a permit issued by the POD for such work.

SECTION 2. Section 16.40.150 of the St. Petersburg City Code is hereby renumbered and amended to read as follows:

Section 16.40.060.5. Tree Protection

Section 16.40.060.5.1.150. - Mangroves Trees.

The City finds that mangroves, including red mangroves, black mangroves and white mangroves, are an essential component of the estuarine food chain, supporting the commercial and recreational fisheries of Tampa Bay. The State of Florida currently prohibits the City from regulation in this area; however, that prohibition could change in the future. Therefore, if at any

time there is no preemptive state legislation regarding mangroves, then the trimming or cutting of mangroves is hereby prohibited.

~~16.40.150.2. Tree protection.~~

16.40.060.5.2. Definitions.

The definitions of grand trees, protected trees, signature trees, and specimen trees are set forth in the definition section of these land development regulations (currently Section 16.90.020.3).

~~16.40.060.5.3.150.2.1. - Tree removal and trimming permits for grand, protected and signature trees. one or two unit residential properties.~~

A. A permit is required for the removal of any grand, protected or signature tree. tree from any one or two unit residential property in any NS or NT zoning district. For the purposes of this section, any reference to the term "tree" shall mean any tree which is four inches dbh or larger, and is one of the following species:

Maples,	<i>Acer spp.</i>	Tupelo,	<i>Nyssa spp.</i>
Pignut Hickory,	<i>Carya glabra</i>	Red Bay,	<i>Persea borbonia</i>
Sugarberry,	<i>Celtis laevigata</i>	Pines,	<i>Pinus spp.</i>
Sea Grape,	<i>Coccoloba uvifera</i>	Sycamore,	<i>Platanus occidentalis</i>
Buttonwood,	<i>Conocarpus erecta</i>	Chickasaw Plum,	<i>Prunus angustifolia</i>
Dogwood,	<i>Cornus spp.</i>	Flatwoods plum,	<i>Prunus umbellata</i>
Holly,	<i>Ilex spp.</i>	Oaks,	<i>Quercus spp.</i>

Gedar,	<i>Juniperus-spp.</i>	Willow,	<i>Salix-spp.</i>
Sweet-Gum,	<i>Liquidambar-styraciflua</i>	Gypress,	<i>Taxodium-spp.</i>
Magnolia,	<i>Magnolia-spp.</i>	Elms,	<i>Ulmus-spp.</i>
Red-Mulberry,	<i>Morus-rubra</i>	Prickly-Ash (Wild-Lime),	<i>Zanthoxylum-fagara</i>

B. A permit is required for the removal of any native palm royal-palm (~~*Roystonea Regia*~~) or-sabal-palm (aka-cabbage-palm) (~~*Sabal-Palmetto*~~) which has four feet or more of clear trunk as measured from the base of the lowest green frond to the ground.

C. A permit is required to trim any branch eight inches or greater in diameter of or-to remove any grand tree as measured at the branch collar. For the purposes of this section, any reference to the term "grand tree" shall mean any tree which is 30 inches dbh or larger and is one of the species listed in subsection A. The term "grand tree" shall not include laurel oaks (~~*Quercus Laurifolia*~~). The term "grand tree" shall also be considered to be a "specimen" tree as that term is used in Florida Statutes.

D. The applicant shall submit to the POD an application in such form as required by the POD and pay the fee established by City Council. All fees and other monies received as a result of this section shall be paid to the City's environmental enhancement fund.

~~E. Any person who removes or causes to be removed a tree without first obtaining the required permit may be issued an after the fact permit. An after the fact permit shall be issued if the applicant can demonstrate that the factors for removal would have been met at the time the tree was removed. All requirements for replacement trees shall apply to property issued an after the fact permit. The fee for an after the fact permit shall be established by City Council. If the applicant cannot demonstrate that the criteria for removal would have been met, then no after the fact permit shall be issued and the person shall be in violation of this section. If another violation of this section occurs by a person previously issued an after the fact permit or on a site on which an after the fact permit was issued within five years of the date of the second violation, a second after the fact permit shall not be issued.~~

F.E. If a tree has been removed from a property without the issuance of a required tree removal permit, no development permits shall be issued until a tree restoration plan has been submitted to and approved by the POD. A tree restoration plan shall specify the type, specification and location of trees to be planted on the property.

~~G.F.~~ For one and two unit residential properties, for each tree removed which makes the property under the minimum required tree standard, one shade tree of the species set forth in subsection A of this section which is a minimum of eight feet in height at time of planting shall be planted on the property from which the tree was removed. If it is not reasonably possible to comply with the planting requirements of this section, the POD may approve a payment in lieu of planting which shall be utilized to provide additional landscaping on public property or right of way. Such payment in lieu shall be \$500 per tree and shall be placed in the environmental enhancement fund. ~~In lieu of planting a tree on the property from which the tree was removed, at the discretion of the property owner, a sum of \$500.00 shall be paid to the City's environmental enhancement fund.~~

H.G. In emergencies such as hurricane, windstorm, flood, freeze or other disaster, the requirements of these regulations may be waived by the POD upon a finding that such waiver is necessary so that public or private work to restore order in the City will not be impeded.

~~I.H.~~ A tree removal permit is not required to remove unprotected or prohibited trees of any species not required to be permitted by subsections A and B of this section.

~~16.40.060.5.4.16.40.150.2.2.~~ - Factors for evaluation of a tree removal or trimming permit application for ~~one or two unit residential properties.~~

A. After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:

1. *Removal of grand trees.* A grand tree may be removed if:

a. The grand tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or

b. The grand tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist; or

~~c.~~ b. The grand tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the grand tree.

2. *Removal of other trees.* A tree which is required to obtain a permit may be removed if:

a. The tree is located in an area where a structure or improvements will be placed according to an approved plan;

b. The tree is located in an area which serves as the access point for a structure or improvement according to an approved plan, or is located in an area which presents an imminent hazard to an existing or proposed structure;

c. The tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor; or

d. The tree is within a site which has the minimum number of trees required sufficient trees protected by this section and removal of the tree will allow the site to be used in a manner which is consistent and compatible with properties of the same use and similar size in the abutting blocks of the same zoning district not adversely impact the abutting properties.

e. The removal of the tree is reasonably necessary to allow solar access for the efficient operation of solar dependant technologies including solar collection and solar hot water systems. The applicant shall provide supporting documentation from a solar collection and solar hot water system installer, or other credible source, such as a government agency with expertise in solar dependent technologies or ~~an~~ licensed architect, licensed landscape architect or licensed engineer registered to practice in the State of Florida, confirming there is no reasonable alternative location for the equipment or reasonable option to trim the trees practicable trimming or location alternative.

f. In addition to the above criteria for tree removal applications, where a property exceeds the minimum lot size in the zoning district in which it is located (whether vacant or occupied by a structure or use) the minimum number of trees required to remain on site shall be equivalent to the number of minimum lots, or portions thereof, which could be created from the property. For example, the minimum lot size in NT-1 is 5,800 square feet and requires two trees. If the property is 11,600 square feet, this would be equivalent to two lots of minimum lot size and therefore four trees would be required.

3. Decisions of the POD to approve or deny a permit may be appealed by the property owner to the DRC, whose decision shall be deemed a final decision of the City.

B. After an application is filed to trim a grand tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria are is met:

1. The limb, or limbs, proposed for removal is diseased, injured, in declining condition, creates a danger of damaging an existing structure or improvement, creates an unsafe line of sight on a right-of-way or other vehicular use area, or creates a hazardous situation; or

2. Removal of a specific limb, or limbs, is necessary to promote the general public health, safety or welfare or the health of the tree.

3. Trimming permits for grand trees shall be subject to the condition that all related work be done in a manner consistent with ANSI A300 standards ~~the "American National Standard for Tree-Care Operations, ANSI."~~ The POD may allow variations from these standards if the variation reduces the amount of trimming otherwise required pursuant to ANSI A300 standards and will not adversely affect the health of the tree being trimmed or the public health safety or welfare.

~~16.40.060.5.5.16.40.150.2.3.~~ - Application of section to tree removal companies; construction companies; tree removal; permits.

All provisions of this section shall apply to all persons, including but not limited to any person who removes, cuts down, irreparably damages, poisons, destroys or causes to be destroyed any trees on behalf of any other person, including all tree removal companies, construction companies or persons in the business of removing trees or construction. It shall be unlawful for any person to remove or cause to be removed any tree, unless a valid permit therefore is in effect; such removal shall constitute a violation of this section and shall subject the person violating this section to all penalties provided in this section for such violation, both civil and criminal.

~~16.40.060.5.6.16.40.150.2.4.~~ - Penalties.

Any person who violates any provision of this section shall be subject to the following penalties:

1. The penalty for each conviction of a violation shall be a fine of \$500.00
2. Any person who removes or causes to be removed a tree without first obtaining the required permit may be issued an after-the-fact permit. An after-the-fact permit shall be issued if the applicant can demonstrate that the factors for removal would have been met at the time the tree was removed. All requirements for replacement trees shall apply to property issued an after-the-fact permit. The fee for an after-the-fact permit shall be established by City Council. If the applicant cannot demonstrate that the criteria for removal would have been met, then no after-the-fact permit shall be issued and the person shall be in violation of this section. If another violation of this section occurs by a person previously issued an after-the-fact permit or on a site on which an after-the-fact permit was issued within five years of the date of the second violation, a second after-the-fact permit shall not be issued.

3. Replacement trees shall be required as mitigation when there are insufficient trees on the site to meet the requirements of this chapter. The number and size of the replacement trees will be not less than the number of trees necessary to meet the requirements of this chapter and shall be equivalent to the total estimated inches in dbh of the largest illegally removed tree.
- 3.4. In lieu of replanting trees, the total value of those trees illegally removed or damaged, as computed using the Trunk Formula Method established by the Council of Tree and Landscape Appraisers International Society of Arboriculture shade tree value formula, may be paid to the City. Any such payment shall be paid to the City's environmental enhancement fund.
- 4.5. A combination of money and tree replacement of total value equal or greater than the minimum penalty may be allowed ~~required~~.

16.40.060.5.7. Relocation of Existing Trees.

The relocation of existing trees is not required but is an alternative to clearing/removal.

1. Tree removal permit. A tree removal permit is required for tree relocation. The tree removal permit fee may be waived if ANSI standards are implemented to ensure a reasonable chance of survival. A tree relocation plan prepared by a certified arborist or licensed landscape architect shall be submitted with the tree removal application and the plan shall identify appropriate relocation measures which may include but are not limited to provision of adequate water before, during and after relocation, pruning of limbs, root pruning well in advance of relocation, protection of root mass, trunk, branches, and foliage during relocation, relocation to an appropriate planting location, preparation of the new planting pit, and maintenance after completion of the relocation.
2. Value. Relocated trees transplanted onto the same site will be counted as existing trees of the same size when determining compliance with minimum tree requirements.
3. If any relocated tree which has been used to determine compliance with the minimum tree requirements does not survive, the tree shall be replaced within 90 days with a like number of trees.

Section 3. Section 16.90.010.E of the St. Petersburg City Code is hereby amended to read as follows:

E. Landscaping and irrigation shall be shown on all site plan applications with landscaping or greenyard:

Landscaping and Irrigation
Landscaping – All trees on the site and within ten feet of the site shall be shown and shall include the diameter at breast height and species.
Landscape table:
Plant selection by scientific (genus and species) and common name
Plant size and spacing (height and diameter at breast height (dbh))
Plant quantity
Specimen tree calculations including total inches of existing and total inches of preserved
Details for planting, staking and tree barricades
General notes inc. tree protection guidelines, mulch requirements, fertilization and installation instructions
Green yard landscaping (along public rights-of-way)
Green yard landscaping (along interior property lines)
Foundation landscaping on all sides of the proposed building
Perimeter parking lot landscaping
Terminal landscape islands
Interior landscape islands
Depiction by shading or crosshatching of required parking lot interior landscape areas
The total area of terminal and interior landscape islands shall be provided in sq. ft. and as a percentage of the total vehicle use area.Divider medians
Screening of adjacent residential uses
Screening of fences, walls and enclosures for solid waste containers
Screening of mechanical equipment
Irrigation
Location of irrigation system
Location and description of automatic irrigation timer
Location and description of rain sensor device
General notes including irrigation rates for each of the individual water zones (high-demand and low-demand), mechanical information and the requirement for sod to be irrigated on separate zones from those areas with reduced water demands

Section 4. The definition of 'irrigation system' in Section 16.90.020.3 of the St. Petersburg City Code is hereby amended to read as follows:

Irrigation system means a permanent watering system designed to transport and distribute water to plants as a supplement to natural rainfall. Irrigation systems may include, but shall not be limited to, drip irrigation, micro-irrigation, rain barrels, hose bibs, and rain water catchment systems such as rain barrels and cisterns.

Section 5. Section 16.90.020.3 of the St. Petersburg City Code is hereby amended to add the following definitions in the appropriate alphabetical order, to read as follows:

'Grand tree' shall mean any protected tree which is thirty inches dbh or larger.

Grand trees do not include laurel oaks (*Quercus lurifolia*). Grand trees shall be considered to be a "specimen" tree as that term is used in Florida Statutes.

Low Impact Development Landscaping Plan. A Low Impact Development (LID) Landscaping Plan is an ecologically based stormwater management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network. The LID Landscaping Plan may include bioretention swales and rain gardens but shall include identification of plant zones

'Protected tree' shall mean any shade tree which is four inches or larger diameter at breast height (dbh) and any understory tree which is eight inches or larger in diameter at breast height (dbh) and which is not identified in this section as an unprotected or prohibited tree.

'Signature tree' shall mean any non-native tree which because of the size, prevalence and history in our community warrants recognition and protection. A signature tree shall be any of the following species of trees which is eight inches dbh or larger: Royal Poinciana (*Delonix regia*), Jacaranda (*Jacaranda acutifolia*), or any of the following species of trees which is 30" dbh or larger: Kapok (*Ceiba pentandra*), Banyan (*Ficus Urostigma*).

'Specimen tree' shall mean any shade tree which is twelve inches dbh or larger.

Section 6. Section 16.40.060.2.1.3.D of the St. Petersburg City Code is hereby amended by deleting the three diagrams currently located therein and replacing them with the single diagram that is shown in this ordinance in Section 16.40.060.2.1.3.D.

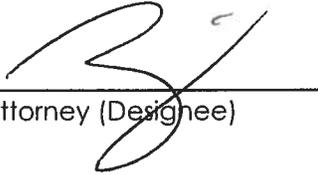
Section 7. Coding: As used in this ordinance, language appearing in ~~struck through~~ type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated.

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

Section 8. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 9. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (Designee)



DEVELOPMENT REVIEW COMMISSION

Prepared by the Planning & Economic Development Department

For Public Hearing on August 5, 2015
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

APPLICATION: LDR 2015-05

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

REQUEST: A text amendment related to tree protection and landscaping (*City Code of Ordinances, Chapter 16, Land Development Regulations ("LDRs"), Section 16.40.150 titled "Tree and Mangrove Protection" and Section 16.40.060 titled "Landscaping and Irrigation"*).

The applicant requests that the Development Review Commission ("DRC") review and recommend approval, confirming consistency with the City of St. Petersburg's Comprehensive Plan ("Comprehensive Plan").

AUTHORITY: Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission ("LDRC"), is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.

Recommendation

The Planning & Economic Development Department finds that the proposed request is consistent with the Comprehensive Plan and recommends **APPROVAL**.

Background and Analysis

The City of St. Petersburg is committed to improvement of the appearance, environment, character and value of the total urban area within the City by protecting, promoting and maintaining a healthy, diverse and mature canopy of native and naturalized hardwood and evergreen tree species.

Council Member Steve Kornell submitted, and the City Council subsequently referred to the Public Service and Infrastructure Committee ("PS&I"), a request to review possible ordinance changes and process adjustments concerning tree protection. Staff initially presented a general overview of the existing regulations and potential amendment discussions to the PS&I Committee on May 8, 2014 and later presented a draft proposed ordinance to the PS&I Committee on September 25, 2014. Concurrent meetings with a community advocate group also took place on April 25, May 30, and October 17, 2014 to discuss potential amendments of the City's tree protection ordinance. It was decided to approach the amendment efforts in two phases and this application pertains to the second phase. The first phase was related to the permitting and regulation of tree removals and landscaping on single-family or two unit residential properties. The first phase ordinance was adopted on December 18, 2014. For the second phase, the working group continued monthly meetings through June 10, 2015, culminating in the proposed amendments presented today. A workshop was held to present these second phase amendments with the Development Review Commission on July 1, 2015, and comments were incorporated into the draft ordinance. The proposed amendments were presented to the Public Services and Infrastructure (PS&I) Committee on July 16, 2014. No changes were made from PS&I. These amendments can be generally described as follows:

- Levels the playing field with our neighboring jurisdictions and provides greater flexibility
- Combines the two code sections that address tree protection and landscape standards into one section, to improve clarity and usability
- Provides for general updates to improve clarity and consistency of our code
- Modifies code to incentivize protection of existing protected trees
- Extends "Grand" tree standards to all properties
- Establishes a "Signature Tree" category to provide protection for certain non-native species including Kapok, Banyan, Jacaranda and Royal Poinciana
- Limits the number of palms trees that can be substituted for shade trees, to provide increase in tree canopy and shade
- Requires removal of prohibited trees at time of development or redevelopment

The attached summary chart and ordinance provides detailed information related to the proposed changes.

Compliance with the Comprehensive Plan

The following objectives and policies from the Comprehensive Plan are applicable to the proposed amendment:

Policy LU8.1: Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-5 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

Objective LU21: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

Policy LU21.1: The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

Objective LU25:

The City shall support site planning and building design techniques that minimize heat island effects, which can warm surface temperatures and increase the use of air conditioning, resulting in greater energy use and GHG emissions.

Policy LU25.2: The City shall continue to enforce landscaping and tree preservation standards that increase shade and mitigate heat island effects.

Objective C8:

The City shall implement the Urban Forestry Plan and other existing programs to replant a specified number of new trees in rights of way and other public property, and in an annual amount to equal or exceed the hardwood trees removed per year from rights of way areas, through implementation of the Environmental Enhancement Fund.

Housing Affordability Impact Statement

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

Adoption Schedule

The proposed amendment requires one (1) public hearing, conducted by the City of St. Petersburg City Council. The City Council shall consider the recommendation of the DRC and vote to approve, approve with modification or deny the proposed amendment:

- First Reading – September 3, 2015
- Second Reading and Public Hearing- September 17, 2015

Exhibits and Attachments

1. LDR 2015-05 – Tree Preservation and Landscape Code Amendments Summary Table
2. Ordinance
3. Housing Affordability Impact Statement

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

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

I. **Initiating Department:** Planning & Economic Development

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

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2015-05).

III. **Impact Analysis:**

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

No (No further explanation required.)

Yes Explanation:

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

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

No (No further explanation required)

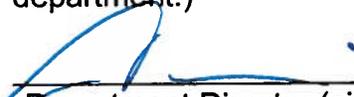
Yes Explanation:

IV: Certification

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

CHECK ONE:

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



Department Director (signature)

8-13-15

Date

OR

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

Department Director (signature)

Date

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

MEMORANDUM

TO: The Honorable Chair and City Council Members
FROM: Todd Yost, Director, Codes Compliance Assistance Department
DATE: August 26, 2015
RE: Proposed Ordinance revising City Code Chapter 9

Attached please find a proposed ordinance that makes amendments to sections of the City Code, Chapter 9 relating to the Code Enforcement Board and Civil Citations. As the Codes Compliance Assistance Department nears the launch of the new Civil Citations process, the Department has decided to make operational changes to the Code Enforcement Board and Special Magistrate processes that the City has been using for the past several years.

In the past, the Board heard violation cases and certified liens, but this process was bifurcated with the creation of a Special Magistrate to hear lien certification cases which had previously been found in violation by the Board. The proposed ordinance will give certification powers back to the Board and clarify the powers of both the Board and Codes Special Magistrate. This proposed ordinance will not be eliminating the office and duties of the Code Enforcement Special Magistrate. Those subsections will remain so that they may be utilized if in the future the Department decides to re-divide the process. However, the Special Magistrate position that exists now will become operationally dormant effective October 1, 2015.

The proposed ordinance also contains changes to the notice provisions for both the Board and the Civil Citations system. The notice for the Board is being updated to track with current Florida Statutes Section 162.11. As the Department has been working towards the launch of Civil Citations, a notice option for citations to vehicles and vessels was proposed and is reflected in this ordinance also. Other changes reflect edits made to enhance the overall clarity and readability of the Chapter as a whole.

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, RELATING TO CODE ENFORCEMENT; AMENDING CHAPTER 9 OF THE CITY CODE TO CLARIFY THE POWERS OF THE CODE ENFORCEMENT BOARD TO CERTIFY, ASSESS, AND REDUCE LIENS ON PROPERTIES WHICH ARE FOUND TO BE IN VIOLATION OF CITY CODE; ADDING POSTING OF NOTICES AS A MEANS OF SERVICE; ADDING CRITERIA FOR VEHICLE, VESSEL, AND EQUIPMENT VIOLATION NOTICES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 9-28 of the St. Petersburg City Code is hereby amended to read to read as follows:

Sec. 9-28. - Powers of Code Enforcement Board and Special Magistrate.

- (a) The Code Enforcement Board shall have the power to:
- (1) Adopt rules for the conduct of the hearings it holds.
 - (2) Subpoena alleged violators and witnesses to its hearings.
 - (3) Subpoena evidence, records, surveys, plats and other material.
 - (4) Take testimony under oath.
 - (5) Issue orders following a hearing, which orders shall have the force of law and which orders shall set forth the steps necessary to be accomplished in order to bring a violation into compliance with the Code that has been violated-, including requirements for compliance by a specific date, and provision for daily fines if the violation continues.
- (b) A Special Magistrate shall have the power to conduct a hearing and take testimony under oath in any case in which the Board has previously:
- (1) Found that one or more violations of the Codes or ordinances of the City exist;
 - (2) Entered an order requiring compliance by a specified date; and
 - (3) Provided that a fine may be imposed for each day thereafter that the violation continues past the date set for compliance.

~~A Special Magistrate shall not hear or decide a case that does not meet these requirements.~~

~~(c) In each such case, following the hearing, the Special Magistrate may impose a fine at the daily rate set by the Board or at a lesser daily rate for each day that the violation is found by the Special Magistrate to continue past the date set for compliance, and may certify a lien securing such fine, as provided in section 9-29. The Special Magistrate may, in the alternative, defer the imposition of a fine and may defer certification of a lien securing such fine for a reasonable time necessary to correct the violation.~~

Section 2. Section 9-29 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 9-29. - Fine, lien and foreclosure.

- (a) Upon being notified by the Code Inspector that a previous order of the Board finding a violation to exist and ordering correction of the violation within a time certain has not been complied with within the time established in such order, the Board or Special Magistrate may, after giving the violator notice and an opportunity to be heard, impose a fine at the daily rate previously set by the Board or at a lesser daily rate for each day the violation is found. ~~order the violator to pay a~~Such fine to the City ~~shall not to exceed \$250.00 for each day that the violation continues past the date set for compliance and shall not to exceed \$500.00 per day for repeat violations. Notice of the hearing at which the imposition of a fine and certification of a lien will be considered shall be provided to the violator.~~
- (1) In determining the amount of the fine, if any, the Board ~~and~~or Special Magistrate shall consider the following factors:
- The gravity of the violation;
 - Any actions taken by the violator to correct the violation; and
 - Any previous violations committed by the violator.
- (2) In the alternative, the Board or Special Magistrate may defer the imposition of a fine and may defer certification of a lien securing such fine for a reasonable time necessary to correct the violation. ~~The Board or a Special Magistrate may reduce a fine imposed pursuant to this section.~~
- (b) A certified copy of an order by the Board or a Special Magistrate imposing the fine may be recorded in the public records of the county, and thereafter such order shall constitute a lien against the land on which the violation existed and upon any other real or personal property owned by the violator. The Board or a Special Magistrate may reduce or release a lien imposed pursuant to this section. The Board may establish objective criteria to reduce or release liens and may delegate said authority to reduce or release liens to the POD.

Section 3. Section 9-31 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 9-31. - Notices.

- (a) All notices required to be provided by this article, other than the initial violation warning letter and notices of violations addressed in subsection (b) hereof, shall be by certified mail, return receipt requested, hand delivery to the violator, or by hand delivery at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice.
- (b) In addition to providing notice as set forth in subsection (a) of this section, notice may also be served by publication. Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county.
- (c) In lieu of publication as described in subsection (b), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall.
- (ed) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication as provided in subsection (b) of this section or with proof of posting as provided in subsection (c), shall be sufficient to show that the notice requirements have been met, without regard to whether or not the violator actually received such notice.

Section 4. Section 9-51 of the St. Petersburg City Code is hereby amended to read as follows:

(a) All notices required by this part, other than the initial violation warning letter, must be provided to the violator by:

(a1) Certified mail to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database, except the City may provide notice of a Special Magistrate hearing to any other address provided to the City by the alleged violator on the appeal hearing request form by first class mail.

(b2) Hand delivery;

(e3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such persons of the contents of the notice; or

(d4) In the case of a violation at a ~~property~~ commercial premises, leaving the notice with the manager or other person in charge. Each employee of the business shall be deemed to be an agent of the business for service of warning notices and citations during regular business hours.

(e5) Additional notice may be completed by posting a copy of the notice or citation in a conspicuous place upon the property which is the subject of the violation. Such posting, together with proof of mailing in subsection (a1) shall be sufficient to show that the notice requirements were met without regard to whether or not the alleged violator actually received such notice.

(b) For violations involving vehicles, vessels, or equipment which have a visible state license or registration, notice may be provided to the registered owner of the vehicle, vessel, or equipment by certified mail to the owner's record address for the license or registration. In addition to such mailing, the notice may be provided in accordance with subsection (a) to the property owner where the vehicle, vessel, or equipment in violation is located.

Section 5. Coding: As used in this ordinance, language appearing in ~~struck-through~~ type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

Section 6. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

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

Approved as to form and content:

City Attorney (Designee)

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: The Honorable Members of City Council

DATE: August 21, 2015

COUNCIL DATE: September 3, 2015

RE: *Grand Prix Contract Extension*

ACTION DESIRED:

Respectfully request scheduling a Committee of the Whole or Workshop prior to Administration bringing an extension to the Grand Prix contract for Council approval.

BACKGROUND:

St. Petersburg has hosted the Grand Prix for 12 years under four owners. The first owner invested one million dollars in paving the track, pit lane and taxiway delta as well as supplied the bridges, block and fences. None of the three later owners have invested in facilities to host the race.

There will be maintenance and replacement needs in the near future, which I would suggest be paid by the race promoter. In addition, we have recently experienced a late change in race dates which negatively impacted several significant neighbors. Long Beach, which also runs a similar road race has required fixed dates five years in advance. We should seek a similar agreement prior to extending the contract.

Karl Nurse
Council Member

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: **The Honorable Members of City Council**

DATE: **August 26, 2015**

COUNCIL DATE: **September 3, 2015**

RE: ***Referral to Committee of the Whole purchase of adjacent land to
Boyd Hill Nature Preserve***

ACTION DESIRED:

Respectfully request a referral to a Committee of the Whole to discuss funding from Weeki Wachee Funds the purchase of land adjacent to Boyd Hill Nature Preserve.

Steve Kornell
Council member, District 5

Report of the LAIR Committee

August 20, 2015

In attendance: Chair Kornell, members Foster, Nurse, Gerdes and Council member Kennedy

This was the LAIR Committee's first meeting in 2015, a chair and vice –chair were elected. Council member Kornell was re-elected Chair and Karl Nurse was elected Vice Chair.

The 2016 Florida Legislative Session is beginning early, and will run from January 12 through March 11. Committee meetings start on September 16, and will be held on five additional weeks in October and November.

The Pinellas Delegation will hold a meeting in September to hear local bills and take testimony from local officials and organization leaders. **[Post meeting – Delegation has scheduled meeting for September 22]**

The Committee reviewed the City's Legislative Priorities for this past year's session. Those which received funding were the \$50,000 for the runway study at Albert Whitted Airport and the \$12 million for USFSP's College of Business building.

The Enterprise Zone program was not extended and will sunset at the end of 2015. The percentage of Communication Services Tax was lowered, but the local government share was held harmless. Programs for the homeless were funded at \$4 million statewide, but a dedicated funding source was not stipulated.

The Committee agreed that the request of \$1 million for the 4th Street S. on-ramp to I-175, and the Central Avenue Bus Rapid Transit \$1 million request should be supported again in 2016, and voted to do so.

There was discussion that the City, in conjunction with the School Board and other organizations providing services to children, should develop and propose for funding, a comprehensive plan to address the issues raised by the Tampa Bay Times' series in the poor performing schools and students in South St. Petersburg. Solutions should not be limited to educational issues, but should include focus on economic development, job creation, and other strategies to reduce the poverty in the neighborhoods served by those schools.

The committee discussed the local share of the gas tax, and the utility and communications services taxes, and decided to ask the Budget, Finance and Tax Committee to ask for a discussion of these items at a future meeting.

The committee decided that the resolution passed last year urging the legislature to fund a separate source of funds from DOT to use for roadside maintenance is still valid and that the Legislature should be reminded of this ongoing concern.

The report from the Florida League of Cities on the 2015 Session was distributed, as was the Leagues' list of priorities for 2016. It was agreed that many of the League's priorities are St. Petersburg priorities as well.

A report of federal issues from the National League of Cities was distributed, and the Committee approved a Resolution for consideration by the full City Council to the Congressional delegation in support of HUD's Home Investment Partnership program (HOME).

The committee members suggested that all Council members be given the opportunity to bring other legislative issues to the attention of the LAIR committee by emailing them to Sally Everett. A follow up LAIR committee will be scheduled for October **[October 22]**.

A RESOLUTION SUPPORTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") HOME INVESTMENT PARTNERSHIPS ("HOME") PROGRAM; URGING THE FEDERAL DELEGATION TO SUPPORT AND PASS LEGISLATION FOR FUNDING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, over the past 20 years, the HOME program has produced more than 1.1 million affordable homes and has provided direct rental assistance to hundreds of thousands of vulnerable families;

WHEREAS, the HOME program has a proven track record of successfully addressing the whole spectrum of housing needs, from homeownership to rental to rehabilitation and from urban to suburban and rural communities;

WHEREAS, as a locally driven program, HOME provides states and localities with the flexibility they need to address their most pressing housing challenges;

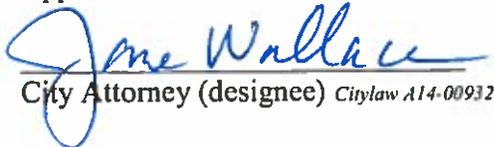
WHEREAS, between 2010 and 2015, HOME funding was cut in half from more than \$1.8 billion to \$900 million; and

WHEREAS, these cuts have made it more difficult for America's most vulnerable residents, including low income seniors, people with disabilities, veterans, families with children and those experiencing homelessness to access safe, decent, and affordable housing.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that City Council requests that the Federal Delegation make a deliberative and thorough effort to support HOME by lifting the spending caps imposed by the Budget Control Act of 2011 and restoring HOME funding to no less than \$1.06 billion, as requested by the Administration for Fiscal Year 2016.

This Resolution shall become effective immediately upon its adoption.

Approved as to form and content:


City Attorney (designee) *Citylaw A14-00932*

**ST. PETERSBURG CITY COUNCIL
BUDGET, FINANCE & TAXATION COMMITTEE**

Committee Report

**Meeting of August 20, 2015
10:30 a.m. - City Hall Room 100**

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

Support Staff: Meghan Wimberly, Administrative Assistant, Billing & Collections
Robert Coats, Risk Management Analyst, Human Resources

A. Call to Order

B. Approval of Agenda

C. Approval of Minutes

1. Minutes from July 16th, 2015 BF&T Meeting

A motion was made and approved of the agenda without the approval of the July 16, 2015 committee minutes. Motion passed unanimously.

D. New/Deferred Business

1. August 20, 2015

a. Debt Issuance Report – (Fritz)

Anne Fritz, Finance Director, provided the Committee a Debt Issuance Report along with a Public Service Tax Revenue Bond Resolution for approval. Ms. Fritz introduced Duane Draper from the City’s Bond Counsel, Bryant Miller Olive PA. Ms. Fritz stated the proposed resolution was an amendment to the TIFF District Plan in regards to the Pier Approach/Uplands area going before City Council. She also stated this resolution is to replace the current resolution to allow an increase in debt from \$20 million to \$23 million for additional projects related to the TIFF District Plan. Ms. Fritz noted this resolution was not for issuing the debt. She noted a substitute resolution would return at a later date to issue the debt.

There was some discussion related to the definition of the “Pier Approach Project” outlined in the Revenue Bond Resolution.

A motion was made and approved for the resolution. Motion passed unanimously.

b. Graystone Investment Management Contract – (Fritz)

Anne Fritz, Finance Director, provided the Committee with a resolution for approval related to the agreement between the City of St. Petersburg, Florida and Morgan Stanley Smith Barney, LLC for Investment Manager Services for the St. Petersburg Parks Preservation Fund (Weeki Wachee). Ms. Fritz stated the resolution is to approve the agreement and authorize Morgan Stanley Smith Barney, LLC to execute all documents necessary for the Alternate Investment Policy in regards to the Parks Preservation Fund (Weeki Wachee).

A motion was made and approved for the resolution. Motion passed unanimously.

c. Third Quarter Financial Report - (Fritz/Greene)

Anne Fritz, Finance Director, provided the Committee with a summary of the Third Quarter Financial Reports for the period ending June 30, 2015, and an overview of the report. The overview consisted of five financial sections: Investments, Debt, Pensions, Parks Preservation (Weeki Wachee) Fund, and Budget versus Actual financial schedules reported amount by operating fund.

The current amortized book value of all holdings governed by the City's Investment Policy is \$430.2 million and the corresponding market value is \$429.9 million with a total unrealized gain of \$325 thousand. Ms. Fritz stated the report was reviewed by the Investment Oversight Committee (IOC) and there were no additional comments or concerns related to investments. She mentioned the Alternate Investment Policy in regards to the Parks Preservation Portfolio and specifically, the Alliance Bernstein and Marco Investments. Ms. Fritz noted that when all sources of interest income earnings are combined for the twelve months ended June 30, 2015, the City's investment earnings were \$5.4 million, or an average return of 1.25%. She also highlighted the five Index Funds which were purchased on February 17, 2015 are moving along with the market and the dividends received total \$265,570. Ms. Fritz further stated during the current quarter there were maturities of instruments held for the face amount of \$15 million; instruments called for face amounted to \$36.3 million. Instruments purchased during the current quarter totaled \$41 million. She also mentioned the instruments purchased included: U.S. Treasury, Certificates of Deposit, Corporate Bonds, and U.S. Instrumentalities.

The current amortized book value of the Alternative Investment Portfolios is \$37.2 million with a corresponding market value of \$39 million and a total unrealized gain of \$1.8 million. The total amortized book value of the General and Alternative Investment Policies combined is \$467.4 million and the market value is \$468.9 million with a total unrealized gain of \$1.4 million.

The debt report summarizes information regarding significant general governmental debt and enterprise debt outstanding as of June 30, 2015. Ms. Fritz stated the future funding sources graph and supporting schedule provides a summary of future funding sources available for general governmental debt and enterprise debt outstanding as of June 30, 2015 for fiscal years 2016 and beyond. She also mentioned a significant change will occur in regards to the general governmental debt service fund on October 1, 2016 due to repayment of the Stadium debt and Water Cost Stabilization fund. She also noted future funding sources and principal and interest of general governmental debt and enterprise debt are subject to change upon new issuances of debt.

Ms. Fritz noted during the current quarter all three pension funds continue to show positive results in the percentage funded, almost at a 1 billion mark. She also noted the calculation on the report "Current Market Value versus Actuarial Figures for Solvency Test" details the current year and prior year funding status of the Plans based on actuarial valuations. The current year as of June 30, 2015 utilizes the latest available actuarial valuation date of October 1, 2014 and comparative June 30, 2014 funding ratios utilize the actuarial valuation date of October 1, 2013. Ms. Fritz mentioned the Deferred Retirement Option Plans (DROP) Statement of Net Position is now included in the pension funds report to illustrate the outstanding investments held by the Plans as well as the corresponding DROP liability outstanding to participants. She also mentioned FY14 and forward, the City will include the investments and corresponding liability of the Plans in the Pension Plan financial statements in the Comprehensive Annual Financial Report (CAFR) as required by the

State. Also, the Parks Preservation (Weeki Wachee) Fund balance as of June 30, 2015 was \$5,096.721. Ms. Fritz highlighted the Parks Preservation (Weeki Wachee) Fund balance as of July 31, 2015 was \$5,211.259.

The budget versus actual financial reports includes: Summarized Financial Reporting by Fund, Detailed Budget versus Actual Reporting for the General Funds Group, and Summarized Budget versus Actual Reporting by Operating Fund. Ms. Fritz noted the breakdown by fund type which includes the actual fund balances, revenues, expenditures, reserve for encumbrances, adjustments to budgetary fund balances, and budgetary fund balance. She also mentioned the report was reviewed by the Investment Oversight Committee (IOC) and there were no additional comments or concerns related to the budget vs. actual financial reports.

Ms. Fritz stated to enhance transparency in financial reporting; the City is offering an interactive reporting tool called OpenGov, which allows citizens to log on to www.Stpete.org and explore budget and other financial data online in various graphical formats selected by the user. She noted the format for quarterly financial statements was updated for this quarter to include summarized financial reporting by fund, detailed budget versus actual reporting for the General Funds Group and summarized budget versus actual reporting by operating fund. Ms. Fritz also noted the two views available are current versus annual for four years.

Tom Greene, Budget and Management Director, provided a summary of the Third Quarter Budget Report ending June 30, 2015, and projections for the balance of the fiscal year. The FY15 General Fund estimate for total revenue is \$221.641 million which exceeds both the adopted budget of \$216.312 million and the amended \$217.600 million. Mr. Greene mentioned the estimated General Fund expenditures are \$221.908 million (including \$2.002 million of FY14 encumbrances which have already been accounted for in the FY15 beginning General Fund balance). These estimated General Fund expenditures are higher than the adopted budget of \$216.312 million and the amended budget of \$220.838 million. He also mentioned when projected General Fund revenues are compared to projected General Fund expenses the result is a surplus of \$1.735 million. Mr. Greene also stated these projections don't include any of the year clean-up. He also noted should these projections hold for the remainder of the fiscal year the balance of the General Fund Group of Funds at year-end would be \$44.820 million or \$1.017 million over the 20% target of \$43.803 million. Additionally, for FY15 the core General Fund Target of 5% equates to \$10.766 and the projected core General Fund balance would be \$15.449 million.

Mr. Greene highlighted several sources of General Fund revenue that are projected to exceed budget expectations, including: Franchise Tax Electric, Utility Tax Electric, Communications Services Tax, State Half Cent Sales tax and Local Option Gas Tax.

Mr. Greene mentioned all three main Enterprise Funds are performing well and will meet or exceed their fund balance target at year end. Mr. Greene highlighted the projected increases and decreases to the General Fund subsidy. He also stated in the third quarter a total of 13 Capital Improvement Projects (CIP) were completed and closed for a total of 81 during FY15.

E. Continued Business

F. Upcoming Meetings Agenda Tentative Issues

1. August 27, 2015

a. Water Resources Utility Rate (Connors)

b. Debt Issuance Report - Water Resources Utility Rate (Fritz)

G. New Business Item Referrals

H. Adjournment- The meeting adjourned at approximately 12:08p.m.

RESOLUTION NO. 2015-____

A RESOLUTION OF THE CITY OF ST. PETERSBURG, FLORIDA, SUPERSEDING RESOLUTION NO. 2015-160 PREVIOUSLY ADOPTED ON APRIL 16, 2015; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$50,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF ST. PETERSBURG, FLORIDA PUBLIC SERVICE TAX REVENUE BONDS, SERIES 2015A FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COSTS OF ANY DESIGN, AND THE PLANNING, SITE PREPARATION, ACQUISITION, INSTALLATION, CONSTRUCTION, AND EQUIPPING OF A CITY-OWNED MUNICIPAL PIER, COMMONLY REFERRED TO AS THE PIER PROJECT, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$23,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF ST. PETERSBURG, FLORIDA PUBLIC SERVICE TAX REVENUE BONDS, SERIES 2015B FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COSTS OF CAPITAL PROJECTS DESIGNED TO INTEGRATE THE PIER PROJECT WITH THE SURROUNDING DOWNTOWN ENVIRONMENT, COMMONLY REFERRED TO AS THE PIER APPROACH PROJECT, AS MORE PARTICULARLY DESCRIBED HEREIN; PLEDGING PUBLIC SERVICE TAX REVENUES TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF SUCH BONDS; AUTHORIZING BOND VALIDATION; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, THAT:

**ARTICLE I
GENERAL**

SECTION 1.01 Definitions.

When used in this Resolution, the following terms shall have the following meanings, unless the context clearly otherwise requires:

REVISED
AUG 21 2015

CITY OF ST. PETERSBURG, FLORIDA
PUBLIC SERVICE TAX REVENUE BOND RESOLUTION
ADOPTED SEPTEMBER 3, 2015

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RESOLUTION NO. 2015-____

A RESOLUTION OF THE CITY OF ST. PETERSBURG, FLORIDA SUPERSEDING RESOLUTION NO. 2015-160 PREVIOUSLY ADOPTED ON APRIL 16, 2015; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$50,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF ST. PETERSBURG, FLORIDA PUBLIC SERVICE TAX REVENUE BONDS, SERIES 2015A FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COSTS OF ANY DESIGN, AND THE PLANNING, SITE PREPARATION, ACQUISITION, INSTALLATION, CONSTRUCTION, AND EQUIPPING OF A CITY-OWNED MUNICIPAL PIER, COMMONLY REFERRED TO AS THE PIER PROJECT, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$23,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF ST. PETERSBURG, FLORIDA PUBLIC SERVICE TAX REVENUE BONDS, SERIES 2015B FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COSTS OF CAPITAL PROJECTS DESIGNED TO INTEGRATE THE PIER PROJECT WITH THE SURROUNDING DOWNTOWN ENVIRONMENT, COMMONLY REFERRED TO AS THE PIER APPROACH PROJECT, AS MORE PARTICULARLY DESCRIBED HEREIN; PLEDGING PUBLIC SERVICE TAX REVENUES TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF SUCH BONDS; AUTHORIZING BOND VALIDATION; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, THAT:

**ARTICLE I
GENERAL**

SECTION 1.01 Definitions.

When used in this Resolution, the following terms shall have the following meanings, unless the context clearly otherwise requires:

"**Act**" shall mean the Constitution and laws of the State of Florida, Chapter 163, Part III, Florida Statutes, if applicable, Chapter 166, Florida Statutes, the municipal charter of the Issuer, Chapter 17, Article II of the St. Petersburg City Code, Section 16.06.050 of the St. Petersburg City Code, if applicable, and other applicable provisions of law.

"**Additional Bonds**" shall mean the obligations issued at any time under the provisions of Section 5.02 hereof on a parity with the Series 2015 Bonds.

"**Additional Project**" shall mean the designing, permitting, acquisition, construction, reconstruction and/or equipping of the facilities and general infrastructure within the City and shall include all property rights, easements, franchises and equipment relating thereto and deemed necessary or convenient for the designing, permitting, acquisition, construction, reconstruction, equipping and/or the operation thereof which are financed, refinanced and/or reimbursed in whole or in part with the proceeds of Additional Bonds.

"**Amortization Installment**" shall mean an amount designated as such by Supplemental Resolution of the Issuer and established with respect to any Term Bonds.

"**Annual Debt Service**" shall mean, with respect to any Bond Year, the aggregate amount of (1) all interest required to be paid on the Outstanding Bonds during such Bond Year, except to the extent that such interest is to be paid from (a) deposits in the Interest Account made from Bond proceeds or (b) a direct subsidy payment expected to be received from the United States Treasury relating to Direct Subsidy Bonds or any other interest subsidy or similar payments made by the Federal government, (2) all principal of Outstanding Serial Bonds maturing in such Bond Year, and (3) all Amortization Installments herein designated with respect to such Bond Year. Annual Debt Service on (i) debt that constitutes Balloon Indebtedness bearing interest at a fixed interest rate or (ii) Variable Rate Bonds that constitutes Balloon Indebtedness, shall be determined assuming it is amortized over 20 years on an approximately level annual debt service basis.

"**Balloon Indebtedness**" shall mean debt 25% or more of the original principal amount of which matures during any one Fiscal Year.

"**Bond Amortization Account**" shall mean the separate account in the Debt Service Fund established pursuant to Section 4.04 hereof.

"**Bond Counsel**" shall mean Bryant Miller Olive P.A. or any other attorney at law or firm of attorneys, of nationally recognized standing in matters pertaining to the exclusion from gross income for federal income tax purposes of interest on obligations issued by states and political subdivisions, and duly admitted to practice law before the highest court of any state of the United States of America.

"**Bond Year**" shall mean the period commencing on November 2 and ending twelve months later on November 1, or such other dates as may be determined by the Issuer by Supplemental Resolution of the Issuer adopted prior to the issuance of the Series 2015 Bonds.

"**Bondholder**" or "**Holder**" or "**holder**" or any similar term, when used with reference to a Bond or Bonds, shall mean any person who shall be the registered owner of any Outstanding Bond or Bonds as provided in the registration books of the Issuer.

"**Bonds**" shall mean the Series 2015 Bonds, together with any Additional Bonds issued pursuant to this Resolution.

"**Capital Appreciation Bonds**" shall mean the aggregate principal amount of the Bonds that bear interest payable solely at maturity or upon redemption prior to maturity in the amounts determined by reference to the Compounded Amounts, all as shall be determined by Supplemental Resolution of the Issuer. In the case of Capital Appreciation Bonds that are convertible to Bonds with interest payable prior to maturity or redemption of such Bonds, such Bonds shall be considered Capital Appreciation Bonds only during the period of time prior to such conversion.

"**City Attorney**" shall mean the City Attorney or his or her designee.

"**Clerk**" shall mean the City Clerk or assistant or deputy City Clerk of the Issuer, or such other person as may be duly authorized by the City Council of the Issuer to act on his or her behalf.

"**Code**" shall mean the Internal Revenue Code of 1986, as amended, and the regulations and rules thereunder in effect or proposed.

"**Compounded Amounts**" shall mean, as of any date of computation with respect to any Capital Appreciation Bond, an amount equal to the principal amount of such Capital Appreciation Bond (the principal amount at its initial offering) plus the interest accrued on such Capital Appreciation Bond from the date of delivery to the original purchasers thereof to the interest date next preceding the date of computation or the date of computation if an interest date, such interest to accrue at the applicable rate which shall not exceed the legal rate, compounded semiannually, plus, with respect to matters related to the payment upon redemption of the Capital Appreciation Bonds, if such date of computation shall not be an interest date, a portion of the difference between the Compounded Amount as of the immediately preceding interest date and the Compounded Amount as of the immediately succeeding interest date, calculated based on the assumption that Compounded Amount accrues during any semi-annual period in equal daily amounts on the basis of a 360-day year of twelve 30-day months.

"Construction Fund" shall mean the City of St. Petersburg, Florida, Public Service Tax Revenue Bonds, Series 2015 Construction Fund established pursuant to Section 4.03 hereof.

"Cost" when used in connection with a Project, shall mean (1) the Issuer's cost of design, demolition, physical construction, and/or other pre-construction costs including without limitation geotechnical testing, value engineering, surveying and permitting; (2) costs of acquisition by or for the Issuer of such Project; (3) costs of land and interests therein and the cost of the Issuer incidental to such acquisition; (4) the cost of any indemnity and surety bonds and premiums for insurance during construction; (5) all interest due to be paid on the Bonds and other obligations relating to the Project during, and if deemed advisable by the Issuer for up to one year after the end of, the construction period of such Project and for a reasonable period thereafter, if permitted by the Code; (6) architectural, design, engineering, legal and other consultant fees and expenses; (7) costs and expenses incidental to the issuance of the Bonds for up to one year, including the fees and expenses of any attorneys, financial advisors, auditors, engineers, Paying Agent, Registrar or depository; (8) payments, when due (whether at the maturity of principal or the due date of interest or upon redemption) on any indebtedness of the Issuer (other than the Bonds) incurred for such Project; (9) costs of machinery or equipment required by the Issuer for the commencement of operation of such Project; or (10) any other capitalizable costs properly attributable to such activities including without limitation professional fees and expenses, as determined by generally accepted accounting principles and shall include reimbursement to the Issuer for any such items of Cost heretofore paid by the Issuer. Any Supplemental Resolution may provide for additional items to be included in the aforesaid Costs.

"Debt Service Fund" shall mean the City of St. Petersburg, Florida, Public Service Tax Revenue Bonds Debt Service Fund established pursuant to Section 4.04 hereof.

"Direct Subsidy Bonds" shall mean any Taxable Bonds issued by the Issuer hereunder for which either (1) the Issuer receives direct subsidy payments or any other interest subsidy or similar payments made by the Federal Government in an amount equal to a percentage of the interest paid on such Bond or Bonds, or (2) the holder of such Bond or Bonds receives a tax credit in an amount equal to a percentage of the interest paid on such Bond or Bonds.

"Federal Securities" shall mean (1) cash, and/or (2) non-callable direct obligations of the United States of America.

"Financial Advisor" shall mean Public Financial Management, Inc., or such other financial advisor as may be duly appointed by the Issuer.

"Finance Director" shall mean the Finance Director of the Issuer or any assistant or deputy thereof.

"Fiscal Year" shall mean the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law.

"Insurance Policy" or **"Insurance Policies"** shall mean any policy of bond insurance, letter of credit, guarantee, or other similar form of credit enhancement issued by an Insurer and insuring or guaranteeing the payment when due of all or any portion of the principal of and interest on any Series of Bonds. All references in this Resolution to the Insurance Policy or Insurance Policies shall be of no force and effect (i) if there is a default in the performance of any obligations thereunder by the applicable Insurer, or (ii) at such time as there are no Bonds Outstanding with respect to which an Insurer has issued an Insurance Policy or Insurance Policies.

"Insurer" shall mean any issuer or issuers of any Insurance Policy or any successor corporation that assumes the obligations of the issuer of such Insurance Policy. All references in this Resolution to the Insurer and/or an Insurance Policy shall be of no force and effect to a particular Series of Bonds if such Bonds are not insured, and/or at such time as there are no Bonds Outstanding with respect to which an Insurer has issued an Insurance Policy.

"Interest Account" shall mean the separate account in the Debt Service Fund established pursuant to Section 4.04 hereof.

"Interest Date" shall be May 1 and November 1 of each year, or such other dates as may be determined by the Issuer by Supplemental Resolution of the Issuer adopted prior to the issuance of the Series 2015 Bonds.

"Issuer" shall mean the City of St. Petersburg, Florida, a municipal corporation of the State of Florida.

"Maximum Annual Debt Service" shall mean the largest amount of Annual Debt Service for any Bond Year in which Bonds shall be Outstanding, excluding all Bond Years which shall have ended prior to the Bond Year in which Maximum Annual Debt Service shall be computed.

"Maximum Interest Rate" shall mean, with respect to any particular Variable Rate Bonds, the maximum rate of interest such Bonds may at any time bear in the future in accordance with the terms of the Supplemental Resolution of the Issuer delineating the details of such Bonds.

"Mayor" shall mean the Mayor of the Issuer, or his or her designee. The Mayor is authorized, but is not bound, to designate the City Administrator and/or the Finance Director to execute certificates, agreements and all other documents in connection with the issuance of the Bonds.

"Outstanding" when used with reference to Bonds and as of any particular date, shall describe all Bonds theretofore and thereupon being authenticated and delivered except, (1) any Bond in lieu of which another Bond or other Bonds have been issued under an agreement to replace lost, mutilated or destroyed Bonds, (2) any Bond surrendered by the Holder thereof in exchange for another Bond or other Bonds under Sections 2.06 and 2.08 hereof, and (3) Bonds canceled after purchase in the open market or because of payment at or redemption prior to maturity.

"Paying Agent" shall mean any paying agent for Bonds appointed by or pursuant to a Supplemental Resolution and its successors or assigns, and any other Person which may at any time be substituted in its place pursuant to this Resolution.

"Pier Project" shall mean the design, planning, site preparation, demolition, acquisition, installation, construction, reconstruction, renovation and/or equipping of an Issuer-owned municipal pier, which may consist of both landside and waterside improvements, for public uses, which may include commercial uses, including without limitation, restaurants, shops, equipment rentals, concession stands, and/or other similar uses, and any other Costs related thereto, in accordance with certain plans on file or to be on file with the Clerk, with such changes, deletions, additions or modifications to the enumerated improvements, equipment and facilities, or such other improvements as approved by the City Council of the Issuer in a Supplemental Resolution in accordance with the Act.

"Pier Approach Project" shall mean the design, planning, site preparation, demolition, acquisition, installation, construction, reconstruction, renovation and/or equipping of capital projects designed to integrate the Pier Project with the surrounding downtown environment, including but not limited to the redesign of existing downtown parks; street reconfiguration and streetscaping; and development of the Vinoy Basin area, any portion of which may include, without limitation, pedestrian areas and facilities, an open market, ferry/water taxi facilities, and restaurant/café facilities, and any other Costs related thereto, all in accordance with certain plans on file or to be on file with the Clerk, with such changes, deletions, additions or modifications to the enumerated improvements, equipment and facilities, or such other improvements as approved by the City Council of the Issuer in a Supplemental Resolution in accordance with the Act. The capital projects which comprise the Pier Approach Project include both public uses and commercial uses, including without limitation, restaurants, shops, equipment rentals, concession stands, and/or other similar uses.

"Permitted Investments" shall mean any investments authorized pursuant to the laws of the State and the Issuer's written investment policy, if any.

"Person" shall mean an individual, a corporation, a partnership, an association, a joint stock company, a trust, any unincorporated organization or governmental entity.

"Pledged Funds" shall mean the Pledged Revenues and until applied in accordance with the provisions of this Resolution, all moneys, including investments thereof, in the funds and accounts established hereunder, other than the Unrestricted Revenue Account; provided, however, that proceeds deposited in the Construction Fund in connection with the issuance of a particular Series of Bonds shall only secure such Series.

"Pledged Revenues" shall mean the Public Service Tax Revenues, and shall not include any direct subsidy payments received from the United States Treasury relating to Direct Subsidy Bond or any other interest subsidy or similar payments made by the Federal Government until deposited into the Interest Account.

"Principal Account" shall mean the separate account in the Debt Service Fund established pursuant to Section 4.04 hereof.

"Project" shall mean the Pier Project, the Pier Approach Project and any Additional Project.

"Public Service Tax" shall mean such tax as levied and collected by the Issuer pursuant to the Public Service Tax Ordinance, in accordance with and pursuant to Section 166.231, Florida Statutes.

"Public Service Tax Ordinance" shall mean Chapter 17, Article II of the St. Petersburg City Code, as may be amended or supplemented from time to time, or its successor in function.

"Public Service Tax Revenues" shall mean all revenues received by the Issuer from the levy of Public Service Taxes.

"Redemption Price" shall mean, with respect to any Bond or portion thereof, the principal amount or portion thereof, plus the applicable premium, if any, payable upon redemption thereof pursuant to such Bond or this Resolution.

"Registrar" shall mean any registrar for the Bonds appointed by or pursuant to a Supplemental Resolution and its successors and assigns, and any other Person which may at any time be substituted in its place pursuant to Supplemental Resolution.

"Reserve Account" shall mean the separate account in the Debt Service Fund established pursuant to Section 4.04 hereof.

"Reserve Account Requirement" shall mean (a) with respect to the Reserve Account (but not any subaccount therein) the lesser of (i) the Maximum Annual Debt Service for all Outstanding Bonds secured by the Reserve Account, (ii) 125% of the average annual debt service with respect to Outstanding Bonds secured by the Reserve Account, or (iii) the largest amount as shall not adversely affect the exclusion of interest on the Outstanding Bonds (other than Taxable Bonds) from gross income for Federal income tax purposes, with respect to Bonds

secured by the Reserve Account, and (b) with respect to any subaccount created in the Reserve Account, the amount that the Finance Director shall establish in writing, for each subaccount of the Reserve Account which secures a Series of Bonds pursuant to Section 4.05(A)4. of this Resolution, the determination of such amount to be in the best economic interests of the Issuer.

"Resolution" shall mean this Resolution, as the same may from time to time be amended, modified or supplemented by Supplemental Resolution.

"Restricted Revenue Account" shall mean the separate account in the Revenue Fund established pursuant to Section 4.04 hereof.

"Revenue Fund" shall mean the City of St. Petersburg, Florida Public Service Tax Revenue Bonds Revenue Fund established pursuant to Section 4.04 hereof.

"Serial Bonds" shall mean all of the Bonds other than the Capital Appreciation Bonds, Term Bonds and Variable Rate Bonds.

"Series" shall mean all the Bonds delivered on original issuance in a simultaneous transaction and identified pursuant to Sections 2.01 and 2.02 hereof or a Supplemental Resolution authorizing the issuance by the Issuer of such Bonds as a separate Series, regardless of variations in maturity, interest rate, Amortization Installments or other provisions.

"Series 2015 Bonds" shall mean, collectively, the Series 2015A Bonds and the Series 2015B Bonds.

"Series 2015A Bonds" shall mean the Issuer's Public Service Tax Revenue Bonds, Series 2015A authorized pursuant to Section 2.02 hereof, or such other name or names as shall be designated pursuant to the authorization in Section 2.02 hereof.

"Series 2015B Bonds" shall mean the Issuer's Public Service Tax Revenue Bonds, Series 2015B authorized pursuant to Section 2.02 hereof, or such other name or names as shall be designated pursuant to the authorization in Section 2.02 hereof.

"State" shall mean the State of Florida.

"Subordinated Indebtedness" shall mean that indebtedness of the Issuer, subordinate and junior to the Bonds, issued in accordance with the provisions of Section 5.01 hereof.

"Supplemental Resolution" shall mean any resolution of the Issuer amending or supplementing this Resolution adopted and becoming effective in accordance with the terms of Sections 7.01, 7.02 and 7.03 hereof.

"**Taxable Bond**" shall mean any Bond which states, in the body thereof, that the interest income thereon is includable in the gross income of the Holder thereof for federal income tax purposes or that such interest is subject to federal income taxation.

"**Term Bonds**" shall mean those Bonds which shall be designated as Term Bonds hereby or by Supplemental Resolution of the Issuer and which are subject to mandatory redemption by Amortization Installments.

"**Unrestricted Revenue Account**" shall mean the separate account in the Revenue Fund established pursuant to Section 4.04 hereof.

"**Variable Rate Bonds**" shall mean Bonds issued with a variable, adjustable, convertible or other similar rate which is not fixed in percentage for the entire term thereof at the date of issue.

The terms "herein," "hereunder," "hereby," "hereto," "hereof" and any similar terms, shall refer to this Resolution; the term heretofore shall mean before the date of adoption of this Resolution; and the term "hereafter" shall mean after the date of adoption of this Resolution.

Words importing the masculine gender include every other gender.

Words importing the singular number include the plural number, and vice versa.

SECTION 1.02 Authority for Resolution.

This Resolution is adopted pursuant to the provisions of the Act.

SECTION 1.03 Resolution to Constitute Contract.

In consideration of the purchase and acceptance of any or all of the Bonds by those who shall hold the same from time to time, the provisions of this Resolution shall be a part of the contract of the Issuer with the Holders of the Bonds and shall be deemed to be and shall constitute a contract between the Issuer and the Holders from time to time of the Bonds. The pledge made in this Resolution and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the Issuer shall be for the equal benefit, protection and security of the Holders of any and all of said Bonds and the Insurers. All of the Bonds, regardless of the time or times of their issuance or maturity, shall be of equal rank without preference, priority or distinction of any of the Bonds over any other thereof except as expressly provided in or pursuant to this Resolution.

SECTION 1.04 Findings. It is hereby ascertained, determined and declared:

(A) That the Issuer created the City of St. Petersburg Community Redevelopment Agency (the "Agency") pursuant to the Act to further community redevelopment within the jurisdictional boundaries of the Issuer.

(B) That the Agency adopted the Intown Redevelopment Plan (the "Plan") to promote and assist in the revitalization of the downtown area, and in particular, to coordinate and facilitate public and private improvements to attract people and business.

(C) That the objective of the Downtown Waterfront Area in the Plan entails revitalization of the waterfront parks and pier area with a focus on the development of recreational facilities, culture, parking and specialty retail.

(D) That the Pier Project is a component of the Plan and furthers such objective, and on the date hereof, City Council approved the Pier Approach Project to become a component of the Plan, through amendment, which amendment is subject to the future approval of the Board of County Commissioners of Pinellas County, Florida to become effective.

(E) That the Issuer deems it necessary, desirable and in the best interests of the Issuer and its citizens, visitors, property owners and workers, and to serve a paramount public purpose, that the Pier Project and the Pier Approach Project be completed.

(F) That all or a portion of the Pier Project shall be financed, refinanced and/or reimbursed from a portion of the proceeds of the Series 2015A Bonds, and all or a portion of the Pier Approach Project shall be financed, refinanced and/or reimbursed from a portion of the proceeds of the Series 2015B Bonds.

(G) That the purposes for which the Bonds are being issued include the promotion of the public health, general welfare, safety and social benefit to the Issuer, its citizens, visitors, property owners and workers.

(H) That, as of the date hereof, the Pledged Revenues are not pledged or encumbered in any manner and are estimated to be sufficient to pay the principal of and interest on the Series 2015 Bonds, as the same become due, and all other payments provided for in this Resolution.

(I) That the principal of and interest on the Series 2015 Bonds and all other payments provided for in this Resolution will be payable solely from the Pledged Funds; and the ad valorem taxing power of the Issuer will never be necessary or authorized to pay the principal of and interest on the Bonds and, except as otherwise provided herein, the Bonds shall not constitute a lien upon any property of the Issuer.

SECTION 1.05 Authorization of the Pier Project and the Pier Approach Project.

The Issuer does hereby authorize the completion of the capital improvements which comprise the Pier Project and the Pier Approach Project.

ARTICLE II
AUTHORIZATION, TERMS, EXECUTION
AND REGISTRATION OF BONDS

SECTION 2.01 Authorization of Bonds.

This Resolution creates an issue of Bonds of the Issuer to be designated as "City of St. Petersburg, Florida, Public Service Tax Revenue Bonds" which may be issued in one or more Series as hereinafter provided. The aggregate principal amount of the Bonds which may be executed and delivered under this Resolution is not limited except as is or may hereafter be provided in this Resolution or as limited by the Act or by law.

The Bonds may, if and when authorized by the Issuer pursuant to this Resolution, be issued in one or more Series, with such further appropriate particular designations added to or incorporated in such title for the Bonds of any particular Series as the Issuer may determine and as may be necessary to distinguish such Bonds from the Bonds of any other Series. Each Bond shall bear upon its face the designation so determined for the Series to which it belongs.

The Bonds shall be issued for such purpose or purposes; shall bear interest at such rate or rates not exceeding the maximum rate permitted by law; and shall be payable in lawful money of the United States of America on such dates; all as determined by Supplemental Resolution of the Issuer.

The Bonds shall be issued in denominations of \$5,000 or integral multiples thereof, in such form, whether coupon or registered; shall be dated such date; shall bear such numbers; shall be payable at such place or places; shall contain such redemption provisions; shall have such Paying Agents and Registrars; shall mature in such years and amounts; shall provide that the proceeds thereof be used in such manner; may be Capital Appreciation Bonds, Serial Bonds, Term Bonds or Variable Rate Bonds (provided, however, that the issuance of Variable Rate Bonds which are Additional Bonds is subject to the provisions of Section 5.02(D) hereof); all as determined by Supplemental Resolution of the Issuer .

SECTION 2.02 Authorization and Description of Bonds.

A Series of Bonds entitled to the benefit, protection and security of this Resolution is hereby authorized in an aggregate principal amount of not to exceed \$50,000,000 for the principal purposes of financing, refinancing and/or reimbursing all or a portion of the Costs of the Pier Project, funding the Reserve Account, if required, and paying certain costs of issuance incurred with respect to such Series. Such Series shall be designated as, and shall be distinguished from the Bonds of all other Series by the title "City of St. Petersburg, Florida, Public Service Tax Revenue Bonds, Series 2015A," provided the Issuer may change such designation in the event that the total authorized amount of Series 2015 Bonds are not issued as a single series and/or are not issued in calendar year 2015.

A Series of Bonds entitled to the benefit, protection and security of this Resolution is hereby authorized in an aggregate principal amount of not to exceed \$23,000,000 for the principal purposes of financing, refinancing and/or reimbursing all or a portion of the Costs of the Pier Approach Project, funding the Reserve Account, if required, and paying certain costs of issuance incurred with respect to such Series. Such Series shall be designated as, and shall be distinguished from the Bonds of all other Series by the title "City of St. Petersburg, Florida, Public Service Tax Revenue Bonds, Series 2015B," provided the Issuer may change such designation in the event that the total authorized amount of Series 2015 Bonds are not issued as a single series and/or are not issued in calendar year 2015.

The Series 2015 Bonds shall be dated as of the date of delivery of the Series 2015 Bonds to the purchaser or purchasers thereof or such other date as may be set forth by Supplemental Resolution of the Issuer; shall be issued as fully registered Series 2015 Bonds; shall be numbered consecutively from one upward in order of maturity preceded by the letter "R"; shall be in such denominations and shall bear interest at a rate or rates not exceeding the maximum rate permitted by law, payable in such manner and on such dates; shall consist of such amounts of Serial Bonds and/or Term Bonds; maturing in such amounts or Amortization Installments and in such years not exceeding forty (40) years from their date; shall be payable in such place or places; shall have such Paying Agent and Registrar; and shall contain such redemption provisions; all as the Issuer shall provide hereafter by Supplemental Resolution.

The principal of or Redemption Price, if applicable, on the Series 2015 Bonds are payable upon presentation and surrender of the Series 2015 Bonds at the designated office of the Paying Agent. Interest payable on any Series 2015 Bond on any Interest Date will be paid by check or draft of the Paying Agent to the Holder in whose name such Series 2015 Bond shall be registered at the close of business on the date which shall be the fifteenth day (whether or not a business day) of the calendar month next preceding such Interest Date, or, unless otherwise provided by Supplemental Resolution, at the option of the Paying Agent, and at the request and expense of such Holder, by bank wire transfer for the account of such Holder. In the event the interest payable on any Series 2015 Bond is not punctually paid or duly provided for by the Issuer on such Interest Date, such defaulted interest will be paid to the Holder in whose name such Series 2015 Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest as established by notice to such Holder, not less than ten days preceding such special record date. All payments of principal of or Redemption Price, if applicable, and interest on the Series 2015 Bonds shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

SECTION 2.03 Application of Series 2015 Bond Proceeds.

Application of Series 2015 Bond proceeds shall be determined in a Supplemental Resolution adopted prior to the issuance of the Series 2015 Bonds.

SECTION 2.04 Execution of Bonds.

The Bonds shall be executed in the name of the Issuer with the manual or facsimile signature of the Mayor and the official seal of the Issuer shall be imprinted thereon, attested with the manual or facsimile signature of the Clerk and approved as to form and correctness by the City Attorney. In case any one or more of the officers who shall have signed or sealed any of the Bonds, or whose facsimile signature shall appear thereon shall cease to be such officer of the Issuer before the Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Bond may be signed and sealed on behalf of the Issuer by such person who at the actual time of the execution of such Bond shall hold the proper office of the Issuer, although, at the date of such Bond, such person may not have held such office or may not have been so authorized. The Issuer may adopt and use for such purposes the facsimile signatures of any such persons who shall have held such offices at any time after the date of the adoption of this Resolution, notwithstanding that either or both shall have ceased to hold such office at the time the Bonds shall be actually sold and delivered.

SECTION 2.05 Authentication.

No Bond of any Series shall be secured hereunder or be entitled to the benefit hereof or shall be valid or obligatory for any purpose unless there shall be manually endorsed on such Bond a certificate of authentication by the Registrar or such other entity as may be approved by the Issuer for such purpose. Such certificate on any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. The form of such certificate shall be substantially in the form provided in Section 2.10 hereof.

SECTION 2.06 Temporary Bonds.

Until the definitive Bonds of any Series are prepared, the Issuer may execute, in the same manner as is provided in Section 2.04 hereof, and deliver, upon authentication by the Registrar pursuant to Section 2.05 hereof, in lieu of definitive Bonds, but subject to the same provisions, limitations and conditions as the definitive Bonds, except as to the denominations thereof, one or more temporary Bonds substantially of the tenor of the definitive Bonds in lieu of which such temporary Bond or Bonds are issued, in denominations authorized by the Issuer by Supplemental Resolution, and with such omissions, insertions and variations as may be appropriate to temporary Bonds. The Issuer, at its own expense, shall prepare and execute definitive Bonds, which shall be authenticated by the Registrar. Upon the surrender of such temporary Bonds for exchange, the Registrar, without charge to the Holder thereof, shall deliver in exchange therefor definitive Bonds, of the same aggregate principal amount and Series and maturity as the temporary Bonds surrendered. Until so exchanged, the temporary Bonds shall in all respects be entitled to the same benefits and security as definitive Bonds issued pursuant

to this Resolution. All temporary Bonds surrendered in exchange for another temporary Bond or Bonds or for a definitive Bond or Bonds shall be forthwith canceled by the Registrar.

SECTION 2.07 Bonds Mutilated, Destroyed, Stolen or Lost.

In case any Bond shall become mutilated, or be destroyed, stolen or lost, the Issuer may, in its discretion, issue and deliver, and the Registrar shall authenticate, a new Bond of like tenor as the Bond so mutilated, destroyed, stolen or lost (e.g., Serial Bonds will be exchanged for Serial Bonds and Capital Appreciation Bonds will be exchanged for Capital Appreciation Bonds), in exchange and substitution for such mutilated Bond upon surrender and cancellation of such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the Holder furnishing the Issuer and the Registrar proof of such Holder's ownership thereof and satisfactory indemnity and complying with such other reasonable regulations and conditions as the Issuer or the Registrar may prescribe and paying such expenses as the Issuer and the Registrar may incur. All Bonds so surrendered or otherwise substituted shall be canceled by the Registrar. If any of the Bonds shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same or cause the Bond to be paid, upon being indemnified as aforesaid, and if such Bonds be lost, stolen or destroyed, without surrender thereof.

Any such duplicate Bonds issued pursuant to this Section 2.07 shall constitute original, additional contractual obligations on the part of the Issuer whether or not the lost, stolen or destroyed Bond be at any time found by anyone, and such duplicate Bond shall be entitled to equal and proportionate benefits and rights as to lien on the Pledged Funds to the same extent as all other Bonds issued hereunder.

SECTION 2.08 Transfer.

Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the Holder thereof or such Holder's attorney duly authorized in writing, may, at the option of the Holder thereof, be exchanged for an equal aggregate principal amount of registered Bonds of the same Series, maturity of any other authorized denominations and type (e.g., Serial Bonds will be exchanged for Serial Bonds and Capital Appreciation Bonds will be exchanged for Capital Appreciation Bonds).

The Bonds issued under this Resolution shall be and have all the qualities and incidents of negotiable instruments under the law merchant and the Uniform Commercial Code of the State, subject to the provisions for registration and transfer contained in this Resolution and in the Bonds. So long as any of the Bonds shall remain Outstanding, the Issuer shall maintain and keep, at the office of the Registrar, books for the registration and transfer of the Bonds.

Each Bond shall be transferable only upon the books of the Issuer, at the office of the Registrar, under such reasonable regulations as the Issuer may prescribe, by the Holder thereof

in person or by such Holder's attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar duly executed and guaranteed by the Holder or such Holder's duly authorized attorney. Upon the transfer of any such Bond, the Issuer shall issue, and cause to be authenticated, in the name of the transferee a new Bond or Bonds of the same aggregate principal amount and Series and maturity as the surrendered Bond. The Issuer, the Registrar and any Paying Agent or fiduciary of the Issuer may deem and treat the Person in whose name any Outstanding Bond shall be registered upon the books of the Issuer as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price, if applicable, and interest on such Bond and for all other purposes, and all such payments so made to any such Holder or upon such Holder's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid and neither the Issuer nor the Registrar nor any Paying Agent or other fiduciary of the Issuer shall be affected by any notice to the contrary.

The Registrar, in any case where it is not also the Paying Agent in respect to any Series of Bonds, forthwith (A) following the fifteenth day prior to an Interest Date for such Series; (B) following the fifteenth day next preceding the date of first mailing of notice of redemption of any Bonds of such Series; and (C) at any other time as reasonably requested by the Paying Agent of such Series, shall certify and furnish to such Paying Agent the names, addresses and holdings of Bondholders and any other relevant information reflected in the registration books. Any Paying Agent of any fully registered Bond shall effect payment of interest on such Bonds by mailing a check or draft to the Holder entitled thereto or may, in lieu thereof, upon the request and at the expense of such Holder, transmit such payment by bank wire transfer for the account of such Holder.

In all cases in which the privilege of exchanging Bonds or transferring Bonds is exercised, the Issuer shall execute and the Registrar shall authenticate and deliver such Bonds in accordance with the provisions of this Resolution. Execution of Bonds pursuant to Section 2.04 hereof for purposes of exchanging, replacing or transferring Bonds may occur at the time of the original delivery of the Series of which such Bonds are a part. All Bonds surrendered in any such exchanges or transfers shall be held by the Registrar in safekeeping until directed by the Issuer to be canceled by the Registrar. For every such exchange or transfer of Bonds, the Issuer or the Registrar may make a charge sufficient to reimburse it for any tax, fee, expense or other governmental charge required to be paid with respect to such exchange or transfer. The Issuer and the Registrar shall not be obligated to make any such exchange or transfer of Bonds of any Series during the fifteen days next preceding an Interest Date on the Bonds of such Series (other than Variable Rate Bonds), or, in the case of any proposed redemption of Bonds of such Series, then during the fifteen days next preceding the date of the first mailing of notice of such redemption and continuing until such redemption date.

SECTION 2.09 Coupon Bonds; Capital Appreciation Bonds; Variable Rate Bonds.

The Issuer, at its discretion, may by Supplemental Resolution authorize the issuance of coupon Bonds, registrable as to principal only or as to both principal and interest, Capital Appreciation Bonds or Variable Rate Bonds. Such Supplemental Resolution shall provide for the negotiability, transfer, interchangeability, denominations and form of such Bonds and, if applicable, coupons appertaining thereto. Coupon Bonds (other than Taxable Bonds) shall only be issued if an opinion of Bond Counsel is received to the effect that issuance of such coupon Bonds will not adversely affect the exclusion from gross income of interest earned on such Bonds for federal income tax purposes.

SECTION 2.10 Form of Bonds.

The text of the Bonds, except as otherwise provided pursuant to Section 2.09 hereof (the form of which shall be provided by Supplemental Resolution of the Issuer) shall be in substantially the following form with such non-material omissions, insertions and variations as may be necessary and/or desirable and approved by the Mayor prior to the issuance thereof (which necessity and/or desirability and approval shall be presumed by the Issuer's delivery of the Bonds to the purchaser or purchasers thereof):

[Remainder of page intentionally left blank]

No. R-____

\$_____

CITY OF ST. PETERSBURG
PUBLIC SERVICE TAX REVENUE BOND, SERIES _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	_____ 1, ____	_____ / ____	_____

Registered Holder: _____

Principal Amount: _____

KNOW ALL MEN BY THESE PRESENTS, that the City of St. Petersburg, Florida, a municipality created and existing under and by virtue of the laws of the State of Florida (the "Issuer"), for value received, hereby promises to pay, solely from the Pledged Funds hereinafter described, to the Registered Holder identified above, or registered assigns as hereinafter provided, on the Maturity Date identified above, the Principal Amount identified above and interest on such Principal Amount from the Date of Original Issue identified above or from the most recent interest payment date to which interest has been paid at the Interest Rate per annum identified above on _____ 1 and _____ 1 of each year commencing _____ 1, ____, until such Principal Amount shall have been paid, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest on this Bond shall be computed on the basis of a 360-day year consisting of twelve 30-day months.

Such Principal Amount and interest and the redemption premium, if any, on this Bond are payable in any coin or currency of the United States of America which, on the respective dates of payment thereof, shall be legal tender for the payment of public and private debts. Such Principal Amount and the redemption premium, if any, on this Bond, are payable, upon presentation and surrender hereof, at the designated corporate trust office of _____, _____, as Paying Agent. Payment of each installment of interest shall be made to the person in whose name this Bond shall be registered on the registration books of the Issuer maintained by _____, _____, as Registrar, at the close of business on the date which shall be the fifteenth day (whether or not a business day) of the calendar month next preceding each interest payment date and shall be paid by a check or draft of such Paying Agent mailed to such Registered Holder at the address appearing on such registration books or, at the option of such Paying Agent, and at the request and expense of such Registered Holder, by bank wire transfer for the account of such Holder. In the event interest payable on this Bond is not punctually paid or duly provided for by the

Issuer on such interest payment date, payment of each installment of such defaulted interest shall be made to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest as established by notice to such Registered Holder, not less than ten days preceding such special record date.

This Bond is one of an authorized issue of Bonds in the aggregate principal amount of \$_____ (the "Bonds") of like date, tenor and effect, except as to maturity date, interest rate, denomination and number, issued to finance, refinance and/or reimburse the Cost of _____, under the authority of and in full compliance with the Constitution and laws of the State of Florida, Chapter 163, Part III, Florida Statutes, if applicable, Chapter 166, Florida Statutes, the municipal charter of the Issuer, Chapter 17, Article II of the St. Petersburg City Code, and other applicable provisions of law (collectively, the "Act"), and Resolution No. 2015-__ duly adopted by the City Council of the Issuer on _____, 2015, as may be amended and supplemented from time to time, and as particularly supplemented by Resolution No. 2015-__ duly adopted by the City Council of the Issuer on _____, 2015 (collectively, the "Resolution"), and is subject to the terms and conditions of the Resolution. Capitalized undefined terms used herein shall have the meaning ascribed thereto in the Resolution.

The Bonds and the interest thereon are payable solely from and secured by a lien upon and a pledge of Public Service Tax Revenues, and until applied in accordance with the provisions of the Resolution, all moneys, including investments thereof, in certain of the funds and accounts established by the Resolution, all in the manner and to the extent described in the Resolution (collectively, the "Pledged Funds"), on parity and equal status with the _____, Series _____.

IT IS EXPRESSLY AGREED BY THE REGISTERED HOLDER OF THIS BOND THAT THE FULL FAITH AND CREDIT OF THE ISSUER, THE STATE OF FLORIDA, OR ANY POLITICAL SUBDIVISION THEREOF, ARE NOT PLEDGED TO THE PAYMENT OF THE PRINCIPAL, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THIS BOND AND THAT SUCH HOLDER SHALL NEVER HAVE THE RIGHT TO REQUIRE OR COMPEL THE EXERCISE OF ANY TAXING POWER OF THE ISSUER, THE STATE OF FLORIDA, OR ANY POLITICAL SUBDIVISION THEREOF, TO THE PAYMENT OF SUCH PRINCIPAL, REDEMPTION PREMIUM, IF ANY, OR INTEREST. THIS BOND AND THE OBLIGATION EVIDENCED HEREBY SHALL NOT CONSTITUTE A LIEN UPON ANY PROPERTY OF THE ISSUER OTHER THAN THE PLEDGED FUNDS, AND SHALL CONSTITUTE A LIEN ONLY ON, AND SHALL BE PAYABLE SOLELY FROM, THE PLEDGED FUNDS IN THE MANNER AND TO THE EXTENT DESCRIBED IN THE RESOLUTION.

Neither the members of the City Council of the Issuer nor any person executing this Bond shall be liable personally hereon or be subject to any personal liability or accountability by reason of the issuance hereof.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE SIDE HEREOF AND SUCH FURTHER PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH IN THIS PLACE.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

IN WITNESS WHEREOF, the City of St. Petersburg, Florida has issued this Bond and has caused the same to be executed by the manual signature of the Mayor, attested by the manual signature of its City Clerk, approved as to form and correctness by the manual signature of the City Attorney, and its official seal or a facsimile thereof to be affixed or reproduced hereon, all as of the ____ day of _____, 20__.

CITY OF ST. PETERSBURG, FLORIDA

(SEAL)

Mayor

ATTESTED:

City Clerk

APPROVED AS TO FORM AND CORRECTNESS

City Attorney, or his or her designee

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in the within-mentioned Resolution.

DATE OF AUTHENTICATION:

Registrar

By: _____
Authorized Officer

[Provisions on Reverse Side of Bond]

This Bond is transferable in accordance with the terms of the Resolution only upon the books of the Issuer kept for that purpose at the designated corporate trust office of the Registrar by the Registered Holder hereof in person or by such Holder's attorney duly authorized in writing, upon the surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the Registered Holder or such Holder's attorney duly authorized in writing, and thereupon a new Bond or Bonds in the same aggregate principal amount shall be issued to the transferee in exchange therefor, and upon the payment of the charges, if any, therein prescribed. The Bonds are issuable in the form of fully registered Bonds in the denominations of \$5,000 and integral multiples thereof, not exceeding the aggregate principal amount of the Bonds maturing on the same date. The Issuer, the Registrar and any Paying Agent may treat the Registered Holder of this Bond as the absolute owner hereof for all purposes, whether or not this Bond shall be overdue, and shall not be affected by any notice to the contrary. The Issuer and the Registrar shall not be obligated to make any exchange or transfer of the Bonds during the fifteen days next preceding an interest payment date, or in the case of any proposed redemption of the Bonds, then, during the fifteen days next preceding the date of the first mailing of notice of such redemption.

[INSERT REDEMPTION PROVISIONS]

Notice of redemption, unless waived, is to be given by the Registrar by mailing an official redemption notice by registered or certified mail at least 30 days and not more than 60 days prior to the date fixed for redemption to the Registered Holders of the Bonds to be

redeemed at such Holders' addresses shown on the registration books maintained by the Registrar or at such other addresses as shall be furnished in writing by such Registered Holders to the Registrar. Provided, however, that no defect in any such notice to any Registered Holder of Bonds to be redeemed nor failure to give such notice to any such Registered Holder nor failure of any such Registered Holder to receive such notice shall in any manner defeat the effectiveness of a call for redemption as to all other Registered Holders of Bonds to be redeemed. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Issuer shall default in the payment of the redemption price), such Bonds or portions of Bonds shall cease to bear interest.

It is hereby certified and recited that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond, exist, have happened and have been performed, in regular and due form and time as required by the laws and Constitution of the State of Florida applicable thereto, and that the issuance of the Bonds does not violate any constitutional or statutory limitations or provisions.

VALIDATION CERTIFICATE

This Bond is one of a series of Bonds validated and confirmed by judgment of the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, rendered on _____
_____.

Mayor]

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

[Insert Name, Address, Social Security or Other Identifying Number of Assignee]

the within Bond and does hereby irrevocably constitute and appoint _____ as attorneys to register the transfer of the said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature to this assignment must correspond with the name of the Registered Holder as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever and the Social Security or other identifying number of such assignee must be supplied.

The following abbreviations, when used in the inscription on the face of the within Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

TEN ENT -- as tenants by the entireties

JT TEN-- as joint tenants with right of survivorship and not as tenants in common

UNIF TRANS MIN ACT -- _____
(Cust.)

Custodian for _____
under Uniform Transfer to Minors Act of _____
(State)

Additional abbreviations may also be used though not in the list above.

STATEMENT OF INSURANCE

[IF APPLICABLE, INSERT INSURER LANGUAGE]

**ARTICLE III
REDEMPTION OF BONDS**

SECTION 3.01 Privilege of Redemption.

The terms of this Article III shall apply to redemption of Bonds other than Variable Rate Bonds. The terms and provisions relating to redemption of Variable Rate Bonds shall be provided by Supplemental Resolution.

SECTION 3.02 Selection of Bonds to be Redeemed.

The Bonds shall be redeemed only in the principal amount of \$5,000 each and integral multiples thereof. The Issuer shall, at least sixty days prior to the redemption date (unless a shorter time period shall be satisfactory to the Registrar) notify the Registrar of such redemption date and of the principal amount of Bonds to be redeemed. For purposes of any redemption of less than all of the Outstanding Bonds of a single maturity, the particular Bonds or portions of Bonds to be redeemed shall be selected not more than forty-five days prior to the redemption date by the Registrar from the Outstanding Bonds of the maturity or maturities designated by the Issuer by such method as the Registrar shall deem fair and appropriate and which may provide for the selection for redemption of Bonds or portions of Bonds in principal amounts of \$5,000 and integral multiples thereof.

If less than all of the Outstanding Bonds of a single maturity are to be redeemed, the Registrar shall promptly notify the Issuer and Paying Agent (if the Registrar is not the Paying Agent for such Bonds) in writing of the Bonds or portions of Bonds selected for redemption and, in the case of any Bond selected for partial redemption, the principal amount thereof to be redeemed.

SECTION 3.03 Notice of Redemption.

Unless waived by any Holder of Bonds to be redeemed, notice of any redemption made pursuant to this section shall be given by the Registrar on behalf of the Issuer by mailing a copy of an official redemption notice by registered or certified mail at least thirty days and not more than sixty days prior to the date fixed for redemption to each Holder of Bonds to be redeemed at the address of such Holder shown on the registration books maintained by the Registrar or at such other address as shall be furnished in writing by such Holder to the Registrar; provided, however, that no defect in any notice given pursuant to this Section to any Holder of Bonds to be redeemed nor failure to give such notice shall in any manner defeat the effectiveness of a call for redemption as to all other Holders of Bonds to be redeemed.

Every official notice of redemption shall be dated and shall state:

1. the redemption date,

2. the Redemption Price,
3. if less than all Outstanding Bonds are to be redeemed, the number (and, in the case of a partial redemption of any Bond, the principal amount) of each Bond to be redeemed,
4. that, on the redemption date, the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and
5. that such Bonds to be redeemed, whether as a whole or in part, are to be surrendered for payment of the Redemption Price at the designated office of the Registrar.

Prior to any redemption date, the Issuer shall deposit with the Registrar an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the Redemption Price therein specified, and from and after such date (unless the Issuer shall default in the payment of the Redemption Price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Registrar at the Redemption Price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Holder a new Bond or Bonds of the same maturity in the amount of the unpaid principal of such partially redeemed Bond. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

Notwithstanding the foregoing or any other provision hereof, notice of optional redemption pursuant to this Section 3.03 may be conditioned upon the occurrence or non-occurrence of such event or events as shall be specified in such notice of optional redemption and may also be subject to rescission by the Issuer if expressly set forth in such notice.

SECTION 3.04 Redemption of Portions of Bonds.

Any Bond which is to be redeemed only in part shall be surrendered at any place of payment specified in the notice of redemption (with due endorsement by, or written instrument of transfer in form satisfactory to, the Registrar duly executed by, the Holder thereof or such Holder's attorney duly authorized in writing) and the Issuer shall execute and the Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds, of the same interest rate and maturity, and of any authorized denomination as

requested by such Holder, in an aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bonds so surrendered.

SECTION 3.05 Payment of Redeemed Bonds.

Notice of redemption having been given substantially as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the Redemption Price therein specified, and from and after such date (unless the Issuer shall default in the payment of the Redemption Price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Registrar and/or Paying Agent at the appropriate Redemption Price, plus accrued interest. All Bonds which have been redeemed shall be canceled by the Registrar and shall not be reissued.

**ARTICLE IV
SECURITY, SPECIAL FUNDS AND APPLICATION THEREOF**

SECTION 4.01 Bonds not to be Indebtedness of Issuer.

THE BONDS SHALL NOT BE OR CONSTITUTE GENERAL OBLIGATIONS OR INDEBTEDNESS OF THE ISSUER AS "BONDS" WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION, BUT SHALL BE SPECIAL OBLIGATIONS OF THE ISSUER, PAYABLE SOLELY FROM AND SECURED BY A LIEN UPON AND PLEDGE OF THE PLEDGED FUNDS. NO HOLDER OF ANY BOND SHALL EVER HAVE THE RIGHT TO COMPEL THE EXERCISE OF ANY AD VALOREM TAXING POWER TO PAY SUCH BOND, OR BE ENTITLED TO PAYMENT OF SUCH BOND FROM ANY MONEYS OF THE ISSUER EXCEPT FROM THE PLEDGED FUNDS IN THE MANNER PROVIDED HEREIN.

The Pledged Funds shall immediately be subject to the lien of this pledge without any physical delivery thereof or further act, and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Issuer.

SECTION 4.02 Security for Bonds.

The payment of the principal of, Redemption Price, if applicable, and interest on the Bonds shall be secured forthwith equally and ratably by a pledge of and lien upon the Pledged Funds. The Issuer does hereby irrevocably pledge the Pledged Funds to the payment of the principal of or Redemption Price, if applicable, and interest on the Bonds in accordance with the provisions hereof.

SECTION 4.03 Construction Fund.

The Issuer covenants and agrees to establish a separate fund in a bank or trust company in the State, which is eligible under the laws of such State to receive funds of the Issuer, to be known as the "City of St. Petersburg, Florida Public Service Tax Revenue Bonds Construction Fund" (the "Construction Fund") which shall be used only for payment of the Cost of a Project. The Issuer shall establish an account for each Series of Bonds in a Supplemental Resolution adopted before the issuance of each such Series. Moneys in the Construction Fund which derive from a particular Series of Bonds, until applied in payment of any item of the Cost of a Project, in the manner hereinafter provided, shall be held in trust by the Issuer and shall be subject to a lien and charge in favor of the Holders of such Series of Bonds and for the further security of such Holders.

SECTION 4.04 Funds and Accounts.

The Issuer covenants and agrees to establish with a bank or trust company in the State of Florida, which is eligible under the laws of such State to receive funds of the Issuer, separate funds to be known as the "City of St. Petersburg, Florida Public Service Tax Revenue Bonds Revenue Fund" (the "Revenue Fund") and the "City of St. Petersburg, Florida Public Service Tax Revenue Bonds Debt Service Fund" (the "Debt Service Fund"). The Issuer shall maintain in the Revenue Fund two accounts: the "Restricted Revenue Account" and the "Unrestricted Revenue Account." The Issuer shall maintain in the Debt Service Fund four accounts: the "Interest Account," the "Principal Account," the "Bond Amortization Account," and the "Reserve Account." Moneys in the aforementioned funds and accounts, other than the Unrestricted Revenue Account, until applied in accordance with the provisions hereof, shall be subject to a lien and charge in favor of the Holders and for the further security of the Holders.

The Issuer shall at any time and from time to time appoint one or more qualified depositories to hold, for the benefit of the Bondholders, any one or more of the funds and accounts established hereby. Such depository or depositories shall perform at the direction of the Issuer the duties of the Issuer in depositing, transferring and disbursing moneys to and from each of such funds and accounts as herein set forth, and all records of such depository in performing such duties shall be open at all reasonable times to inspection by the Issuer and its agents and employees.

SECTION 4.05 Flow of Funds.

(A) Beginning on the date the Series 2015 Bonds are issued, the Issuer shall deposit the Pledged Revenues (only to the extent a sufficient amount is not already on deposit from other legally available revenue sources of the Issuer in amounts sufficient to satisfy all payment obligations hereunder), and any direct subsidy payments received from the United States Treasury relating to Direct Subsidy Bonds or any other interest subsidy or similar payments made by the Federal government, into the Restricted Revenue Account promptly upon receipt

thereof. The moneys in the Restricted Revenue Account shall be deposited or credited on or before the 21st day of each month, commencing with the month in which delivery of the Series 2015 Bonds shall be made to the purchaser or purchasers thereof, or such later date as hereinafter provided, in the following manner and in the following order of priority:

1. Interest Account. The Issuer shall deposit into or credit to the Interest Account the sum which, together with the balance in said Account, shall equal the interest on all Outstanding Bonds accrued and unpaid and to accrue to the end of the then current calendar month. Moneys in the Interest Account shall be used to pay interest on the Bonds as and when the same become due, whether by redemption or otherwise, and for no other purpose. The Issuer shall adjust the amount of the deposit into the Interest Account not later than the month immediately preceding any Interest Date so as to provide sufficient moneys in the Interest Account to pay the interest on the Bonds coming due on such Interest Date. Any direct subsidy payments received from the United States Treasury relating to Direct Subsidy Bonds or any other interest subsidy or similar payments made by the Federal government shall be used to pay interest on Bonds issued as Direct Subsidy Bonds.

2. Principal Account. Next, the Issuer shall deposit into or credit to the Principal Account the sum which, together with the balance in said Account, shall equal the principal amounts on all Outstanding Bonds due and unpaid and that portion of the principal next due within one year which would have accrued on said Bonds during the then current calendar month if such principal amounts were deemed to accrue monthly (assuming that a year consists of twelve equivalent calendar months of thirty days each) in equal amounts from the next preceding principal payment due date, or, if there is no such preceding principal payment due date, from a date one year preceding the due date of such principal amount. Moneys in the Principal Account shall be used to pay the principal of the Bonds as and when the same shall mature, and for no other purpose. The Issuer shall adjust the amount of deposit to the Principal Account not later than the month immediately preceding any principal payment date so as to provide sufficient moneys in the Principal Account to pay the principal on Bonds becoming due on such principal payment date.

3. Bond Amortization Account. Commencing in the month which is one year prior to any Amortization Installment due date, the Issuer shall deposit into or credit to the Bond Amortization Account the sum which, together with the balance in said Account, shall equal the Amortization Installments on all Bonds Outstanding due and unpaid and that portion of the Amortization Installments of all Bonds Outstanding next due which would have accrued on such Bonds during the then current calendar month if such Amortization Installments were deemed to accrue monthly (assuming that a year consists of twelve equivalent calendar months having thirty days each) in equal amounts from the next preceding Amortization Installment due date, or, if there is

no such preceding Amortization Installment due date, from a date one year preceding the due date of such Amortization Installment. Moneys in the Bond Amortization Account shall be used to purchase or redeem Term Bonds in the manner herein provided, and for no other purpose. The Issuer shall adjust the amount of the deposit into the Bond Amortization Account not later than the 21st month immediately preceding any date for payment of an Amortization Installment so as to provide sufficient moneys in the Bond Amortization Account to pay the Amortization Installments on the Bonds coming due on such date. Payments to the Bond Amortization Account shall be on a parity with payments to the Principal Account.

Amounts accumulated in the Bond Amortization Account with respect to any Amortization Installment (together with amounts accumulated in the Interest Account with respect to interest, if any, on the Term Bonds for which such Amortization Installment was established) may be applied by the Issuer, on or prior to the sixtieth day preceding the due date of such Amortization Installment (a) to the purchase of Term Bonds of the Series and maturity for which such Amortization Installment was established, at a price not greater than the Redemption Price at which such Term Bonds may be redeemed on the first date thereafter on which such Term Bonds shall be subject to redemption, or (b) to the redemption at the applicable Redemption Price of such Term Bonds, if then redeemable by their terms. The applicable Redemption Price (or principal amount of maturing Term Bonds) of any Term Bonds so purchased or redeemed shall be deemed to constitute part of the Bond Amortization Account until such Amortization Installment date, for the purposes of calculating the amount of such Account. As soon as practicable after the sixtieth day preceding the due date of any such Amortization Installment, the Issuer shall proceed to call for redemption on such due date, by causing notice to be given as provided in Section 3.03 hereof, Term Bonds of the Series and maturity for which such Amortization Installment was established (except in the case of Term Bonds maturing on an Amortization Installment date) in such amount as shall be necessary to complete the retirement of the unsatisfied balance of such Amortization Installment. The Issuer shall pay out of the Bond Amortization Account and the Interest Account to the appropriate Paying Agents, on or before the day preceding such redemption date (or maturity date), the amount required for the redemption (or for the payment of such Term Bonds then maturing), and such amount shall be applied by such Paying Agents to such redemption (or payment). All expenses in connection with the purchase or redemption of Term Bonds shall be paid by the Issuer from the Revenue Fund.

4. Reserve Account. Next, the Issuer shall deposit into or credit to the Reserve Account and/or any subaccount hereafter created therein a sum sufficient to maintain therein an amount equal to the applicable Reserve Account Requirement. Moneys in the Reserve Account (or any subaccount therein) shall be used only for the purpose of the payment of maturing principal, interest or Amortization Installments on

the Bonds which are secured thereby when the other moneys in the Debt Service Fund are insufficient therefor, and for no other purpose. However, whenever the moneys on deposit in the Reserve Account (or any subaccount therein) exceed the applicable Reserve Account Requirement, such excess shall be withdrawn and deposited into the Interest Account.

Upon the issuance of any Additional Bonds under the terms, limitations and conditions as herein provided, the Issuer may, on the date of delivery of such Additional Bonds, create and establish a separate subaccount in the Reserve Account to secure such Series of Bonds, and may also establish an applicable Reserve Account Requirement. Such required sum may be paid in full or in part from the proceeds of such Additional Bonds.

Notwithstanding the foregoing provisions, in lieu of the required cash deposits into the Reserve Account (or any subaccounts therein), the Issuer may, at any time, cause to be deposited into the Reserve Account (or any subaccounts therein) a surety bond, irrevocable letter of credit, guaranty or an insurance policy for the benefit of the applicable Bondholders in an amount equal to the difference between the applicable Reserve Account Requirement and the sums then on deposit in the Reserve Account and/or subaccount therein. Such surety bond, irrevocable letter of credit, guaranty or insurance policy shall be payable to the Paying Agent (upon the giving of notice as required thereunder) on any Interest Date on which a deficiency exists which cannot be cured by funds in any other fund or account held pursuant to this Resolution and available for such purpose. Repayment of draws made from a surety bond, irrevocable letter of credit, guaranty or an insurance policy provided pursuant to this paragraph, shall be made in accordance with a Supplemental Resolution.

Whenever the amount in the Reserve Account or any subaccount therein, together with the other amounts in the Debt Service Fund, are sufficient to fully pay all applicable Outstanding Bonds in accordance with their terms (including principal or applicable Redemption Price and interest thereon), the funds on deposit in the Reserve Account (or any subaccounts therein) may be transferred to the other accounts of the Debt Service Fund for the payment of such Bonds.

5. Unrestricted Revenue Account. The balance of any moneys after the deposits required by Sections 4.05(A)(1) through 4.05(A)(4) hereof may be transferred, at the discretion of the Issuer, to the Unrestricted Revenue Account or to any other appropriate fund or account of the Issuer and be used for any lawful purpose.

(B) The Issuer, in its discretion, may use moneys in the Principal Account and the Interest Account to purchase or redeem Bonds coming due on the next principal payment date, provided such purchase or redemption does not adversely affect the Issuer's ability to pay the

principal or interest coming due on such principal payment date on the Bonds not so purchased or redeemed.

(C) At least one business day prior to the date established for payment of any principal or Redemption Price, if applicable, or interest on the Bonds, the Issuer shall withdraw from the appropriate account of the Debt Service Fund sufficient moneys to pay such principal or Redemption Price, if applicable, or interest and deposit such moneys with the Paying Agent for the Bonds to be paid.

SECTION 4.06 Investments.

The Construction Fund, the Restricted Revenue Account and the Debt Service Fund shall be continuously secured in the manner by which the deposit of public funds are authorized to be secured by the laws of the State and the investment policy of the Issuer. Moneys on deposit in the Construction Fund, the Restricted Revenue Account and the Debt Service Fund may be invested and reinvested in Permitted Investments maturing no later than the date on which the moneys therein will be needed. Any and all income received by the Issuer from the investment of moneys in each account of the Construction Fund, the Interest Account, the Principal Account, the Bond Amortization Account, the Reserve Account or any subaccounts therein (but only to the extent that the amount therein is less than the applicable Reserve Account Requirement) and the Restricted Revenue Account shall be retained in such respective Fund or Account unless otherwise required by applicable law. To the extent that the amount in the Reserve Account or any subaccounts therein is equal to or greater than the applicable Reserve Account Requirement, any and all income received by the Issuer from the investment of moneys therein shall be transferred, upon receipt, and deposited into the Interest Account.

Nothing contained in this Resolution shall prevent any Permitted Investments acquired as investments of or security for funds held under this Resolution from being issued or held in book-entry form on the books of the Department of the Treasury of the United States.

SECTION 4.07 Separate Accounts.

The moneys required to be accounted for in each of the foregoing funds and accounts established herein may be deposited in a single bank account, and funds allocated to the various funds and accounts established herein may be invested in a common investment pool, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the moneys on deposit therein and such investments for the various purposes of such funds and accounts as herein provided.

The designation and establishment of the various funds and accounts in and by this Resolution shall not be construed to require the establishment of any completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting,

but rather is intended solely to constitute an earmarking of certain revenues for certain purposes and to establish certain priorities for application of such revenues as herein provided.

**ARTICLE V
SUBORDINATED INDEBTEDNESS,
ADDITIONAL BONDS, AND COVENANTS OF ISSUER**

SECTION 5.01 Subordinated Indebtedness.

The Issuer will not issue any other obligations, except under the conditions and in the manner provided herein, payable from the Pledged Funds or voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien thereon in favor of the Bonds and the interest thereon. The Issuer may at any time or from time to time issue evidences of indebtedness payable in whole or in part out of the Pledged Funds and which may be secured by a pledge of the Pledged Funds; provided, however, that such pledge shall be, and shall be expressed to be, subordinated in all respects to the pledge of the Pledged Funds created by this Resolution. The Issuer shall have the right to covenant with the holders from time to time of any Subordinated Indebtedness to add to the conditions, limitations and restrictions under which any Additional Bonds may be issued pursuant to Section 5.02 hereof. The Issuer agrees to pay promptly any Subordinated Indebtedness as the same shall become due.

SECTION 5.02 Issuance of Additional Bonds.

This Section 5.02 does not apply to the issuance of the Series 2015A Bonds or the Series 2015B Bonds, notwithstanding anything herein to the contrary.

No Additional Bonds, payable on a parity with the Bonds then Outstanding pursuant to this Resolution, shall be issued except upon the conditions and in the manner herein provided. The Issuer may issue one or more Series of Additional Bonds for any one or more of the following purposes: financing, refinancing and/or reimbursing the Cost of an Additional Project, or the completion thereof or of the Pier Project and/or the Pier Approach Project of the Issuer, or refinancing Subordinate Indebtedness.

No such Additional Bonds shall be issued unless the following conditions are complied with:

(A) There shall have been obtained and filed with the Issuer a statement of the Finance Director (1) setting forth the amount of the Pledged Revenues which have been received by the Issuer during the most recent Fiscal Year for which audited financial statements are available; and (2) stating that the amount of the Pledged Revenues received during the aforementioned twelve month period equaled at least 1.50 times the Maximum Annual Debt Service of all Bonds then Outstanding including such proposed Additional Bonds with respect to

which such statement is made (together with Policy Costs). "Policy Costs" means any repayment or payment obligations due and owing in connection with on any surety bond on deposit in the Reserve Account. In the event the Act is amended to provide for additional Pledged Revenues to be distributed to the Issuer, the Issuer may then for the purpose of determining whether there are sufficient Pledged Revenues to meet the coverage tests specified in this Section 5.02(A), have the Finance Director assume that such additional Pledged Revenues were in effect during the applicable Fiscal Year.

For the purposes of the covenants contained in this Section 5.02, Annual Debt Service with respect to Variable Rate Bonds shall be determined assuming that such obligations bear interest at the higher of 6.00% per annum or the actual interest rate borne during the month immediately preceding the date of calculation. The foregoing notwithstanding, for purposes of calculating Annual Debt Service, any Variable Rate Bonds with respect to which the Issuer has entered into an interest rate swap or interest rate cap for a notional amount equal to the principal amount of such variable rate indebtedness shall be treated for purposes of this Section 5.02 as bearing interest at a fixed rate equal to the fixed rate payable by the Issuer under the interest rate swap, or the capped rate provided by the interest rate cap.

(B) Additional Bonds shall be deemed to have been issued pursuant to this Resolution the same as the Outstanding Bonds, and all of the other covenants and other provisions of this Resolution (except as to details of such Additional Bonds inconsistent therewith) shall be for the equal benefit, protection and security of the Holders of all Bonds issued pursuant to this Resolution. All Bonds, regardless of the time or times of their issuance, shall rank equally with respect to their lien on the Pledged Funds and their sources and security for payment therefrom without preference of any Bond over any other.

(C) In the event any Additional Bonds are issued for the purpose of refunding any Bonds then Outstanding, the conditions of this Section 5.02 shall not apply, provided that the issuance of such Additional Bonds shall not result in an increase in the aggregate amount of Annual Debt Service on the Outstanding Bonds becoming due in the current Bond Year or in any subsequent Bond Years. The conditions of Section 5.02(A) hereof shall apply to Additional Bonds issued to refund Subordinated Indebtedness and to Additional Bonds issued for refunding purposes which cannot meet the conditions of this paragraph.

SECTION 5.03 Bond Anticipation Notes.

Subject to Sections 5.01 or 5.02 hereof, the Issuer may issue notes in anticipation of the issuance of Bonds which shall have such terms and details and be secured in such manner, not inconsistent with this Resolution, as shall be provided by Resolution of the Issuer.

SECTION 5.04 Books and Records.

The Issuer will keep books and records of the receipt of the Pledged Revenues in accordance with generally accepted accounting principles, and any Holder or Holders of Bonds shall have the right at all reasonable times to inspect the records, accounts and data of the Issuer relating thereto.

SECTION 5.05 Annual Audit.

The Issuer shall, within a reasonable amount of time after the close of each Fiscal Year, cause the financial statements of the Issuer to be properly audited by a recognized independent certified public accountant or recognized independent firm of certified public accountants, and shall require such accountants to complete their report on the annual financial statements in accordance with applicable law. Such annual financial statements shall contain, but not be limited to, a balance sheet, a statement of revenues, expenditures and changes in fund balance, and any other statements as required by law or accounting convention. The annual financial statements shall be prepared in conformity with generally accepted accounting principles. A copy of the audited financial statements for each Fiscal Year shall be furnished to any Holder of a Bond who shall have furnished such Holder's address to the Clerk and requested in writing that the same be furnished to such Holder. The Issuer shall be permitted to make a reasonable charge for furnishing such audited financial statements.

SECTION 5.06 No Impairment.

As long as there are Bonds Outstanding hereunder, the pledging of the Pledged Funds in the manner provided herein shall not be subject to repeal, modification or impairment by any subsequent ordinance, resolution or other proceedings of the City Council of the Issuer.

SECTION 5.07 Collection of Pledged Revenues.

The Issuer covenants to do all things necessary on its part to continue the receipt of the Pledged Revenues in compliance with the Act and any successor provision of law governing the same. The Issuer will proceed diligently to perform legally and effectively all steps required on its part to receive the Pledged Revenues and shall exercise all legally available remedies to enforce such collections now or hereafter available under State law.

SECTION 5.08 Federal Income Tax Covenants; Taxable Bonds.

(A) The Issuer covenants with the Holders of each Series of Bonds (other than Taxable Bonds) that it shall not use the proceeds of such Series of Bonds in any manner which would cause the interest on such Series of Bonds to be or become includable in the gross income of the Holder thereof for federal income tax purposes.

(B) The Issuer covenants with the Holders of each Series of Bonds (other than Taxable Bonds) that neither the Issuer nor any Person under its control or direction will make any use of the proceeds of such Series of Bonds (or amounts deemed to be proceeds under the Code) in any manner which would cause such Series of Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and neither the Issuer nor any other Person shall do any act or fail to do any act which would cause the interest on such Series of Bonds to become includable in the gross income of the Holder thereof for federal income tax purposes.

(C) The Issuer hereby covenants with the Holders of each Series of Bonds (other than Taxable Bonds) that it will comply with all provisions of the Code necessary to maintain the exclusion of interest on the such Bonds from the gross income of the Holder thereof for federal income tax purposes, including, in particular, the payment of any amount required to be rebated to the U.S. Treasury pursuant to the Code.

(D) The Issuer may, if it so elects, issue one or more Series of Taxable Bonds the interest on which is (or may be) includable in the gross income of the Holder thereof for federal income tax purposes, so long as each Bond of such Series states in the body thereof that interest payable thereon is (or may be) subject to federal income taxation and provided that the issuance thereof will not cause the interest on any other Bonds theretofore issued hereunder to be or become includable in the gross income of the Holder thereof for federal income tax purposes. The covenants set forth in paragraphs (A), (B) and (C) above shall not apply to any Taxable Bonds.

ARTICLE VI DEFAULTS AND REMEDIES

SECTION 6.01 Events of Default.

The following events shall each constitute an "Event of Default:"

(A) The Issuer shall fail to make a payment of the principal of, Amortization Installment, redemption premium or interest on any Bond when such payment becomes due.

(B) There shall occur the dissolution or liquidation of the Issuer, or the filing by the Issuer of a voluntary petition in bankruptcy, or the commission by the Issuer of any act of bankruptcy, or adjudication of the Issuer as a bankrupt, or assignment by the Issuer for the benefit of its creditors, or appointment of a receiver for the Issuer, or the entry by the Issuer into an agreement of composition with its creditors, or the approval by a court of competent jurisdiction of a petition applicable to the Issuer in any proceeding for its reorganization instituted under the provisions of the Federal Bankruptcy Act, as amended, or under any similar act in any jurisdiction which may now be in effect or hereafter enacted.

(C) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the Issuer to be performed, and such default shall continue for a period of thirty days after written notice of such default shall have been received from the Holders of not less than twenty-five percent (25%) of the aggregate principal amount of Bonds Outstanding or the Insurer of such amount of Bonds. Notwithstanding the foregoing, the Issuer shall not be deemed in default hereunder if such default can be cured within a reasonable period of time and if the Issuer in good faith institutes curative action and diligently pursues such action until the default has been corrected.

SECTION 6.02 Remedies. Any Holder of Bonds issued under the provisions of this Resolution or any trustee or receiver acting for such Bondholders may either at law or in equity, by suit, action, mandamus or other proceedings in any court of competent jurisdiction, protect and enforce any and all rights under the laws of the State, or granted and contained in this Resolution, and may enforce and compel the performance of all duties required by this Resolution or by any applicable statutes to be performed by the Issuer or by any officer thereof.

The Holder or Holders of Bonds in an aggregate principal amount of not less than twenty-five percent (25%) of the Bonds then Outstanding may by a duly executed certificate in writing appoint a trustee for Holders of Bonds issued pursuant to this Resolution with authority to represent such Bondholders in any legal proceedings for the enforcement and protection of the rights of such Bondholders and such certificate shall be executed by such Bondholders or their duly authorized attorneys or representatives, and shall be filed in the office of the Clerk. Notice of such appointment, together with evidence of the requisite signatures of the Holders of not less than twenty-five percent (25%) in aggregate principal amount of Bonds Outstanding and the trust instrument under which the trustee shall have agreed to serve shall be filed with the Issuer and the trustee and notice of appointment shall be given to all Holders of Bonds in the same manner as notices of redemption are given hereunder. After the appointment of the first trust hereunder, no further trustees may be appointed; however, the Holders of a majority in aggregate principal amount of all the Bonds then Outstanding may remove the trustee initially appointed and appoint a successor and subsequent successors at any time.

Acceleration is not a remedy in the Event of Default.

SECTION 6.03 Directions to Trustee as to Remedial Proceedings. The Holders of a majority in principal amount of the Bonds then Outstanding (or any Insurer insuring any then Outstanding Bonds who is not in default in the performance of any of its obligations under its Insurance Policy) have the right, by an instrument or concurrent instruments in writing executed and delivered to the trustee, to direct the method and place of conducting all remedial proceedings to be taken by the trustee hereunder, provided that such direction shall not be otherwise than in accordance with law or the provisions hereof, and that the trustee shall have

the right to decline to follow any such direction which in the opinion of the trustee would be unjustly prejudicial to Holders of Bonds not parties to such direction.

SECTION 6.04 Remedies Cumulative.

No remedy herein conferred upon or reserved to the Bondholders is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

SECTION 6.05 Waiver of Default. No delay or omission of any Bondholder to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default, or an acquiescence therein; and every power and remedy given by Section 6.02 of this Resolution to the Bondholders may be exercised from time to time, and as often as may be deemed expedient.

SECTION 6.06 Application of Moneys After Default. If an Event of Default shall happen and shall not have been remedied, the Issuer or a trustee or receiver appointed for the purpose shall apply all Pledged Funds as follows and in the following order:

(A) To the payment of the reasonable and proper charges, expenses and liabilities of the trustee or receiver, Registrar and Paying Agent hereunder; and

(B) To the payment of the interest and principal or Redemption Price, if applicable, then due on the Bonds, as follows:

FIRST: to the payment to the Persons entitled thereto of all installments of interest then due, in the order of the maturity of such installments, and, if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the Persons entitled thereto, without any discrimination or preference;

SECOND: to the payment to the Persons entitled thereto of the unpaid principal of any of the Bonds which shall have become due at maturity or as Amortization Installments upon mandatory redemption prior to maturity (other than Bonds called for redemption for the payment of which moneys are held pursuant to the provisions of Section 8.01 of this Resolution), in the order of their due dates, with interest upon such Bonds from the respective dates upon which they became due, and, if the amount available shall not be sufficient to pay in full Bonds due on any particular date, together with such interest, then to the payment first of such interest, ratably according to the amount of such interest due on such date, and then to the payment of such principal, ratably according to the amount of such principal due on such date, to the Persons entitled thereto without any discrimination or preference; and

THIRD: to the payment of the Redemption Price of any Bonds called for optional redemption pursuant to the provisions of this Resolution.

**ARTICLE VII
SUPPLEMENTAL RESOLUTIONS**

SECTION 7.01 Supplemental Resolutions without Bondholders' Consent.

The Issuer, from time to time and at any time, may adopt such Supplemental Resolutions without the consent of the Bondholders (which Supplemental Resolutions shall thereafter form a part hereof) for any of the following purposes:

(A) To cure any ambiguity or formal defect or omission or to correct any inconsistent provisions in this Resolution or to clarify any matters or questions arising hereunder.

(B) To grant to or confer upon the Bondholders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Bondholders.

(C) To add to the conditions, limitations and restrictions on the issuance of Bonds under the provisions of this Resolution other conditions, limitations and restrictions thereafter to be observed.

(D) To add to the covenants and agreements of the Issuer in this Resolution other covenants and agreements thereafter to be observed by the Issuer or to surrender any right or power herein reserved to or conferred upon the Issuer.

(E) To specify and determine the matters and things referred to in Sections 2.01, 2.02 or 2.09 hereof, and also any other matters and things relative to such Bonds which are not contrary to or inconsistent with this Resolution as theretofore in effect, or to amend, modify or rescind any such authorization, specification or determination at any time prior to the first delivery of such Bonds.

(F) To change or modify the description of the Pier Project, the Pier Approach Project or any Additional Project.

(G) To specify and determine matters necessary or desirable for the issuance of Variable Rate Bonds.

(H) To amend Section 5.08 hereof to make covenants relating to Direct Subsidy Bonds, if appropriate.

(I) To make any other change that, in the reasonable opinion of the Issuer, would not materially adversely affect the security for the Bonds.

SECTION 7.02 Supplemental Resolutions with Bondholders' Consent. Subject to the terms and provisions contained in this Section 7.02 and Sections 7.01 and 7.03 hereof, the Holder or Holders of not less than a majority in aggregate principal amount of the Bonds then Outstanding shall have the right, from time to time, anything contained in this Resolution to the contrary notwithstanding, to consent to and approve the adoption of such Supplemental Resolutions hereto as shall be deemed necessary or desirable by the Issuer for the purpose of supplementing, modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Resolution; provided, however, that if such modification or amendment will, by its terms, not take effect so long as any Bonds of any specified Series or maturity remain Outstanding, the consent of the Holders of such Bonds shall not be required and such Bonds shall not be deemed to be Outstanding for the purpose of any calculation of Outstanding Bonds under this Section 7.02. No Supplemental Resolution may be approved or adopted which shall permit or require (A) an extension of the maturity of the principal of or the payment of the interest on any Bond issued hereunder, (B) reduction in the principal amount of any Bond or the Redemption Price or the rate of interest thereon, (C) the creation of a lien upon or a pledge of other than the lien and pledge created by this Resolution which adversely affects any Bondholders, (D) a preference or priority of any Bond or Bonds over any other Bond or Bonds, or (E) a reduction in the aggregate principal amount of the Bonds required for consent to such Supplemental Resolution. Nothing herein contained, however, shall be construed as making necessary the approval by Bondholders of the adoption of any Supplemental Resolution as authorized in Section 7.01 hereof.

If, at any time the Issuer shall determine that it is necessary or desirable to adopt any Supplemental Resolution pursuant to this Section 7.02, the Clerk shall cause the Registrar to give notice of the proposed adoption of such Supplemental Resolution and the form of consent to such adoption to be mailed, postage prepaid, to all Bondholders at their addresses as they appear on the registration books. Such notice shall briefly set forth the nature of the proposed Supplemental Resolution and shall state that copies thereof are on file at the offices of the Clerk and the Registrar for inspection by all Bondholders. The Issuer shall not, however, be subject to any liability to any Bondholder by reason of its failure to cause the notice required by this Section 7.02 to be mailed and any such failure shall not affect the validity of such Supplemental Resolution when consented to and approved as provided in this Section 7.02.

Whenever the Issuer shall deliver to the Clerk an instrument or instruments in writing purporting to be executed by the Holders of not less than a majority in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed Supplemental Resolution described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the Issuer may adopt such Supplemental Resolution in substantially such form, without liability or responsibility to any Holder of any Bond, whether or not such Holder shall have consented thereto.

If the Holders of not less than a majority in aggregate principal amount of the Bonds Outstanding at the time of the adoption of such Supplemental Resolution shall have consented to and approved the adoption thereof as herein provided, no Holder of any Bond shall have any right to object to the adoption of such Supplemental Resolution, or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Issuer from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any Supplemental Resolution pursuant to the provisions of this Section 7.02, this Resolution shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the Issuer and all Holders of Bonds then Outstanding shall thereafter be determined, exercised and enforced in all respects under the provisions of this Resolution as so modified and amended.

SECTION 7.03 Supplemental Resolutions with Insurer's Consent in lieu of Bondholders' Consent. Notwithstanding any provisions of Section 7.02 above to the contrary, if the Insurer of a particular Series of Bonds is not then in default in the performance of any of its obligations under its Insurance Policy, the approvals, consents and notifications required by Section 7.02 above to be given by or to the Holders of the Bonds, as the case may be, subject to such Insurance Policy shall be given solely by or to the Insurer, as the case may be, and the instrument contemplated by Section 7.02 above shall be executed solely by the Insurer and the Holders of the Bonds subject to such Insurance Policy shall have no right to receive such notification or give such approvals and consents or to execute such certificate except that the adoption of Supplemental Resolutions that would have any of the effects described in (A) through (E) in Section 7.02 above shall require the approval and consent of all Holders of Bonds then Outstanding and the Insurer.

ARTICLE VIII MISCELLANEOUS

SECTION 8.01 Defeasance. If the Issuer shall pay or cause to be paid, or there shall otherwise be paid to the Holders of all Bonds, the principal or Redemption Price, if applicable, and interest due or to become due thereon, at the times and in the manner stipulated therein and in this Resolution, then the pledge of the Pledged Funds, and all covenants, agreements and other obligations of the Issuer to the Bondholders, shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Paying Agents shall pay over or deliver to the Issuer all money or securities held by them pursuant to this Resolution which are not required for the payment or redemption of Bonds not theretofore surrendered for such payment or redemption.

Any Bonds or interest installments appertaining thereto, whether at or prior to the maturity or redemption date of such Bonds, shall be deemed to have been paid within the meaning of this Section 8.01 if (A) in case any such Bonds are to be redeemed prior to the

maturity thereof, there shall have been taken all action necessary to call such Bonds for redemption and notice of such redemption shall have been duly given or provision shall have been made for the giving of such notice, and (B) there shall have been deposited in irrevocable trust with a banking institution or trust company by or on behalf of the Issuer either moneys in an amount which shall be sufficient, or Federal Securities the principal of and the interest on which when due will provide moneys which, together with the moneys, if any, deposited with such bank or trust company at the same time shall be sufficient, to pay the principal of or Redemption Price, if applicable, and interest due and to become due on said Bonds on and prior to the redemption date or maturity date thereof, as the case may be. Except as hereafter provided, neither the Federal Securities nor any moneys so deposited with such bank or trust company nor any moneys received by such bank or trust company on account of principal of or Redemption Price, if applicable, or interest on said Federal Securities shall be withdrawn or used for any purpose other than, and all such moneys shall be held in trust for and be applied to, the payment, when due, of the principal of or Redemption Price, if applicable, of the Bonds for the payment or redemption of which they were deposited and the interest accruing thereon to the date of maturity or redemption; provided, however, the Issuer may substitute new Federal Securities and moneys for the deposited Federal Securities and moneys if the new Federal Securities and moneys are sufficient to pay the principal of or Redemption Price, if applicable, and interest on the refunded Bonds.

For purposes of determining whether Variable Rate Bonds shall be deemed to have been paid prior to the maturity or redemption date thereof, as the case may be, by the deposit of moneys, or specified Federal Securities and moneys, if any, in accordance with this Section 8.01, the interest to come due on such Variable Rate Bonds on or prior to the maturity or redemption date thereof, as the case may be, shall be calculated at the Maximum Interest Rate; provided, however, that if on any date, as a result of such Variable Rate Bonds having borne interest at less than the Maximum Interest Rate for any period, the total amount of moneys and specified Federal Securities on deposit for the payment of interest on such Variable Rate Bonds is in excess of the total amount which would have been required to be deposited on such date in respect of such Variable Rate Bonds in order to satisfy this Section 9.01, such excess shall be paid to the Issuer free and clear of any trust, lien, pledge or assignment securing the Bonds or otherwise existing under this Resolution.

In the event the Bonds for which moneys are to be deposited for the payment thereof in accordance with this Section 8.01 are not by their terms subject to redemption within the next succeeding sixty (60) days, the Issuer shall cause the Registrar to mail a notice to the Holders of such Bonds that the deposit required by this Section 8.01 of moneys or Federal Securities has been made and said Bonds are deemed to be paid in accordance with the provisions of this Section 8.01 and stating such maturity or redemption date upon which moneys are to be available for the payment of the principal of or Redemption Price, if applicable, and interest on said Bonds.

Nothing herein shall be deemed to require the Issuer to call any of the Outstanding Bonds for redemption prior to maturity pursuant to any applicable optional redemption provisions, or to impair the discretion of the Issuer in determining whether to exercise any such option for early redemption.

SECTION 8.02 Sale of Bonds. The Bonds shall be issued and sold at public or private sale at one time or in installments from time to time and at such price or prices as shall be consistent with the provisions of the Act, the requirements of this Resolution and other applicable provisions of law and as shall be approved by Supplemental Resolution of the Issuer.

SECTION 8.03 Preliminary Official Statement. The Issuer hereby authorizes the distribution of a Preliminary Official Statement for the purpose of marketing the Series 2015 Bonds and delegates to the Finance Director the authority to deem such Preliminary Official Statement "final" except for "permitted omissions" within the contemplation of Rule 15c2-12 of the Securities and Exchange Commission. The form of such Preliminary Official Statement shall be approved by Supplemental Resolution.

SECTION 8.04 Capital Appreciation Bonds. For the purposes of (i) receiving payment of the redemption price of a Capital Appreciation Bond if redeemed prior to maturity, (ii) receiving payment if the principal of all Bonds is declared immediately due and payable, if applicable, (iii) computing Annual Debt Service, and (iv) computing the amount of Holders required for any notice, consent, request or demand hereunder for any purpose whatsoever, the principal amount of a Capital Appreciation Bond shall be deemed to be its Compounded Amount.

SECTION 8.05 Validation Authorized. The City Attorney and Bryant Miller Olive P.A., Bond Counsel, are hereby authorized to pursue validation of the Series 2015 Bonds pursuant to the provisions of Chapter 75, Florida Statutes, if deemed advisable by the City Attorney. The hourly fees of Bryant Miller Olive P.A. for validation legal services and any legal appeal shall not be contingent upon the issuance of the Series 2015 Bonds, but are reimbursable from costs of issuance should the Series 2015 Bonds be issued.

SECTION 8.06 General Authority. The members of the City Council of the Issuer and the Issuer's officers, attorneys and other agents and employees are hereby authorized to perform all acts and things required of them by this Resolution or desirable or consistent with the requirements hereof for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Bonds and this Resolution, and they are hereby authorized to execute and deliver all documents which shall be required by Bond Counsel or the initial purchasers of the Bonds to effectuate the sale of the Bonds to said initial purchasers.

SECTION 8.07 No Third Party Beneficiaries. Except such other Persons as may be expressly described herein or in the Bonds, nothing in this Resolution or in the Bonds, expressed or implied, is intended or shall be construed to confer upon any Person, other than

the Issuer and the Holders, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof, or of the Bonds, all provisions hereof and thereof being intended to be and being for the sole and exclusive benefit of the Issuer and the Persons who shall from time to time be the Holders.

SECTION 8.08 No Personal Liability. Neither the members of the City Council of the Issuer, any employees of the Issuer, nor any person executing the Bonds shall be personally liable therefor or be subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 8.09 Severability of Invalid Provisions. If any one or more of the covenants, agreements or provisions of this Resolution shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements and provisions of this Resolution and shall in no way affect the validity of any of the other covenants, agreements or provisions hereof or of the Bonds issued hereunder.

SECTION 8.10 Superseding of Inconsistent Resolutions. This Resolution supersedes all prior action of City Council inconsistent herewith. All resolutions or parts thereof in conflict herewith are hereby superseded to the extent of such conflict. In particular, Resolution No. 2015-160 adopted by the City Council of the Issuer on April 16, 2015 is hereby superseded.

[Remainder of page intentionally left blank]

SECTION 8.11 Effective Date. This Resolution shall become effective immediately upon its adoption.

Adopted at a regular session of the City Council held on the 3rd day of September, 2015.

Approved as to Form and Substance:

City Attorney (Designee)

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND MORGAN STANLEY SMITH BARNEY, LLC FOR INVESTMENT MANAGER SERVICES FOR THE ST. PETERSBURG PARKS PRESERVATION FUND (WEEKI WACHEE PROCEEDS); AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received seven proposals for investment advisory services for the St. Petersburg Parks Preservation Fund (Weeki Wachee Proceeds) pursuant to request for proposals No. 7256 ("RFP"); and

WHEREAS, Morgan Stanley Smith Barney, LLC ("Investment Manager") has met the specifications, terms and conditions of the RFP; and

WHEREAS, Investment Manager represents that it possesses an expertise in investment management, holds all necessary licenses to provide the services specified in the agreement, and is willing to provide such services upon the terms and conditions stated in the agreement; and

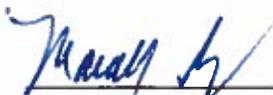
WHEREAS, on August 20, 2015, the Budget, Finance & Taxation Council Committee recommended approval of the agreement between the City and Investment Manager for investment manager services for the St. Petersburg Parks Preservation Fund (Weeki Wachee Proceeds); and

WHEREAS, Administration also recommends approval of this agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the agreement between the City of St. Petersburg, Florida and Morgan Stanley Smith Barney, LLC for investment manager services for the St. Petersburg Parks Preservation Fund (Weeki Wachee Proceeds) is hereby approved and the Mayor or his 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)

CITY OF ST. PETERSBURG

Energy, Natural Resources and Sustainability Committee

Thursday, August 20, 2015, 1:15 p.m.

PRESENT: Chair Darden Rice and Councilmembers Bill Dudley, Steve Kornell, Karl Nurse, Charles Gerdes (alt), and Jim Kennedy.

ABSENT: None.

ALSO: Mayor Rick Kriseman, Mike Connors, Public Works Administrator, Sharon Wright, Sustainability Coordinator.

Chair Rice called the meeting to order and the following topics were discussed:

Approval of Agenda: Passed 4-0

Approval of June 11, 2015 Minutes: Postponed to next meeting (oversight – minutes not included in package)

Executive Order EO-2015-07

Chair Rice introduced Mayor Kriseman.

Mayor Kriseman reviewed his first Executive Order (EO-2015-07) signed August 18, 2015.

Mayor Kriseman summarized the city's sustainability goals: net zero energy, zero waste, protection and enhancement of natural systems, the protection and promulgation of shade and green space, sustainable built environmental practices, safe and efficient multimodal transportation networks, improvement of our local economy, and a healthier community.

Mayor Kriseman stated that EO-2015-07 was not a guide, but a set of directives that each department is expected to participate in.

Office of Sustainability Update

Sharon Wright provided an update of activities since the June 11, 2015 meeting. In an effort to understand the city's previous and current sustainability activities as well as gather comments and input on sustainability initiatives, Sharon met with multiple city departments and staff. Meetings with St. Petersburg Sustainability Council and Chamber of Commerce Sustainability Task Force were also attended. In addition, meetings with USFSP leadership and Eckerd College's Sustainability Director occurred to begin developing key sustainability partnerships. SPC contact will be made after school begins.

STAR Communities Presentation

Sharon Wright gave a presentation on STAR Communities. The STAR Community Rating System (STAR) provides a clear, data-driven approach to assessing social, economic and environmental progress. It is a catalyst for local action and is transforming the way that communities address sustainability and prioritize future investment. STAR provides a comprehensive community framework that includes art, health, equity, safety, and economy as categories that will be used to establish the city's baseline star rating and prioritize actions toward a more sustainable community. The categories listed above along with traditional "green" categories like climate and energy and natural systems make STAR different and more comprehensive than ratings focused only on the built environment. The process for a STAR rating will include collaboration with the Mayor's

administration, city council, city departments, key partners and stakeholders, and community members. The process of STAR rating this first time will help to identify gaps and create priorities that make sense with other city initiatives and activities.

STAR has several levels of membership and support from STAR staff and technical experts. Through a recent application, the city was awarded a scholarship to participate in the highest level program, the Leadership Program, for the price of certification at the lowest program level. The Leadership Program will include dedicated staff support, in-person training for city staff, a fast track goal of one year for certification, and perks for public relations and national recognition. With the scholarship, cost for STAR membership and two certification cycles over about six years will be approximately \$7,500 or about \$1,750 per year.

Other Topics

Council Member Nurse raised the topic of a Boulder, CO program related to energy efficiency in buildings using insulation and other retrofits as a possible example for the St. Petersburg. Council Member Dudley inquired about other sustainability efforts including Duke Energy negotiations for the LED streetlight program which are ongoing.

There being no further business, the meeting was adjourned at 2:00 p.m.

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of August 27, 2015 - 9:15 a.m.
City Hall, Room 100

Members and Alternates: Chair Bill Dudley, Jim Kennedy, Steve Kornell and Amy Foster

Others present: Tom Gibson, Interim Public Works Administrator; Steve Leavitt, Water Resources Director; Consultants: Tony Janicki, Janicki Environmental, Inc.; Karen Lowe, CDMSmith; Todd Bosso, Brown and Caldwell; Jacqueline Kovilaritch, City Attorney; Kim Streeter, Assistant City Attorney.

Support Staff: Mika Nelson, Library Director (primary); Mike Vineyard, Park Operations Manager (backup).

A. Call to Order 9:35 A.M.

B. Approval of Agenda – Passed 4-0

C. Approval of Minutes – Passed 4-0

1. July 16, 2015 & July 30, 2015

2. CM Kennedy noted for inclusion on the PS&I pending table the referral of *Canopy Roads*, generated from the July 30th historic preservation report and discussion.

D. New Business

1. Referral to the Public Services & Infrastructure Committee an update on flood control. (Original referral to Energy, Natural Resources and Sustainability Committee). (Tom Gibson/Steve Leavitt)

The Interim Public Works Administrator, Water Resources Director, and professional engineering and environmental consultants, reported to the committee an update on flood control measures in light of recent weather events. Included in the report:

- Ground saturation levels: saturation due to 2015 rainfalls and the impact on peak flows in both the City's collection system and treatment plants.
- Magnitude of recent weather event: 3-week rainfalls in July/August 2015 exceeding 99.5% of historical 21-day rainfall data recorded at Albert Whitted Airport since 1914.
- Emergency response in light of weather event: maximization of both collection system storage and injection well disposal, as well as diversion of flows to storm water treatment system and old Albert Whitted Water Reclamation Facility (AWWRF).
- Projects to mitigate impact of future weather events: upgrades to water pumping equipment and new storage tank at Southwest Water Reclamation Facility, new Childs Park pumping station, lateral infiltration

pilot project in Maximo Moorings and a sanitary sewer rehabilitation project.

- Review of the City-commissioned 2010 *AWWRF Operations Alternatives Report*, completed by CDMSmith engineering consultants, which was triggered by Florida Department of Environmental Protection (FDEP) permitting requirement changes for managing and storing reject water.
 - Review of the City-commissioned 2011 *AWWRF Flow Transfer Implementation Plan – Preliminary Design Report*, completed by CDMSmith engineering consultants, for evaluation of flow transfer options, pump station location alternatives and preliminary performance criteria, as well as force main route alternatives.
 - Meetings with Eckerd College and Gulfport planned by Water Resources staff, as well as the addition of an information specialist position, to improve lines of communication during weather events.
2. Referral to the Public Services & Infrastructure Committee a request to conduct an independent engineering review to look at the redesign of the Southwest Water Reclamation Facility (SWWRF). (Tom Gibson/Steve Leavitt)

The Interim Public Works Administrator, Water Resources Director, and professional engineering consultants, provided a report on the biosolids project slated for the Southwest Water Reclamation Facility (SWWRF). The report included:

- Review of biosolids and yard waste studies conducted from 2010-2015, including, but not limited to, the transfer of waste-activated sludge (WAS) from the Northeast and Northwest Water Reclamation Facilities (NEWRF and NWWRF).
- Summary of biosolids centralization evaluations, including a presentation of capital improvement plans related to collection and treatment, as well as improvements offset by the project, and an overall breakdown of the cost analysis. Presentation also included a visual depiction of the liquid stream vs. solid stream flow models before and after centralization.
- Summary of improvements (i.e. equipment replacement and related facility upgrades) for proper biosolids management, as well as summary of benefits gained from recommended improvements.
- Summary of economic considerations related to investment in the biosolids project, including a highlight of funding options and the return on investment through the production of renewable energy.

After remarks by, and answers to questions from, the committee, CM Kornell made a motion to refer the biosolids project for independent study, through peer review analysis, with the caveat that if the study is not launched by City Administration, City Council will request a management study. The motion passed 4-0.

Action: City Attorney Kovilaritch will research the legality of a management study.

E. Upcoming Meetings

1. September 10, 2015:

- i. PS&I follow-up request on March 26, 2015 by Councilmember Gerdes: Transportation such as the Looper or PSTA as an optional add on to City monthly parking garage customers. (Evan Mory, Transportation & Eric Carlson, St. Petersburg Downtown Partnership)
- ii. Council referral to PS&I on August 6, 2015 by Councilmember Newton: Requesting for consideration the addition of funding to the FY 2016 budget for the purpose of hiring 30 Police Officers to provide adequate coverage for public safety. (Police)

F. Adjournment 11:19 A.M.

ST. PETERSBURG CITY COUNCIL
Housing Services Committee Report
Council Meeting of September 3, 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 August 27, 2015

New Business:

Discussion of disposition of unbuildable lots, Bruce Grimes, Director, Real Estate and Property Management

Mr. Grimes began the discussion by saying that unbuildable lots come to the City as part of the escheat process which will allow lots to be joined small sliver with an existing properties. Lots could be conveyed for nominal amounts to adjacent property owners. Currently, the City's existing real property disposition procedures provides for the ability to offer surplus property to the adjoining property owner(s) at market value. However, due to the marginal value of Unbuildable Surplus real property and in an effort to dispose of these Unbuildable Surplus real property, and in an effort to dispose of these Unbuildable Surplus properties in a timely and cost effective manner, it would be beneficial to amend the current procedure to provide for Unbuildable Surplus properties to be offered for nominal consideration by the Administration. This would provide the opportunity to return the property to the tax rolls in an efficient manner and in some cases make the original platted parcel whole again.

The criteria for disposition is that it has to be one half of less of the original lot size that would have to be combined with the abutters or buyers of the abutting property as Pinellas County say that may be joined and could be sold off again. The City would obtain a deed restriction to make sure that it stays together in the future. The other part is that the department ensures that anybody with whom the transaction is conducted has paid their real estate taxes on the properties, and are up to date.

Action: A motion was made to move item to Full Council for approval.

Special Assessment Lien Modification, Bruce Grimes, Director, Real Estate and Property Management

Mr. Grimes discussed his second item regarding changes to the Special Assessment Lien Modification Program. One of which was Option "A" which allowed people to pay off the principal and have the interest waive but that option expired not be required to that option expired with the exception for a two year period of time, in order to leave that piece in this particular policy would be adopted to allow people to pay off the principal, have the interest waive, and not be required to immediately construct something on the property.

The second change is Option "B" which allows people to apply for special assessment lien and code enforcement liens with principal and interest is being revised for properties in the Southside Community Redevelopment Area.

The third change is a sunset of the program on November 30, 2018 which will allow everyone to review the program to see if it should continued.

Chair Nurse asked if the waivers are not being given to the people who caused the problems. Mr. Grimes concurred.

Action: A motion was made to move the item to Full Council for approval.

Revision to Code Lien Waiver Program, Todd Yost, Director, Codes Compliance Assistance Program

Mr. Yost began by discussed that when someone comes to his office and ask for a Stipulated Agreement on a property the department provides a full release at the end when they have corrected the code violations and renovated the home and the structure of the property, the department file a full release of the property which provides a releases against the person who caused the violation and the property. Unlike assessments which are against the property code fines are against property and people. When a release is provided a code violator gets away with the infraction. The City wants to stop that have the language reflect a partial release so a release would be on the property and stays on the violator.

The second change have language in the Stipulated Agreement that states if you have active code violations on other property you own, a Stipulated Agreement will not be approved. Until you resolve other violations that you may own or enter into other Stipulated Agreements on those properties for their remedy, the liens will not be released. Currently, if a person owns four properties and has code violations on three of them and has a Stipulated Agreement on one, the liens would be released on all. The third thing is to add a sunset clause on November 30, 2018 so that it comes back for review.

Action: A motion was made to move the item to Full Council for approval.

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

Ms. Lampe discussed that there are two homes have contracts pending which leaves one to be sold. We have contracts for five homes, of which three are under construction the other two permits are ready for pick up and should start soon. We will have five new homes for sale and we are working on the next round of vacant lots on which to build.

Action: No action taken.

Next meeting: The next meeting is scheduled for September 24, 2015

Topics:

Recommendation of appointment of Ms. Jo Ann Nesbitt to the St. Petersburg Housing Authority Board of Directors

Follow-up discussion about expanding literacy, Financial Inclusion and Homebuyer Training, Susie Ajoc, Community Services Director

Discussion of Pilot Program

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

RESOLUTION NO. 2015 -

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO DISPOSE OF UNBUILDABLE SURPLUS REAL PROPERTY TO ABUTTING RESIDENTIAL PROPERTY OWNER(S) FOR NOMINAL CONSIDERATION WITH THE PURCHASER PAYING ALL CLOSING COSTS; APPROVING AND ADOPTING POLICIES AND PROCEDURES TO PROVIDE FOR SAID DISPOSITION AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, existing real property disposition procedures provide for the ability to offer "Surplus" property to the adjoining property owner(s) at market value; and

WHEREAS, due to the marginal value of "Unbuildable Surplus" real property, and in effort to dispose of such "Unbuildable Surplus" real property in a timely and cost effective manner, it would be beneficial to amend the current procedure to provide for "Unbuildable Surplus" properties to be offered for sale to the abutting property owner(s) for nominal consideration (ten dollars (\$10.00)) with the purchaser paying all closing costs; and

WHEREAS, certain procedures have been developed, as described on the attachment hereto, to provide for the disposition of "Unbuildable Surplus" real property for nominal consideration under certain conditions and subject to specific terms; and

WHEREAS, the intent of the procedure is to provide for an expeditious process to remove "Unbuildable Surplus" real property from the City's ownership, thereby reducing City liability and maintenance related to the property, place such property back onto the tax rolls of Pinellas County and reduce City cost in processing the sale.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is authorized to dispose of unbuildable surplus real property to abutting residential property owner(s) for nominal consideration with the purchaser paying all closing costs;

BE IT FURTHER RESOLVED that the attached Procedures for Disposition of Unbuildable Surplus real property are hereby approved and adopted.

This Resolution shall become effective immediately upon its adoption.

LEGAL

APPROVED BY:

City Attorney (Designee)

Bruce E. Grimes, Director

Legal:

Real Estate & Property Management

PROCEDURE FOR DISPOSITION OF UNBUILDABLE SURPLUS REAL PROPERTY

POLICY:

The disposition of unbuildable surplus real property procedure is established to dispose of the "Unbuildable Surplus" properties in a timely and cost effective manner. Each "Unbuildable Surplus" real property will be offered for sale to the abutting residential property owner(s) for nominal consideration with the purchaser paying for all closing cost.

The intent of the procedure is to provide for an expeditious process to remove "Unbuildable Surplus" real property from the City's ownership, thereby reducing City liability and maintenance related to the property; place such property back onto the tax rolls of Pinellas County; and reduce City cost in processing the sale.

BACKGROUND:

In addition to the acquisition of real property for city projects, from time to time the City acquires unbuildable/remnant parcels of real property. The majority of these unbuildable/remnant parcels are received through the escheat process from Pinellas County. The vast majority of these unbuildable/remnant parcels were split by the property owners from their original platted lot several years ago for various reasons. Many of these unbuildable/remnant parcels were subsequently developed with single-family homes. Although some of these unbuildable/remnant parcels previously had structures built on them, they are considered substandard lots due to their small size, and while technically some of them could be rebuilt on today, due only to the fact that there was previously a house on the lot, they would not meet the current zoning regulations and would require substantial variances to the building setback requirements. Numerous homes that were built on these substandard lots have reached the end of their economic life and have been demolished. Conveying these substandard lots to the abutting property owners, in many cases, would restore the property back to its original platted lot. The development of substandard lots can have a negative effect on neighborhoods, therefore it is not in the City's best interest to sell these substandard lots for redevelopment. As a result, this puts them into the classification of unbuildable/remnant parcels. The sale of these unbuildable/remnant parcels to an abutting property owner would require both parcels be combined with the Buyer's abutting property through Pinellas County's parcel combination procedure. It should be noted that not all unbuildable/remnant parcels sold will return the property back to its original platted lot size.

Additionally, there were uneconomic remainder parcels created by the Florida Department of Transportation as a result of partial takings for the construction of Interstate 275 in the early 1970's. Several of these parcels were sold to property owners, however, over the years, some of these parcels have also escheated to the City as a result of the property owner's non-payment of real estate taxes and abandoning these parcels.

All of the City's unbuildable/remnant parcels are currently unimproved.

Current procedures prescribe that upon the acquisition of a parcel by the City, the parcel is classified as to its utility for potential City use. In the case of the acquisition by the City of unbuildable/remnant parcels, this usually occurs as a result of the escheat process. When a property escheats to the City, a distribution is made to appropriate City Departments to determine if there is any current or anticipated use for the parcel. If there is no indicated interest by any department for a city purpose, the parcel is declared "surplus" real property and is considered surplus to City needs. Once a parcel has gone through the surplus declaration process, the parcel can be made available for sale. In cases where the property's buildability is questionable, the City's Development Review Services Division is asked to determine whether a parcel complies with all development requirements to be a buildable lot. Parcels that are not considered buildable are classified by Real Estate as "Unbuildable Surplus" real property. These Unbuildable Surplus properties cannot be developed due to their configuration, size, and/or location, or should not be re-developed due to their substandard lot size. Examples of these parcels are as follows:

- a. An escheat parcel from Pinellas County where the parcel is 8 feet wide by 136 feet deep (1,088 square feet). The minimum lot size requirement for its zoning category ("NT" Neighborhood Traditional Single-Family District) is a 45 - 60 foot wide lot, with a 5,800 square foot minimum lot area.
- b. An escheat parcel from Pinellas County where the parcel is 29 feet wide by 73 feet deep (2,117 square feet). The minimum lot size requirement for its zoning category ("NT" Neighborhood Traditional Single-Family District) is a 45 - 60 foot wide lot, with a 5,800 square foot minimum lot area. This lot previously had a house on it, but was demolished several years ago due to the fact that it had reached the end of its' economic life.
- c. A property owner acquired an uneconomic remainder parcel along the I-275 corridor and failed to pay the real estate taxes on the remainder parcel and eventually the property escheated to the City from Pinellas County.

These properties, due to the fact that they are "unbuildable", have minimal, if any, value. Typically, this property type has contributory value only to an abutting property owner(s) through '*assemblage*' wherein the "unbuildable" parcel may provide additional access or increased utility to the abutting property(ies).

The City's existing real property disposition procedure provides for the ability to offer "surplus" property to the adjoining property owner(s) at market value. However, due to the marginal value of "Unbuildable Surplus" real property, and in an effort to dispose of these "Unbuildable Surplus" properties in a timely and cost effective method, it would be beneficial to amend the current procedure to provide for "Unbuildable Surplus" properties to be offered for nominal consideration by the Administration. This would provide the opportunity to return the property to the tax rolls in an efficient manner and in some cases, make the original platted parcel whole again. A list of the current "Unbuildable Surplus" real property is attached and each property on the list, plus alike future "Unbuildable Surplus" real property are proposed to

be offered to the adjoining property owner(s) for nominal consideration (ten dollars (\$10.00)) with the purchaser paying for closing costs and any title insurance.

PROCEDURES:

A. NOTICE TO ABUTTING PROPERTY OWNER(S). For properties determined to be "Unbuildable Surplus" real property, the Real Estate & Property Management Department will send letters to the abutting property owner(s) offering the unbuildable surplus properties for sale for nominal consideration (ten dollars (\$10.00)) with the purchaser paying for all closing costs and any title insurance. The criteria for the disposition of the "Unbuildable Surplus" real property will establish that the subject parcel meets the following criteria:

B. CRITERIA FOR DISPOSITION OF UNBUILDABLE SURPLUS REAL PROPERTY:

- i.) Must be ½ or less than its originally platted lot size.
- ii.) Must be combined with the buyer's abutting property through Pinellas County via a standard form referred to as "Parcel Combination/Grouping Request Form" or any procedure the County uses to combine parcels.
- iii.) The conveyance from the City will contain a deed restriction to prohibit re-conveyance as a separate parcel.
- iv.) In most cases, the unbuildable/remnant parcel would be offered to the abutting property owner of which the parcel was formerly a part.
- v.) Or if between two (2) parcels, the parcel may be split between adjacent property owners depending on the situation; or conveyed to one owner with no objection from the 2nd owner or if only one owner is responsive.
- vi.) All real estate taxes on the buyer's abutting property must be paid current prior to executing agreement for sale and purchase.

Resolution No. 2015 - _____

A RESOLUTION SUPERCEDING RESOLUTIONS NO. 2012-515 AND NO. 2013-498 AND APPROVING THE POLICIES AND PROCEDURES SET FORTH HEREIN ("POLICIES AND PROCEDURES") ESTABLISHING A SPECIAL ASSESSMENT LIEN MODIFICATION PROGRAM THAT AUTHORIZES THE MAYOR OR HIS DESIGNEE TO TAKE THE ACTIONS SET FORTH THEREIN ON REQUESTS FOR RELIEF FROM SPECIAL ASSESSMENT LIENS PURSUANT TO THE POLICIES AND PROCEDURES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION AND THE POLICIES AND PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 4, 2010 City Council through the adoption of City Council Resolution No. 2012-515 established a special assessment lien modification program ("2012 SA Program"); and

WHEREAS, on December 5, 2013 City Council through the adoption of City Council Resolution No. 2013-498 extended certain dates in the 2012 SA Program; and

WHEREAS, after review of the program by City administration it is desirable to make limited changes in the program to provide further clarity to the existing 2012 SA Program by superceding the existing program, as amended, and approve a new 2015 SA Program ; and

WHEREAS, the purpose of the process set forth herein is to encourage private investment to improve blighted properties within St. Petersburg that have existing City Special Assessment Liens; and

WHEREAS, the intended outcome of this process is to provide a means for satisfaction of existing City Special Assessment Liens in a fair and equitable manner; and

WHEREAS, the attached policies and procedures ("Policies and Procedures") establishing the Special Assessment Lien Modification Program have been developed to streamline the process for settlement of City Special Assessment Liens to allow property owners to maintain and improve their properties and eliminate blight; and

WHEREAS, City Council has reviewed the proposed Policies and Procedures.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that Resolutions No. 2012- 515 and No. 2013-498 are hereby superceded by this resolution; and

BE IT FURTHER RESOLVED that the policies and procedures attached hereto ("Policies and Procedures") establishing a Special Assessment Lien Modification Program that authorizes the Mayor or his designee to take the actions set forth therein on requests for relief from special assessment liens pursuant to the Policies and Procedures; and the Mayor or his designee is authorized to execute all documents necessary to effectuate this resolution and the Policies and Procedures.

This Resolution shall take effect immediately upon its adoption.

Approvals:

Legal: _____ Administration: _____

SPECIAL ASSESSMENT LIEN MODIFICATION PROGRAM

POLICY:

The Mayor or his Designee, (the Person Officially Designated ("POD")) is authorized to settle and release Special Assessment Liens by waiving interest on Special Assessment Liens upon the payment of the principal amount due, and in certain instances release all or a portion of the principal amounts, or accept conveyance of certain real property encumbered by City Special Assessment Liens in accordance with this Special Assessment Lien Modification Program ("2015 SA Program").

The intent of the Program is to promote reinvestment and revitalization of property by providing a property owner reasonable relief from burdensome accumulated interest on existing Special Assessment Liens provided the property is currently being maintained in accordance with the City Code (i.e. has no active codes enforcement cases).

PROCEDURES:

A. APPLICATION & INFORMATIONAL NOTICE. All applications shall be made by the owner of the property ("Applicant") through the POD (currently the City Billing and Collections Department).

1. The Applicant shall be informed that the City of St. Petersburg has no power or authority to compromise, reduce, abate, or cancel special assessments and/or interest imposed pursuant to Chapter 170 of the Florida Statutes, which consist of the following:

<u>CODE:</u>	<u>TYPE</u>
1	SSA (SANITARY SEWER)
2	AIA (AREA IMPROVEMENT)
3	SPA (PAVING)
4	SWA (SIDEWALK)
6	SDA (DRAINAGE)
8	DRG (DREDGE)
10	SEA (SEAWALL)

The property owner at the time these assessments were imposed was afforded the opportunity to protest the above-described special assessments at a public hearing during the assessment procedure prior to confirmation of the special assessment by City Council. These categories of special assessments, as confirmed by City Council, remain a lien on the real property even if the property is subsequently conveyed to a new owner. After the confirmation of the special assessments by City Council, the property owner's sole recourse for any challenge to special assessments imposed pursuant to F.S. 170.01 and/or interest thereon is through the court system.

2. Notwithstanding the above, the City of St. Petersburg is authorized to make changes to those special assessments that are not imposed pursuant to F.S. 170.01. These assessments include the following:

<u>CODE:</u>	<u>TYPE</u>
5	LCA (LOT CLEARING)
7	DEM (DEMOLITION)
7	SBA (SECURE AND BOARD)
7	INS (INSPECTION)

B. SPECIAL ASSESSMENT LIEN REVIEW PROCESS.

1. Applications.

1.1. The application shall be made on a standardized form provided by the POD (currently the Billing and Collections Department).

Applications shall require an application fee of \$250 to defer administrative costs of the program payable at the time of application. In addition to the application fee, additional fees for recording/releasing the Special Assessment liens in accordance with City of St. Petersburg City Code, Chapter 12 – 9 Other Service Fees, must also be paid by the applicant.

1.2. **Any waiver or forgiveness of interest or principal, either full or partial, shall cause the property to be subject to Article IV. Chapter 17.5 – Accessibility in Housing Constructed with Public Funds of the St. Petersburg City Code.** This condition will be noted in the land management system by the POD (currently Construction Services & Permitting) to ensure that the requirement is met on any future new construction occurring on the property.

2. Application, Affirmation, and Options

2.1. **Applicant Affirmation:** All Applicants must affirm that Applicant was not, at the time the Special Assessment Lien(s) was incurred:

- 2.1.1. An owner of the Property;
- 2.1.2. An agent or other representative of the owner of the Property
- 2.1.3. Related to the owner of the Property; or
- 2.1.4. An officer, director, employee or agent of an entity that owned the Property.

2.2. **Option A. - Interest Waiver upon payment of all Special Assessment Lien Principal:** The following Criteria shall be utilized to waive interest and release Special Assessment Liens upon the payment of all Special Assessment Lien principal amounts:

- 2.2.1. City shall waive the interest portion of Special Assessment Liens (except for capital improvement assessments pursuant to Chapter 170, F.S.) upon payment of Principal amount;
- 2.2.2. Only interest accrued on Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be waived. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application; and
- 2.2.3. Property is currently being maintained in accordance with the City Code.

2.3. Option B - Alternative Application (Offer of Deed in Lieu of Paying Special Assessment Liens).

In lieu of making an application for release of Special Assessment Liens, the owner may offer to convey the property to the City, and the City may accept conveyance of the property in lieu of paying the Special Assessment Liens where:

- 2.3.1. There is *clear unencumbered title* as demonstrated by the Applicant.
- 2.3.2. There is approval of the conveyance by the Real Estate & Property Management Department ("Real Estate") in accordance with City Real Estate policy, including but not limited to investigation of items that would disqualify the property from being conveyed to the City, including but not limited to substantive real estate taxes owed, title concerns, contamination, property in litigation or bankruptcy proceeding); and
- 2.3.3. The Mayor, or the City Administrator authorizes Real Estate to proceed with the acquisition without additional City Council action including the payment of reasonable and customary closing related costs and real estate taxes.

NOTE: The City may accept a property with real estate taxes owed in situations there is a public purpose for the property, it is located within an area that the city is acquiring property, or any other reason where the acquisition of the property would benefit the City. Accepting the conveyance of property in lieu of payment can also provide new infill housing opportunities as the current market rebounds, however, a funding source for payment of any real estate taxes, title insurance, and reasonable closing costs would need to be identified.

2.4. Option C - Principal Reduction when the Just/Market Value is less than the Special Assessment Lien principal amount: The POD is authorized to reduce the principal amount for certain specific instances subject to conditions using the following criteria:

- 2.4.1. Applicant must have planned new construction, substantive rehab, or development that will increase the tax base, result in job creation, or have other significant economic benefit to the City to support the request to waive any principal. Any release authorized will be effective only upon completion of the substantive rehab, new construction or development presented as evidenced by a final inspection, certificate of occupancy or similar documentation. An agreement for the release of Special Assessment Liens will be used if necessary.

2.4.2. Applicant may apply for a reduction or release of principal in situations where the current Pinellas County Property Appraiser's market value of a vacant parcel of land is less than the Special Assessment Lien amount. In such case, the Applicant would pay the principal amount of the Special Assessment Lien or the Pinellas County Property Appraiser's market value or a state certified independent real estate appraiser's market value of the property, whichever is less, in full settlement of the Special Assessment Lien with interest and any principal released upon completion of substantive rehab or new construction and compliance with all terms of an agreement to release said Special Assessment Liens, subject to any such appraisals being reviewed by Real Estate prior to acceptance.

2.4.3. Release of any principal amount greater than \$10,000 shall require approval of City Council.

2.5. Option D - Removal of Principal and Interest on Special Assessment Liens and recommendation of release of Code Enforcement Board Liens. The POD may approve removal of the principal and interest amounts subject to a Development Agreement for Release of Special Assessment Liens ("Development Agreement") for properties located within the Southside Community Redevelopment Area in accordance with the following:

2.5.1. The intent of this section is to encourage new residential construction to facilitate owner-occupied single-family housing.

2.5.2. If an application under this Option D is approved, the Development Agreement shall require an administrative fee of \$1,000 payable at the time of execution of the Development Agreement.

2.5.3. Only Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be considered. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application.

2.5.4. Any authorized release of Special Assessment Liens will be effective only upon completion of the construction of the proposed residence within one (1) year from the date of the Agreement and in compliance with all terms of said Development Agreement that will be administered by the POD (currently Housing & Community Development department).

2.5.5. The Development Agreement shall require Applicant to make the subject property Applicant's homesteaded principal residence and Applicant shall occupy the property prior to the release of Special Assessment Liens or Code Enforcement Board Liens on the property. Alternatively, if Applicant does not intend to make the subject property Applicant's homesteaded residence, the property must be conveyed to a New Owner who will make the property the New Owner's homesteaded principal residence.

2.5.6. In no event will the City liens and assessments be released if the subject property will be used as a rental property.

C. This program will sunset on November 30, 2018 and be of no further force and effect.

**MEMORANDUM
CITY OF ST. PETERSBURG**

To: Honorable Charlie Gerdes, Chair, and Members of City Council
From: Mayor Rick Kriseman 
Date: August 19, 2015
Subject: **First Reading of FY16 Tentative Budget Appropriations Ordinance and Report of Changes from the Recommended Budget**

Background: This report provides material for adoption of the tentative budget for FY16 and contains material related to the Public Hearing scheduled for September 3, 2015 at 6:30 PM in City Council Chamber. At that hearing, staff will present the first reading of the FY16 Appropriations Ordinance and certain material that is statutorily required to comply with the "Truth in Millage" (TRIM) law. Final action on the FY16 budget is scheduled to take place at the conclusion of the second Public Hearing scheduled for September 17, 2015.

Explanation: The Recommended Budget for FY16 was submitted to City Council on July 7, 2015. In accordance with statutory requirements, two public hearings have been scheduled (September 3rd and September 17th) to solicit public input on the proposed FY16 budget. Additionally, on August 7, 2015 a memorandum was sent to City Council outlining additional revenue projected in the FY16 budget and my proposal for how the revenue increase should be invested. In preparation for the first public hearing, this report conveys the following material:

- Agenda for the September 3rd Public Hearing - providing statutory requirements Attachment A
- Listing and description of all substantive changes made to both projected revenues and anticipated expenditures for FY16 since submission of the Recommended Budget on July 7, 2015 and including the changes outlined in the memorandum dated August 7, 2015 Attachment B
- Resolution which adopts the proposed millage rate of 6.7700 mills Attachment C
- Proposed Budget/Appropriations Ordinance Attachment D
- Resolution which adopts the Proposed Budget/Appropriations Ordinance as the tentative budget at the first Public Hearing Attachment E

Adoption of Tentative Millage and Rolled Back Rate

The proposed aggregate millage rate adopted by City Council on July 23, 2015 was 6.7700 mills. The Recommended FY16 Budget included that proposed millage rate of 6.7700 which represents

a 5.51% increase from the rolled back rate of 6.4164 mills. The rolled back rate is the rate that will generate the same amount of revenue as the prior year given the current assessed property values (with exclusions provided by State Statute including new construction, newly annexed properties, etc.). City policy provides that ad valorem revenue will be estimated at 96% to allow for early payment discounts, un-collectibles, and value adjustment board revisions.

The proposed millage rate of 6.7700, which provides ad valorem revenue of \$95.575 million, along with the times and dates for the public hearings are advertised by the Pinellas County Property Appraiser via TRIM notices mailed to all property owners. Revenues and expenditures are detailed in the Recap of Changes (Attachment B). At this first meeting, Council will adopt the tentative millage rate, which cannot exceed the advertised millage rate of 6.7700 without taxpayer notification by mail, at the city's expense (s. 200.065(2)(d), F.S.). Council, can however, reduce the millage rate from the 6.7700 provided in the TRIM notices without additional notification or expense.

Council will also be asked to approve changes to the Recommended Budget which have occurred subsequent to July 7, 2015 and approve the FY16 Tentative Budget which includes these changes. State Statutes require a very specific format for the adoption process which is provided in the Agenda shown in Attachment A.

General Information

Several important points may be helpful to Council members in reviewing the attached material. First, the proposed ordinance sets appropriation levels for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds, and for transfers between funds. It appropriates all Capital Project Funds for FY16, as provided for in the Recommended Capital Improvement Program. Additionally, the ordinance sets appropriations for Dependent Special Districts and establishes authorization levels for each of the city's Internal Service Funds. For Internal Service Funds only the portion of funding provided from fund balance or other external funding sources to partially offset operational cost (if any) is included in the appropriation. The remaining portion of the Internal Service Funds does not require formal appropriation inasmuch as they are funded through charges to those departments which use their services. Setting an authorization level allows Council to establish a funding level for each internal service operation while avoiding duplicate appropriations.

Subsequent to development of the Recommended Budget, staff has continued to monitor revenue sources and evaluate both departmental budget requests and expenditure needs. As a result, changes are proposed in many funds. A summary of all of the changes are shown on the attached "Recap of Changes in the Recommended Budget for the Proposed Ordinance," Attachment B.

Recommendation/Action Required

It is recommended that City Council adopt the proposed millage rate of 6.7700 according to F.S. 200.065 and then approve the tentative FY16 Budget/Appropriations Ordinance on first reading. It is further recommended that City Council approve the resolution adopting the recommended budget appropriations ordinance as the tentative budget for the city of St. Petersburg for fiscal year ending September 30, 2016. Final action on the FY16 budget will occur at the conclusion of the September 17th Public Hearing.

ATTACHMENT A

- | | | |
|-------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. Adopt millage resolution. | City Council | Adopt resolution setting proposed millage rate. This must be done before adopting tentative budget and must have separate votes. FS 200.065(d) & (e) |
| 11. Adoption by Resolution of the Budget/Appropriations Ordinance as the Tentative Budget | City Council | Adopt Mayor's RECOMMENDED BUDGET (with any amendments that have been approved) as the tentative budget in two steps.

a) Motion to pass the recommended budget appropriations ordinance (as amended if amended) for the City of St. Petersburg fiscal year 2016 on first reading.

b) Motion to approve resolution adopting the recommended budget appropriations ordinance, as passed on first reading, as the tentative budget for the City of St. Petersburg fiscal year ending September 30, 2016. |
| 12. Announcement of Date, Time, and Place of final public hearing | Honorable Chair
Charlie Gerdes | Publicly announce the date, time and place of the final public hearing.

Thursday, September 17, 2015, 6:30 p.m., City Hall. |
| 13. Closing of public hearing | Honorable Chair
Charlie Gerdes | Close public hearing on the budget, the millage rate and budget/appropriation ordinance. |

EXCERPTS FROM F.S. 200.065:

Paragraph 2(c): "Within 80 days of the certification of value pursuant to subsection (1), but not earlier than 65 days after certification, the governing body of each taxing authority shall hold a public hearing on the tentative budget and proposed millage rate. Prior to the conclusion of the hearing, the governing body of the taxing authority shall amend the tentative budget as it sees fit, adopt the amended tentative budget, recompute its proposed millage rate, and publicly announce the percent, if any, by which the re-computed proposed millage rate exceeds the rolled-back rate computed pursuant to subsection (1). That percent shall be characterized as the percentage increase in property taxes tentatively adopted by the governing body."

Paragraph 2(e): "1. In the hearings required pursuant to paragraphs (c) and (d), the first substantive issue discussed shall be the percentage increase in millage over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased. During such discussion, the governing body shall hear comments regarding the proposed increase and explain the reasons for the proposed increase over the rolled-back rate. The general public shall be allowed to speak and to ask questions prior to adoption of any measures by the governing body. The governing body shall adopt its tentative or final millage rate prior to adopting its tentative or final budget."

RECAP OF CHANGES BETWEEN THE RECOMMENDED BUDGET AND PROPOSED BUDGET ORDINANCE

** CHANGES IN REVENUES **

FUND	RECOMMENDED BUDGET	PROPOSED CHANGE	ORDINANCE	REASONS
General Operating Fund				
Franchise Taxes-Electricity	19,000,000	500,000	19,500,000	Franchise fees on electricity are anticipated to increase over the FY15 budget, but not to the level of the FY15 projected receipts of \$20 million. The FY16 budget is set lower than projected FY15 receipts as FY15 has been historically hot and receipts are largely based on the weather. Without a rate increase, the city cannot conservatively (as required in the city's fiscal policies) assume receipts at that same level especially when receipts were \$19.423 million in FY14.
Utility Taxes-Electricity	22,250,000	250,000	22,500,000	In FY14 the city received \$22.425 in utility taxes on electricity. In FY15 the city is on track to receive about \$22.5 million. Because of the consistency of collections our estimate for FY16 is increased to be in line with FY14 and projected FY15.
Communications Services Tax (CST)	9,500,000	500,000	10,000,000	The increase in the FY16 revenue budget for CST revenue is more reflective of our FY15 projection and what the city should receive in FY16. However, the budget reflects \$300K less than the current FY15 projection and continues the observed four year downward trend.
State Shared Revenue	6,000,000	(270,000)	5,730,000	This change reflects the state estimate for State Shared Revenue less \$2.624 million of the guaranteed portion which is budgeted in the FFGFC Loan fund.
State Shared Sales Tax	15,200,000	600,000	15,800,000	This increase in the FY16 revenue budget for Half-Cent Sales Tax reflects the state estimate that was received after the FY16 Recommended Budget was published. Half-Cent Sales Tax receipts have been trending upward since FY10 and historically the state estimates for this sales tax have been very close to the city's actual receipts.
Shared Local Revenues - County Fuel	3,285,000	465,000	3,750,000	The increase in Local Option Fuel Tax is the result of projected FY15 receipts of over \$3.6 million and a state revenue estimate of over \$3.9 million for FY16. As per the city's fiscal policies, estimates remain conservative.
Parks and Recreation	7,130,425	117,368	7,247,793	This additional revenue results from an increase in grant revenue from JWB of Pinellas County for TASC0 center based teen programs.
Total General Fund Revenue	<u>222,116,740</u>	<u>2,162,368</u>	<u>224,279,108</u>	
Other Funds				
South St. Petersburg Tax Increment District	541,465	(54,096)	487,369	Decrease in the county payment to both districts because the payment is based on 85% of the taxable value, not 95%
Bayboro Harbor Tax Increment District	85,671	(3,790)	81,881	
Golf	3,690,850	4,000	3,694,850	Increase in FY16 revenue for golf cart rental and privilege cards.
Pier	435,000	(435,000)	0	The Pier subsidy from the General Fund is no longer necessary as the facility is in control of a contractor who is now responsible for its security and demolition.
Water Resources Fund	118,036,246	(96,780)	117,939,466	This is the net change in revenue to the Water Resources Operating Fund and reflects the reduced rate of increase from 4.75% in the FY16 Recommended Budget to 3.75% as determined by the recently completed rate study. Gross revenues decreased by \$368,210 and are partially offset by the addition of federal grant revenue in the amount of \$271,430.
Water Resources Debt Fund	23,327,283	1,525,134	24,852,417	Change due to results from the Water Resources Rate Study; \$1.457 million increased transfer from Water Resources Operating Fund (4001) and \$68,000 in interest earnings.
Water Cost Stabilization	1,292,000	8,995,565	10,287,565	Repayment of the FY08 loan from the Water Cost Stabilization Fund to the Stadium Debt Service Fund.
Total Other Funds Revenue	<u>147,408,515</u>	<u>9,935,033</u>	<u>157,343,548</u>	

RECAP OF CHANGES BETWEEN THE RECOMMENDED BUDGET AND PROPOSED BUDGET ORDINANCE

**** CHANGES IN REQUIREMENTS ****

FUND	RECOMMENDED	PROPOSED	ORDINANCE	REASONS
	BUDGET	CHANGE		
General Operating Fund				
Human Resources	3,111,313	(76,343)	3,034,970	A position in Human Resources was inadvertently mis-calculated; this provides the appropriate level of budget.
Police	95,074,380	1,085,215	96,159,595	Increased costs for 12 Police Officers for the newly created Downtown Deployment Team. This increase includes equipment and charges for 19 additional vehicles.
Fire	31,371,378	310,000	31,681,378	This increase provides for the establishment of a Fire Cadet Program (\$250,000) and for new protective helmets (\$60,000).
Parks and Recreation	33,855,368	752,368	34,607,736	This change includes an increased investment of \$635,000 for a dedicated median maintenance team and \$117,368 in grant revenue from JWB of Pinellas County for TASCOC center based teen programs.
Library	6,570,677	52,539	6,623,216	This is the net result of position changes in FY15; adding one full-time Library Assistant I (\$39,988), deleting one part-time Library Assistant I (\$13,301) and one part-time Library Aide (\$9,661) and the correction of position costs.
Downtown Enterprise Facilities	517,645	33,907	551,552	A Downtown Enterprise Facility position was inadvertently mis-calculated; this provides the appropriate level of budget.
Finance	10,416,323	40,203	10,456,526	Estimated increase in the cost of audit contract (\$30,000), and changes in positions (\$10,203).
Mayor's Office	2,887,901	32,000	2,919,901	This funding for the Dr. Carter G. Woodson African American Museum is being added to the Cultural Affairs division of the Mayor's Office.
Real Estate & Property Management	830,996	32,967	863,963	An Administrative Secretary position that was formerly shared with Planning & Economic Development will become a full-time position in Real Estate.
Planning & Economic Development	4,083,107	259,977	4,343,084	This increase is made up of a \$250,000 investment in the Innovation District and the net result of position changes done (\$9,304). A shared (Real Estate & Property Management) Administrative Secretary position was reduced and a shared (Parking Fund) Administrative Assistant was added full-time (\$673).
Pier Subsidy	435,000	(435,000)	0	The appropriation (subsidy) from the General Fund (0001) to the Pier Operating Fund (1203) is no longer needed as the Pier is in control of a contractor.
Contingency	561,571	74,535	636,106	This item is the net change in contingency needed to balance the General Fund.

Total General Fund Requirements	<u>222,116,740</u>	<u>2,162,368</u>	<u>224,279,108</u>
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Other Funds

Golf	3,718,513	4,000	3,722,513	Personnel changes offset by increased revenue.
Pier	433,682	(433,682)	0	This is the expense side of the Pier Operating Fund (1203). Since the facility is in the control of a contractor the appropriation in this fund is no longer needed.
Parking Fund	6,178,065	461	6,178,526	A shared (Planning & Economic Development) Administrative Assistant was reduced, one part-time Administrative Assistant was deleted and one full-time Administrative Assistant was added.
Stadium Debt Service	7,928,925	8,995,565	16,924,490	The Stadium debt will be paid off in FY16 and the loan in the amount of \$8.995 million from the Water Cost Stabilization Fund will be repaid.
Water Resources Fund	115,985,070	1,962,242	117,947,312	This change is due to results from the Water Resources Rate Study. Estimated debt service is increased by \$1.457 million and the cost of purchasing water from Tampa Bay Water is increased by \$505,108.

RECAP OF CHANGES BETWEEN THE RECOMMENDED BUDGET AND PROPOSED BUDGET ORDINANCE

Water Resources Debt Fund	22,656,416	1,457,134	24,113,550	An increase is needed due to revised estimates of debt that will be issued in FY16.
Water Cost Stabilization Fund	1,240,810	76,190	1,317,000	This is a change in the amount of the Water Cost Stabilization transfer to the Water Resources Fund due to results from Water Resources Rate Study.
Marina	3,893,330	22,086	3,915,416	A part-time Marina Assistant and a part-time Cashier Clerk I were deleted and a full-time Maintenance Mechanic II was added for Marina repairs and maintenance.
Total Other Funds Requirements	<u>162,034,811</u>	<u>12,083,996</u>	<u>174,118,807</u>	

CAPITAL IMPROVEMENT FUNDS

**** CHANGES IN REVENUES ****

	RECOMMENDED	PROPOSED	ORDINANCE	REASONS
FUND	BUDGET	CHANGE		
Water Resources Capital Improvements Fund	84,723,678	(13,000)	84,710,678	This change reflects reduced interest earnings to be in line with the results of the Water Resources Rate Study.
Public Safety Capital Improvement Fund	7,689,000	760,000	8,449,000	This change is due to updated revenue estimates for the Penny for Pinellas.
Recreation and Culture Capital Improvement Fund	5,812,000	383,000	6,195,000	This change is due to updated revenue estimates for the Penny for Pinellas.

**** CHANGES IN REQUIREMENTS ****

	RECOMMENDED	PROPOSED	ORDINANCE	REASONS
FUND	BUDGET	CHANGE		
Public Safety Capital Improvement Fund	4,521,000	760,000	5,281,000	This change provides for the purchase of 19 Police take home cruisers.
Recreation and Culture Capital Improvement Fund	6,165,000	100,000	6,265,000	An additional \$100K is included for the Lake Maggiore Boardwalk Project.

RESOLUTION NO. _____

**A RESOLUTION ADOPTING A PROPOSED
MILLAGE RATE FOR THE FISCAL YEAR
ENDING SEPTEMBER 30, 2016; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the amounts of money necessary to be raised from taxation to carry on the government of the City of St. Petersburg for the fiscal year ending September 30, 2016, have been tentatively determined.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that it has been determined that in order to raise and produce the funds necessary to carry on the government of the City of St. Petersburg for the fiscal year ending September 30, 2016, there is hereby levied for said year, the various taxes set out in Sections 1 and 2, inclusive of this Resolution, to wit:

SECTION 1. The proposed millage rate for the fiscal year ending September 30, 2016, is hereby fixed and adopted at 6.7700 mills on the dollar of the assessed value of property of every kind liable for or subject to taxation by the City of St. Petersburg, Florida.

SECTION 2. The proposed millage rate referred to in the preceding Section shall be levied for the following purposes:

<u>Purpose</u>	<u>Mills</u>
General Fund Operating Levy	6.7700

SECTION 3. The proposed millage rate adopted herein represents an increase of 5.51% over the rolled back rate of 6.4164 mills computed pursuant to the TRIM Act (Section 200.065, Florida Statutes, 2012, as amended).

This resolution shall become effective immediately upon its adoption.

APPROVED BY DEPARTMENT



Budget Department

APPROVED AS TO FORM AND SUBSTANCE



City Attorney

ATTACHMENT D

ORDINANCE NO. 196-H

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016; MAKING APPROPRIATIONS FOR THE PAYMENT OF THE OPERATING EXPENSES OF THE CITY OF ST. PETERSBURG, FLORIDA, INCLUDING ITS UTILITIES, AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF REVENUE BONDS, AND OTHER OBLIGATIONS OF THE CITY OF ST. PETERSBURG, FLORIDA; MAKING APPROPRIATIONS FOR THE CAPITAL IMPROVEMENT PROGRAM OF THE CITY OF ST. PETERSBURG, FLORIDA; MAKING APPROPRIATIONS FOR THE DEPENDENT SPECIAL DISTRICTS OF THE CITY; ADOPTING THIS APPROPRIATION ORDINANCE AS THE BUDGET FOR THE CITY FOR FISCAL YEAR ENDING SEPTEMBER 30, 2016; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That for payment of operating expenses and obligations of the City of St. Petersburg, Florida, for the fiscal year ending September 30, 2016, there is hereby appropriated out of any money in the Treasury of the City and any accruing revenues of the City available for said purposes to the Funds and for the purposes hereinafter set forth, the sum of monies shown in the following schedules:

OPERATING FUNDS

GENERAL FUND

Police	96,159,595
Fire	31,681,378
Leisure Services Administration	41,540,624
Neighborhood Affairs Administration	6,176,922
General Government Administration	31,457,969
Public Works Administration	9,905,125
City Development Administration	<u>7,357,495</u>
Total – General Fund	\$224,279,108

ENTERPRISE FUNDS

Water Resources	117,947,312
Water Cost Stabilization	1,317,000
Stormwater	12,231,462
Sanitation	45,360,561
Sanitation Equipment	3,775,000
Parking	6,178,526
Mahaffey Theater	3,811,542
Coliseum	797,893
Sunken Gardens	1,083,514
Tropicana Field	2,350,896

ATTACHMENT D

Golf Courses	3,722,513
Jamestown	578,161
Port	<u>350,082</u>
Total - Enterprise Funds	\$204,565,493

SPECIAL REVENUE FUNDS\OPERATING

Emergency Medical Services	12,798,165
Local Assistance Housing (SHIP)	350,000
Law Enforcement Fund	99,600
Grant Funds (CDBG, HOME, ESG, NSP)	3,097,526
Miscellaneous Donation Funds	1,000,000
Building Permit Special Revenue Fund	<u>4,448,120</u>
Total Special Revenue Funds\Operating	\$21,793,411

INTERNAL SERVICE FUND RESERVES

Municipal Office Buildings	197,011
Billing and Collections	<u>1,003,356</u>
Total-Internal Service Fund Reserves	\$1,200,367

TOTAL - ALL OPERATING FUNDS **\$451,838,379**

SPECIAL REVENUE FUNDS\NON OPERATING

Assessments Revenue	14,304
School Crossing Guard Trust	300,000
Weeki Wachee	298,000
Arts in Public Places	35,000
Professional Sports Facility Sales Tax	<u>2,000,004</u>
Total - Special Revenue Funds\Non-Operating	\$2,647,308

DEBT SERVICE FUNDS

JP Morgan Chase	3,244,565
First Florida Government Financing Commission Notes	2,699,250
Bank of America Notes	195,259
BB&T Notes	774,922
Stadium (Excise Tax) Debt Service	16,924,490
Pro Sport Facility Sales Tax Debt	429,742
Water Resources Debt	24,113,550
Stormwater Debt	1,055,930
Sanitation Debt	<u>1,274,024</u>
Total - Debt Service Funds	\$50,711,732

TOTAL - OPERATING BUDGET APPROPRIATIONS **\$505,197,419**

ATTACHMENT D

SECTION 2. For the payment of capital improvements as set forth in the Capital Improvement Program, there is hereby appropriated from the monies in the Treasury of the City and any accruing revenues of the City available for said purposes to the funds and for the purposes heretofore set forth, the sum of monies as shown in the following schedules:

CAPITAL IMPROVEMENT FUNDS

GENERAL CAPITAL IMPROVEMENT FUND

Intown Streetscape Improvements	200,000
Municipal Office Building Repairs & Improvements	740,000
General Capital Total	\$940,000

HOUSING CAPITAL IMPROVEMENT FUND

Legal Collection Expense	50,000
Construction Warranty	50,000
Investment in the Improvements of Housing in the South St. Petersburg CRA District	<u>100,000</u>
Housing Total	\$200,000

PUBLIC SAFETY CAPITAL IMPROVEMENT FUND

Police Take Home Cruisers	760,000
Fire Engine 13 Replacement	372,000
Fire Ladder Truck 11 Replacement	569,000
Fossil Park Fire Station 7 Replacement	<u>3,580,000</u>
Public Safety Total	\$5,281,000

NEIGHBORHOOD & CITYWIDE INFRASTRUCTURE IMPROVEMENT

Special Assessments Administration	100,000
Neighborhood Partnership Grants	175,000
Neighborhood Enhancements	175,000
Street & Road Improvements	4,500,000
Curb Replacement/Ramps	500,000
Sidewalk Reconstruction/Expansion	600,000
Roser Park Street Improvements	450,000
Alley Reconstruction - Unpaved	300,000
Lighted LED Street Signs	115,000
Roadway Ride-Ability Improvements	247,000
Bicycle Pedestrian Facilities	100,000
Comp Streetscaping/Greenscaping	250,000
Skyway Marina Pedestrian Lighting	600,000
Intersection Modification	50,000
Neighborhood Transportation Management Program	100,000
Sidewalks-Neighborhood & ADA Ramp	70,000
Sidewalks-Pinellas County Interlocal	1,700,000
Wayfinding Signage and Sign Replacement	150,000
Bridge Reconstruction/Load Testing	250,000
Emergency Dredging Small Boat Channels	50,000
4th St & 14 A/N to Crescent Lake SDI	700,000

ATTACHMENT D

8 th Avenue S at 44 th Street South	750,000
Drainage Line Rehab/Replacement	700,000
Stormwater Vaults	300,000
Seawall Renovation & Replacement	<u>400,000</u>
Neighborhood & Citywide Total	\$13,332,000

RECREATION & CULTURE CAPITAL IMPROVEMENT

Frank Pierce Center Renovations/Improvements	500,000
Mirror Lake Complex Upgrades	150,000
Recreation Center Improvements	175,000
Sunshine Center Improvements	50,000
Swimming Pool Improvements	300,000
Athletic Complex Restrooms/Concessions	415,000
Athletic Facilities Improvements	200,000
Dugout Improvements	60,000
Indian Mounds Restoration/Improvements	750,000
Lake Maggiore/Boyd Hill Park	500,000
Lake Maggiore Boardwalk	100,000
Park Facilities Improvements	250,000
Parking Lot Improvements	125,000
Parks Lighting Improvements	125,000
Play Equipment Replacement	250,000
Playlot Improvements	130,000
Restoration to Park Fountains/Statues	100,000
Sunken Gardens Park Improvements	160,000
Main Library Parking Improvements & Expansion	450,000
Radio Frequency Identification System	325,000
Library Improvements	200,000
Mahaffey Theater Improvements	400,000
Mahaffey Theater Banquet Facility Improvements	350,000
Coliseum Improvements	<u>200,000</u>
Recreation and Culture Total	\$6,265,000

CITY FACILITIES CAPITAL IMPROVEMENT FUND

Dwight Jones Neighborhood Center Improvements	55,000
Fire Station Major Improvements	100,000
Jamestown-Pinellas County Interlocal	2,000,000
City Facilities Roof Waterproofing	200,000
City Facility HVAC Replace/Upgrade	150,000
Fire Station 4 HVAC	185,000
Leisure Services Complex HVAC	400,000
Infrastructure to be Determined	200,000
Airport Southwest Hangar Redevelopment	50,000
Environmental Cleanup Projects	<u>50,000</u>
City Facilities Total	\$3,390,000

ATTACHMENT D

DOWNTOWN PARKING CAPITAL PROJECTS

Sundial Garage Elevator Upgrade	132,000
Sundial Garage Lighting Upgrade	100,000
Sundial Garage Technology Upgrade	100,000
New Meter Technology	200,000
South Core Garage Technology Upgrades	<u>250,000</u>
Downtown Parking Total	\$782,000

WATER RESOURCES CAPITAL PROJECTS FUND

Water Treatment/Supply	213,000
Water Distribution System Improvements	7,389,000
Sanitary Sewer Collection System	8,361,000
Lift Station Improvements	4,250,000
Water Reclamation Facilities Improvements	68,664,000
Reclaimed Water System Improvements	125,000
Water Resources Building Improvements	85,000
SRF Arts Projects	319,000
Computerized Systems Improvements	<u>100,000</u>
Water Resources Total	\$89,506,000

STORMWATER DRAINAGE CAPITAL PROJECTS

4 th Street & 14 th Avenue North to Crescent Lake SDI	800,000
8 th Avenue South at 44 th Street South	500,000
Stormwater Vaults	200,000
Minor Storm Drainage	250,000
Drainage Line Rehab Replacement	<u>800,000</u>
Storm Drainage Total	\$2,550,000

AIRPORT CAPITAL PROJECTS FUND

Airport SW Hanger Redevelopment (Phase 3 & 4)	700,000
Taxiway C Rehab	<u>121,000</u>
Airport Total	\$821,000

MARINA CAPITAL PROJECTS FUND

Marina Facility Improvements	<u>165,000</u>
Marina Total	\$165,000

BICYCLE/PEDESTRIAN SAFETY GRANTS

Bicycle Facility 30 th Avenue North; MLK to 58 th Street	2,734,000
Sexton Elementary Sidewalk	<u>48,000</u>
Bicycle/Pedestrian Grants Total	\$2,782,000

TRANSPORTATION IMPACT FEES CAPITAL PROJECTS

28 th Street Trail – GATISAF	500,000
City Trails – Bicycle Trails	500,000

ATTACHMENT D

Complete Streets	450,000
Downtown Intersection Pedestrian Facilities	250,000
Traffic Signal Mast Arm Program	300,000
Sidewalk Expansion Program	200,000
Traffic Safety Program	<u>250,000</u>
Transportation Total	\$2,450,000

TOTAL CIP FUNDS **\$128,464,000**

SECTION 3. For dependent districts of the City, for the fiscal year ending September 30, 2016, there are hereby appropriated from the monies and revenues of said districts the sum of monies shown on the following schedule:

DEPENDENT DISTRICTS

Health Facilities Authority	14,000
Downtown Redevelopment District	<u>4,111,147</u>
Total - Dependent Districts	\$4,125,147

SECTION 4. Within the appropriations in Section 1, the following allocations are authorized:

INTERNAL SERVICE ALLOCATIONS

Fleet Management	16,069,685
Equipment Replacement	6,918,227
Municipal Office Buildings	2,855,809
Technology Services	10,692,266
Technology and Infrastructure	1,744,478
Supply Management	491,425
Health Insurance	46,116,760
Life Insurance	790,711
Self Insurance	3,472,424
Commercial Insurance	5,143,673
Workers Compensation	11,159,132
Billing & Collections	<u>7,266,230</u>
Total - Internal Services	\$112,720,820

COMMUNITY SUPPORT ALLOCATIONS

Social Services	487,800
Pinellas Hope/Emergency Beds	100,000
Homeless Services	179,435
St. Vincent DePaul	120,565
Turning Point	125,000
Arts	250,000
Festival of States	35,000
First Night	25,000
Dr. Carter G. Woodson Museum	32,000

ATTACHMENT D

Museum of History	12,000
MLK Parade Free Speech Event	17,000
MLK Event	35,000
Blue Ocean Film Festival	25,000
Early Childhood Development Program	50,000
Florida Orchestra	38,000
Reads to Me	50,000
Economic Development	1,026,950
Main Streets	176,000
Workforce Readiness	35,000
Neighborhood Grants	30,000
After School Work Program	125,000
Summer Youth Intern	<u>300,000</u>
Total-Community Support	\$3,274,750
Subsidies:	
Mahaffey Theater	439,587
Coliseum	253,500
Sunken Gardens	170,000
Tropicana Field	1,400,000
Jamestown	64,500
Port	<u>222,500</u>
Total-Subsidies	\$2,550,087
Transfers:	
Economic Stability	1,000,000
South St. Petersburg TIF	285,773
Downtown TIF	6,473,439
Bayboro TIF	45,666
Intown West TIF	<u>458,454</u>
Total-Transfers	\$8,263,332
Contingency	<u>636,106</u>
Total – Non-Departmental	\$14,724,475

SECTION 5. The following categories are established as committed fund balances for future appropriation in the General Fund. The final amount will be determined subsequent to year-end when the actual results and ending balances for all funds has been determined. Commitment amounts can be changed by a resolution of City Council in accordance with the City Charter:

Operating Re-appropriations—Funds that are rolled over for purchases that could not be made in the previous year due to timing or other issues.

Land Sale Proceeds—This category was created to provide a funding source for acquiring property. Proceeds from the sale of city properties valued at less than \$20,000 are deposited

ATTACHMENT D

in the General Operating Fund and are to be used for acquiring property according to Resolution 2002-126 adopted by the City Council on February 21, 2002.

Qualified Target Industry (QTI) Tax Refund Program—This category was established to provide the city's share of payments over the next five years for the QTI program, which provides funds to local businesses for the purpose of stimulating economic growth and employment.

Local Agency Program (LAP)-This category is established to provide the city's share of commitments for maintenance of city roads and trails as a result of grant agreements with the Florida Department of Transportation (FDOT).

These commitment categories are effective as of the date of this ordinance which is prior to the end of the Fiscal Year 2015.

SECTION 6. After passage of this ordinance, changes to the allocation amounts listed in Section 4 may be accomplished in the same manner as changes to appropriations pursuant to City Charter Section 3.14.

SECTION 7. This appropriation ordinance is hereby adopted as the budget for the City of St. Petersburg for the fiscal year ending September 30, 2016.

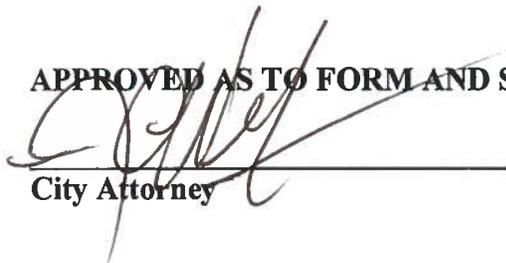
SECTION 8. In the event this Ordinance, or any line item, is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance, or any line item, is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED BY DEPARTMENT:



Budget Department

APPROVED AS TO FORM AND SUBSTANCE:



City Attorney

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE
TENTATIVE BUDGET FOR THE FISCAL
YEAR ENDING SEPTEMBER 30, 2016; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, a public hearing has been held on September 3, 2014, at 6:30 P.M. on the tentative budget and this City Council has made its amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida: This City Council adopts Proposed Ordinance 196-H as the tentative budget for the fiscal year ending September 30, 2016.

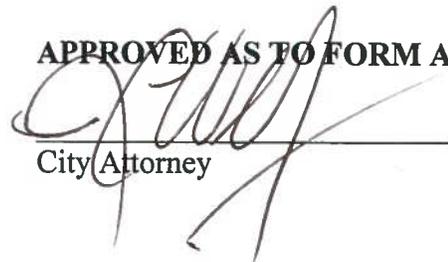
This resolution shall become effective immediately upon its adoption.

APPROVED BY DEPARTMENT



Budget Department

APPROVED AS TO FORM AND SUBSTANCE



City Attorney



Community Redevelopment Agency
Meeting of September 3, 2015

CRA Case File: IRP-2015-01

REQUEST

Community Redevelopment Agency recommendation that City Council approve the proposed amendments to the Intown Redevelopment Plan.

OVERVIEW

City Administration is proposing a series of amendments to the Intown Redevelopment Plan (IRP) highlighted by increased budgetary authority in the IRP redevelopment program for \$20 million in improvements to the Pier District that will be funded through tax increment financing. These improvements were identified in the Downtown Waterfront Master Plan that was adopted by City Council on June 4, 2015. On September 3, 2015, City Council will be asked to approve a "Fourth Amendment to the April 21, 2005, Intown Redevelopment Plan Interlocal Agreement" in advance of second reading and public hearing on this subject ordinance in order to authorize the amendments to the IRP discussed herein.

The proposed IRP amendments are necessary to effectuate the terms of an agreement between the City of St. Petersburg and Pinellas County to establish a tax increment financing (TIF) district for the entire 7,400-acre South St. Petersburg Community Redevelopment Area (CRA). To garner County support for the South St. Petersburg TIF district, the City agreed, among other items, to reduce Pinellas County's annual percentage contribution to the CRA redevelopment trust funds for both Intown and Bayboro Harbor from 95 percent to 85 percent of the annual tax increment. Pinellas County, while agreeing to the South St. Petersburg TIF district, also approved the \$20 million increase in the IRP redevelopment program budget that can be funded with tax increment financing. The major components of this deal are memorialized in the "South St. Petersburg CRA Interlocal Agreement (June 3, 2014)", which was approved by City Council on May 21, 2015.

Amendments to community redevelopment plans (CRPs) require adoption by ordinance and must comply with procedures established by the Florida Community Redevelopment Act. Each CRP and any amendments thereto must be found in

conformance with the City's comprehensive plan by the Community Planning and Preservation Commission (CPPC), reviewed by the St. Petersburg Community Redevelopment Agency (Agency), and approved by City Council as well as the Pinellas County Board of County Commissioners (BCC). On August 11, 2015, the CPPC found the IRP amendments in conformance with the City of St. Petersburg Comprehensive Plan.

On September 3, 2015, City Council is scheduled to take action on the IRP amendments at Second Reading after a public hearing. Final approval of the IRP amendments is contingent on favorable action by the Pinellas County BCC pursuant to its status as a charter county, wherein it has retained authority to review and approve the initial redevelopment plan and amendments thereto. It is expected that the Pinellas County BCC will take action on the Redevelopment Plan on October 20, 2015.

SUMMARY OF PROPOSED AMENDMENTS TO THE INTOWN REDEVELOPMENT PLAN

The proposed amendments include

- Increasing the redevelopment program budget identified in Table 2 by \$20 million in tax increment financing to fund improvements to the Pier Approach identified in the Downtown Waterfront Master Plan. Briefly describe the same in other sections throughout the document.
- Creating a new consistent graphic and map format throughout the document;
- Changing references from "Progress Energy" to "Duke Energy".
- Changing references from "BayWalk" to "Sundial" and adding information on the current condition of the development.
- Amending Figure 1 to include aerial view of Duke Energy Center for the Arts and environs.
- Adding current development information to description of Webb's City area and Map 6.
- Adding section entitled "Downtown Waterfront Master Plan" to describe in detail the project to be funded with tax increment financing.
- Amending Figure 1 to add boundaries for the "Character Districts" described in the Downtown Waterfront Master Plan.

- Updating data on number of residential units constructed since 1982 in Intown and the rest of downtown.
- In Table 2
 - Extend the completion date of the “Municipal Pier Project” from 2016 to 2018
 - Add “\$” to total cost of “Duke Energy Center for the Arts”
 - Extend the completion date of the “Mixed Use Transportation Facility” from 2016 to 2018.
 - Increase the amount of “Maximum TIF Funds Required” from \$97.354 million to \$117.354 million.
- Replacing select legal instruments related to the IRP from Appendix A with a summary of all pertinent legal documents.

RECOMMENDATION

Administration recommends that the Community Redevelopment Agency recommend City Council adopt the proposed amendments to the Intown Redevelopment Plan.

Attachments: CRA Resolution
Proposed Amendments to Intown Redevelopment Plan (see Attachment
to Second Reading Ordinance)

CRA RESOLUTION 15-____

A RESOLUTION OF THE ST. PETERSBURG COMMUNITY REDEVELOPMENT AGENCY RECOMMENDING THAT THE ST. PETERSBURG CITY COUNCIL ADOPT THE PROPOSED AMENDMENTS TO THE INTOWN COMMUNITY REDEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1982, the St. Petersburg City Council first approved the Intown Redevelopment Plan and then later amendments thereto by ordinance and in conformance with the requirements of Chapter 163, Part III of the Florida Statutes;

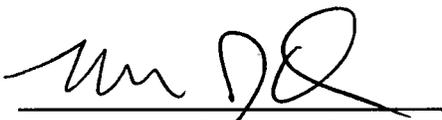
WHEREAS, on August 11, 2015, the St. Petersburg Community Planning and Preservation Commission found the amendments to the Intown Redevelopment Plan described in Case File IRP-2015-01 in conformance with the City of St. Petersburg Comprehensive Plan pursuant to Section 163.360(4), F.S.;

WHEREAS, Section 163.360 *et seq* of the Florida Statutes requires the submittal of any amendments to a community redevelopment plan approved by a community redevelopment agency to the governing body for its review and approval; and

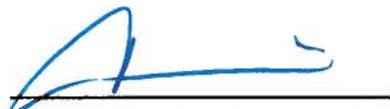
NOW, THEREFORE, BE IT RESOLVED that the Community Redevelopment Agency of the City of St. Petersburg recommends the St. Petersburg City Council adopt the proposed amendments to the Intown Redevelopment Plan that are detailed in IRP-2015-01.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT: APPROVED BY:



City Attorney (Designee)



Dave Goodwin, Director
Planning and Economic Development

REVISED
AUG 26 2015



Community Redevelopment Agency
Meeting of September 3, 2015

CRA Case File: IRP-2015-01

REQUEST

Community Redevelopment Agency recommendation that City Council approve the proposed amendments to the Intown Redevelopment Plan.

OVERVIEW

City Administration is proposing a series of amendments to the Intown Redevelopment Plan (IRP) highlighted by increased budgetary authority in the IRP redevelopment program for \$20 million in improvements to the Pier District that will be funded through tax increment financing. These improvements were identified in the Downtown Waterfront Master Plan that was adopted by City Council on June 4, 2015. On September 3, 2015, City Council will be asked to approve a "Fourth Amendment" to the April 21, 2005, Intown Redevelopment Plan Interlocal Agreement in advance of second reading and public hearing on this subject ordinance in order to authorize the amendments to the IRP discussed herein.

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CRA

conformance with the City's comprehensive plan by the Community Planning and Preservation Commission (CPPC), reviewed by the St. Petersburg Community Redevelopment Agency (Agency), and approved by City Council as well as the Pinellas County Board of County Commissioners (BCC). On August 11, 2015, the CPPC found the IRP amendments in conformance with the City of St. Petersburg Comprehensive Plan.

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SUMMARY OF PROPOSED AMENDMENTS TO THE INTOWN REDEVELOPMENT PLAN

The proposed amendments include

- Increasing the redevelopment program budget identified in Table 2 by \$20 million in tax increment financing to fund improvements to the Pier District identified in the Downtown Waterfront Master Plan. Briefly describe the same in other sections throughout the document. Limit total project costs to \$20 million.
- Creating a new consistent graphic and map format throughout the document.
- Changing references from "Progress Energy" to "Duke Energy".
- Changing references from "BayWalk" to "Sundial" and adding information on the current condition of the development.
- Eliminating reference to the state's Enterprise Zone program, which will sunset at the end of 2015.
- Amending Figure 1 to include aerial view of Duke Energy Center for the Arts and environs.
- Adding current development information to description of Webb's City area and Map 6.

- Adding section entitled "Downtown Waterfront Master Plan" to describe in detail the project to be funded with tax increment financing.
- Amending Figure 1 to add boundaries for the "Character Districts" described in the Downtown Waterfront Master Plan.
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- Replacing select legal instruments related to the IRP from Appendix A with a summary of all pertinent legal documents.

RECOMMENDATION

Administration recommends that the Community Redevelopment Agency recommend City Council adopt the proposed amendments to the Intown Redevelopment Plan.

Attachments: CRA Resolution
Proposed Amendments to Intown Redevelopment Plan (see Attachment to Second Reading Ordinance)

CRA RESOLUTION 15-_____

A RESOLUTION OF THE ST. PETERSBURG COMMUNITY REDEVELOPMENT AGENCY RECOMMENDING THAT THE ST. PETERSBURG CITY COUNCIL ADOPT THE PROPOSED AMENDMENTS TO THE INTOWN COMMUNITY REDEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1982, the St. Petersburg City Council first approved the Intown Redevelopment Plan and then later amendments thereto by ordinance and in conformance with the requirements of Chapter 163, Part III of the Florida Statutes;

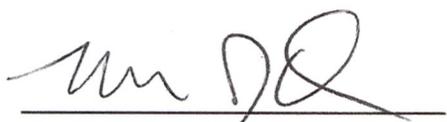
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WHEREAS, Section 163.360 *et seq* of the Florida Statutes requires the submittal of any amendments to a community redevelopment plan approved by a community redevelopment agency to the governing body for its review and approval; and

NOW, THEREFORE, BE IT RESOLVED that the Community Redevelopment Agency of the City of St. Petersburg recommends the St. Petersburg City Council adopt the proposed amendments to the Intown Redevelopment Plan that are detailed in IRP-2015-01.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT: APPROVED BY:



City Attorney (Designee)



Dave Goodwin, Director
Planning and Economic Development

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 2015

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

Subject: Approving the purchase of fuel from Indigo Energy Partners, LLC and J.H. Williams Oil Company, Inc. for the Fleet Management Department at an estimated annual cost of \$4,943,497.

Explanation: On June 30, 2015, Hillsborough Area Regional Transit (HART) received six bids for petroleum fuel products on behalf of the consortium which includes the city of St. Petersburg, Pinellas Suncoast Transit Authority (PSTA) and three other local entities.

The vendors will furnish and deliver 87 octane unleaded gasoline and ultra low sulfur diesel No. 2 fuel in transport loads (7,500 gallons or more). Fleet Management stores, dispenses and tracks use of fuel for the city's rolling stock. Approximately one percent of this fuel is resold to USF, St. Petersburg Housing Authority and The Looper Group.

Diesel and unleaded fuel will be purchased using Oil Price Information Service (OPIS) daily pricing. The OPIS price per gallon is based on the Port of Tampa Gross Contract (10am feed) published the day the order is delivered plus a fixed fee for delivery and applicable taxes.

The price per gallon is based on Port of Tampa Florida average terminal rack prices published daily in Oil Price Information Service, United Publications (OPIS) the day the order is placed plus a fixed fee for delivery and applicable taxes. The average cost is based on 2016 projections from the U. S. Energy Information Administration (EIA).

The Procurement Department, in cooperation with the Fleet Management Department, recommends approval:

		Gallons	Price per gallon	Extension
Indigo Energy Partners, LLC				
Diesel, No. 2		834,950	\$3.25	\$2,713,587
Average Cost	2.9427			
Fixed fee	(0.0323)			
Taxes	0.3396			
J.H. Williams Oil Company, Inc.				
Gasoline, 87 Octane		819,820	2.72	2,229,910
Average Cost	2.3969			
Fixed fee	(0.0175)			
Taxes	0.3406			
			Total	\$4,943,497

The vendors have met the specifications, terms and conditions of HART Bid No. IFB-14602 dated May 22, 2015. This purchase is made in accordance with Section 2-256 (1) of the Procurement Code which authorizes the Mayor or his designee to participate in a joint bid process with other governmental entities. Blanket purchase agreements will be issued to the vendors and will be binding only for actual material received. This agreement will be effective through September 30, 2016. Amounts paid to vendors pursuant to the agreements shall not exceed a combined total of \$4,943,497.

NOTE: Participants in the Co-op include:

- HART
- city of St. Petersburg
- PSTA
- Hillsborough County Board of County Commissioners
- Pinellas County Board of County Commissioners
- Lakeland Area Mass Transit District

Cost/Funding/Assessment Information: Funds will be available upon approval of the FY16 Adopted budget in the Fleet Management Fund (5001), Fleet Mechanical Costs (8002527).

Attachments: Bid Tabulation
Price History
Resolution

Approvals:



Administrative



Budget

FUEL PURCHASES MADE 10/1/2015 - 9/30/2016
12 Month Term - COSP

Item	Description	Petroleum Traders Fort Wayne, IN	J.H. Williams Tampa, FL	Indigo Energy Partners Gainesville, GA	James River Solutions Ashland, VA	Southern Petroleum Resources Atlanta, GA	TAC Energy Dallas, TX
1	Diesel, No. 2						
	Average Cost	\$2.9427	\$2.9427	\$2.9427	\$2.9427	\$2.9427	\$2.9427
	Fixed fee	(0.0310)	(0.0050)	(0.0323)	(0.0235)	0.0050	(0.0275)
	Taxes	0.3396	0.3396	0.3396	0.3396	0.3396	0.3396
	Total	\$3.2513	\$3.2773	\$3.2500	\$3.2588	\$3.2873	\$3.2548
2	Gasoline, 87 Octane						
	Average Cost	\$2.3969	\$2.3969	\$2.3969	\$2.3969	\$2.3969	\$2.3969
	Fixed fee	(0.0158)	(0.0175)	(0.0168)	NB	0.0050	(0.0053)
	Taxes	0.3406	0.3406	0.3406	0.3406	0.3406	0.3406
	Total	\$2.7217	\$2.7200	\$2.7207	\$2.7375	\$2.7425	\$2.7322

Item	Description	Price History			current
		Fuel			
		1-year ago	6-months ago	3-months ago	
1	Unleaded, 87 Octane	\$2.981	\$1.945	\$2.273	\$2.206
2	Diesel, #2	3.287	2.459	2.274	2.179

A RESOLUTION APPROVING THE AWARD OF AGREEMENTS (BLANKET AGREEMENTS) TO INDIGO ENERGY PARTNERS, LLC FOR THE PURCHASE OF DIESEL FUEL AND J.H. WILLIAMS OIL COMPANY, INC. FOR THE PURCHASE OF UNLEADED GASOLINE AT A TOTAL COST NOT TO EXCEED \$4,943,497 FOR THE FLEET MANAGEMENT DEPARTMENT UTILIZING HART BID NO. IFB-14602; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2-256(a) of the City Code the City is permitted to participate in cooperative bid processes with other governmental entities when it is in the best interest of the City; and

WHEREAS, on June 30, 2015 HART received six bids for petroleum fuel products on behalf of a consortium which includes the City of St. Petersburg, PSTA and three other local entities in response to its Bid No. IFB-14602 dated May 22, 2015; and

WHEREAS, Indigo Energy Partners, LLC and J.H. Williams Oil Company, Inc. have met the specifications, terms and conditions of HART Bid No. IFB-14602; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Fleet Management Department, recommends approval of these agreements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the award of agreements (Blanket Agreements) to Indigo Energy Partners, LLC for the purchase of diesel fuel and J.H. Williams Oil Company, Inc. for the purchase of unleaded gasoline at a total cost not to exceed \$4,943,497 for the Fleet Management Department utilizing HART Bid No. IFB-14602 are hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions; and

BE IT FURTHER RESOLVED that these agreements will be effective through September 30, 2016.

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 September 3, 2015

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

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 2 to the Utility Work Agreement ("UWA") between the City of St. Petersburg and Condotte/De Moya JV, LLC ("Firm") who is under contract with the Florida Department of Transportation ("FDOT") to design and build the Gandy Boulevard Limited Access Road Improvements ("Project"), in the estimated amount of \$933,217 for a total revised estimated cost of \$3,525,434, to relocate identified City utilities in conflict with the FDOT's Limited Access roadway, bridge and drainage improvements at Gandy Boulevard (SR 694) within Segment 4, Tinney Creek and 4th Street area (FPID # 256931-2-52-01); authorizing the Mayor or his designee to execute all documents necessary to effectuate these transactions; and providing an effective date. (Engineering Project No. 14069-111; Oracle Nos. 13853, 13854 and Engineering Project 15054-110; Oracle No. 14923)

EXPLANATION: In 2013, the FDOT awarded a design/build contract to the FIRM, for the design and construction of a limited access road widening, bridge and drainage improvements within FDOT's right-of-way along Gandy Boulevard (SR 694) from I-275 to east of 4th Street North ("Project"). FPID # 256931-2-52-01. The FDOT project also includes replacement of the existing triple box culvert under SR 687/4th Street North at Tinney Creek near 97th Avenue North.

Construction activity commenced in late 2013 and is scheduled to be completed in 2017. The City owns and operates water, reclaimed water and sewer utilities within the project limits that lie within compensable City easements. The FIRM is responsible for managing all utility coordination for the Project, including coordinating the execution and performance under any agreement required for utility work needed in the Project.

Relocation plans and specifications for the Utility Work have been prepared by the City's consultant Greeley and Hansen in three phases, as the Project design is finalized.

On June 19, 2014, City Council approved a Utility Work Agreement ("UWA") with the FIRM for replacement and relocation of the City's existing utilities located within FDOT rights of way in conflict with the proposed Project construction, at City expense. City utilities requiring relocation include approximately 3,165 linear feet of potable water mains; 885 linear feet of reclaimed water mains; 1,415 linear feet of sanitary sewer main, and 1,110 linear feet of sanitary sewer force main, ranging in size from 6-inches to 36-inches in diameter ("Utility Work") in the amount of \$1,700,000, for the initial phase of work.

On April 16, 2015, City Council approved Amendment No. 1 to the UWA for the second phase of utility work. Amendment No. 1 specifically provides for 2,527 linear feet of pipe grouting, 2,850 linear feet of pipe removal, 1,324 feet of steel casing pipe, and 1,949 linear feet of potable water main construction of various sizes, including a disputed portion of a 24" water main, in the amount of \$892,217. City Council approved the inclusion of the Oak Street NE Stormwater Drainage Improvement in an amount of \$300,000 to be performed under the UWA. However, FDOT subsequently agreed to complete the stormwater improvements within the FDOT right of way at its own expense and the \$300,000 previously appropriated was not included for utility work in Amendment No. 1. That amount remains available in the Gandy Boulevard and Oak

Street NE SDI Project Fund (14923) for the design and construction of the drainage improvement outside of FDOT right-of-way. Pinellas County staff has provided a letter of intent to enter into a JPA with the City to jointly fund the design and construction of the Oak Street NE drainage improvements, in the shared drainage basin north of Gandy Boulevard, to alleviate flooding in this low lying area. The City will be the lead agency for design and construction of the Oak Street NE SDI. Design work is planned to be completed in FY16 along with development of an Interlocal Agreement to share expenses for the project north of Gandy Boulevard with Pinellas County. This agreement will be presented to City Council at a later date.

Amendment No. 2 to the UWA provides for the third and final phase of relocation of City utilities, in the estimated amount of \$933,217, in advance of FDOT drainage improvements within SR687/4th Street North at Tinney Creek. The work includes the relocation of approximately 960 linear feet of 6", 8" and 12" water main and 360 linear feet of 14" force main by horizontal directional drilling to accommodate the FDOT's replacement of the existing triple 10 foot by 10 foot Tinney Creek storm drainage box culvert, crossing 4th Street North (SR687), near 97th Avenue North.

The FDOT has determined the existing box culvert under SR687/4th Street North has reached the end of its useful service life and is in need of replacement. The project construction is planned for the Spring 2016 timeframe, and will involve phased construction with lane closures within the work zone on SR687/4th Street North. Amendment No. 2 increases the total amount of the UWA to \$3,525,434 for Phases 1, 2, and 3 of the Project (including cost for relocation of disputed 24" water main).

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute UWA Amendment No. 2 between the City of St. Petersburg and Condotte/De Moya JV, LLC ("FIRM"), who is under contract with the Florida Department of Transportation ("FDOT") to design and build the Gandy Boulevard Limited Access Road Improvements ("Project"), in the estimated amount of \$933,217 for a total revised Utility Work cost of \$3,525,434, to relocate identified City utilities in conflict with the FDOT's Limited Access roadway, bridge and drainage improvements at Gandy Boulevard (SR 694) (FPID # 256931-2-52-01); authorizing the Mayor or his designee to execute all documents necessary to effectuate these transactions; and providing an effective date. (Engineering Project No. 14069-111; Oracle Nos. 13853, 13854 and Engineering Project 15054-110; Oracle No. 14923)

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available upon approval of the FY16 adopted budget in the Water Resources Capital Improvement Project Fund (4003), DIS FDOT Gandy Overpass FY13 Project (13853) and the SAN FDOT Gandy Overpass FY13 Project (13854).

ATTACHMENTS: Resolution

APPROVALS:

bfl

TB6


Administrative


Budget

Resolution No. 2015- _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 2 TO THE UTILITY WORK AGREEMENT ("UWA") BETWEEN THE CITY OF ST. PETERSBURG AND CONDOTTE/DE MOYA JV, LLC ("FIRM") WHO IS UNDER CONTRACT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") TO DESIGN AND BUILD THE GANDY BOULEVARD LIMITED ACCESS ROAD IMPROVEMENTS ("PROJECT"), IN THE ESTIMATED AMOUNT OF \$933,217 FOR A TOTAL REVISED COST OF \$3,525,434, TO RELOCATE IDENTIFIED CITY UTILITIES IN CONFLICT WITH THE FDOT'S LIMITED ACCESS ROADWAY, BRIDGE AND DRAINAGE IMPROVEMENTS AT GANDY BOULEVARD (SR 694) WITHIN SEGMENT 4, TINNEY CREEK AND 4TH STREET AREA (FPID # 256931-2-52-01); AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE. (ENGINEERING PROJECT NO. 14069-111; ORACLE NOS. 13853, 13854 AND ENGINEERING PROJECT 15054-110; ORACLE NO. 14923)

WHEREAS, in 2013, the FDOT awarded a design/build contract to the FIRM, for the design and construction of a limited access road widening, bridge and drainage improvements within FDOT's right-of-way along Gandy Boulevard (SR 694) from I-275 to east of 4th Street North ("Project") to commence in late 2013 and be completed in 2017; and

WHEREAS, the City owns and operates water, reclaimed water and sewer utilities within the project limits and the FIRM is responsible for managing all utility coordination for the Project, including coordinating the execution and performance under any agreement required for utility work needed in the Project; and

WHEREAS, the project is separated into four segments and the utility relocation plans and specifications are being prepared by the City's consultant Greeley and Hansen in phases as the FIRM progresses from the original conceptual design to final construction plans; and

WHEREAS, on June 19, 2014, City Council approved a Utility Work Agreement in the amount of \$1,700,000 with the FIRM for replacement and relocation of the City's existing utilities located within FDOT rights of way in conflict with the proposed Project construction for Segment 1, Gandy Mainline; and

WHEREAS, on April 16, 2015 City Council approved Amendment No. 1 to the UWA in the amount of \$897,219, within Segments 1, 2, and 3 including the estimated costs to grout fill or remove abandoned City utility pipes, as directed by the FDOT; construction of steel casing corner pipe under elevated Gandy Boulevard roadway in Segments 1, 2, and 3, as directed by the FDOT, and construction of Segments 2 and 3 utility relocations, based upon the final design; and

WHEREAS, Amendment No. 2 to the UWA, provides for the third and final phase of relocation of City utilities, in the estimated amount of \$933,217. The work includes the relocation of approximately 960 linear feet of 6", 8" and 12" water main and 360 linear feet of 14" force main by horizontal directional drilling to accommodate the FDOT's replacement of the existing triple 10 foot by 10 foot Tinney Creek storm drainage box culvert, crossing 4th Street North (SR687), near 97th Avenue North and increases the total amount of the utility work under the UWA to \$3,525,434.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Amendment No. 2 to the Utility Work Agreement ("UWA") between the City of St. Petersburg and Condotte/De Moya JV, LLC ("Firm") who is under contract with the Florida Department of Transportation ("FDOT") to design and build the Gandy Boulevard Limited Access Road Improvements ("Project"), in the estimated amount of \$933,217 for a total revised cost of \$3,525,434, to relocate identified City utilities in conflict with the FDOT's Limited Access roadway, bridge and drainage improvements at Gandy Boulevard (SR 694) within Segment 4, Tinney Creek and 4th Street area (FPID # 256931-2-52-01) (Engineering Project No. 14069-111; Oracle Nos. 13853, 13854 and Engineering Project 15054-110; Oracle No. 14923); and

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

This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)



Tom Greene
Budget Director

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 2015

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

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-04-LWES/GC to the agreement between the City of St. Petersburg and Land & Water Engineering Science, Inc. (LWES) in the amount of \$160,531 for engineering design services pertaining to the Oak Street Stormwater Drainage Improvements for a total amount not to exceed \$192,119. (Engineering Project No. 15046-110; Oracle No. 14640 & 14923)

EXPLANATION: On July 23, 2014, the City Council approved a Master Agreement with the professional consulting engineering firm of LWES for engineering services related to the design and construction of Stormwater Management, Transportation and Bridge Improvements Projects.

Task Order 12-04-LWES/GC was issued on January 12, 2015 in the amount of \$31,588 to conduct preliminary engineering planning services for Oak Street NE. A preliminary engineering study of Oak Street NE by LWES has resulted in an engineering report dated March, 2015. This study looked at the drainage from Oak Street NE to the south under Gandy Boulevard and to the north towards Tampa Bay. The report provides recommendations for improvements to Oak Street NE, Gandy Boulevard structures and the drainage connection to the north to alleviate flooding at Oak Street NE and Gandy Boulevard.

Amendment No. 1 to Task Order No. 12-04-LWES/GC provides for professional engineering services including detailed site investigations, geotechnical services, surveying, modeling updates, preparation of permit applications, plans, specifications, bid documents, and cost estimates for Storm Drainage Improvements along Oak Street NE from Gandy Boulevard to 112th Avenue North and to drainage ditches north of Oak Street NE.

Pinellas County staff has provided a letter of intent to enter into a Joint Participation Agreement (JPA) with the City to jointly fund the design and construction of the Oak Street NE drainage improvements, in the shared drainage basin north of Gandy Boulevard, to alleviate flooding in this low lying area. The City will be the lead agency for design and construction of the Oak Street NE SDI. Design work is planned to be completed in FY16 along with development of an Interlocal Agreement with Pinellas County to share design and construction expenses for the project.

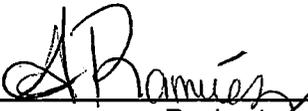
RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment 1 to Task Order No. 12-4-LWES/GC to the agreement between the City of St. Petersburg and Land & Water Engineering Science, Inc. (LWES) in the amount of \$160,531 for engineering design services pertaining to the Oak Street NE Stormwater Drainage Improvements, for a total amount not to exceed \$192,911. (Engineering Project No. 15046-110; Oracle No.14640 & 14923)

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Stormwater Drainage Capital Projects Fund (4013), Minor Storm Drainage FY15 Project (14640) and Gandy Blvd. & Oak Street NE SDI Project (14923).

ATTACHMENTS: Resolution

APPROVALS:
cf


Administrative
T736


Budget

RESOLUTION NO. 2015 _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 12-04-LWES/GC TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND LAND & WATER ENGINEERING SCIENCE, INC. IN THE AMOUNT OF \$160,531 FOR ENGINEERING DESIGN SERVICES PERTAINING TO THE OAK STREET STORMWATER DRAINAGE IMPROVEMENTS FOR A TOTAL AMOUNT NOT TO EXCEED \$192,119. (ENGINEERING PROJECT NO. 15046-110; ORACLE NO. 14640 & 14923); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On July 12, 2012, the City Council approved a Master Agreement with the professional consulting engineering firm of Land and Water Engineering Science, Inc. for engineering services related to the design and construction of Stormwater Management, Transportation and Bridge Improvements Projects (modified on July 23, 2014); and

WHEREAS, Task Order 12-04-LWES/GC was issued on January 12, 2015 in the amount of \$31,588 to conduct preliminary engineering planning services for Oak Street NE which resulted in an engineering report dated March, 2015 providing recommendations for improvements to Oak Street NE, Gandy Boulevard structures and the drainage connection to the north to alleviate flooding at Oak Street NE and Gandy Boulevard; and

WHEREAS, this Amendment No. 1 to Task Order No. 12-04-LWES/GC provides for professional engineering services for Storm Drainage Improvements along Oak Street NE from Gandy Boulevard to 112th Avenue North and to drainage ditches north of Oak Street NE; and

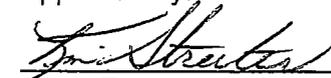
WHEREAS, Pinellas County has provided a letter of intent to enter into a Joint Participation Agreement (JPA) with the City to jointly fund the design and construction of the Oak Street NE drainage improvements, in the shared drainage basin north of Gandy Boulevard, to alleviate flooding in this low lying area; and

WHEREAS, Design work is planned to be completed in FY16 along with development of an Interlocal Agreement to share expenses for the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute Amendment No. 1 to Task Order No. 12-04-LWES/GC to the agreement between the City of St. Petersburg and Land & Water Engineering Science, Inc. in the amount of \$160,531 for engineering design services pertaining to the Oak Street Stormwater Drainage Improvements for a total amount not to exceed \$192,119. (Engineering Project No. 15046-110; Oracle No. 14640 & 14923)

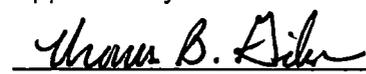
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering & CIP Director

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 2015

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

Subject: Awarding a five year blanket purchase agreement for office supplies to Staples Contract and Commercial, Inc., at an estimated annual cost of \$480,000.

Explanation: This purchase is being made from the National Joint Powers Alliance (NJPA) Contract No. 010615.

The vendor will furnish and deliver within 24 hours, office supplies such as replacement printer cartridges, pens, markers, note and legal pads, binders, notebooks, staplers, color paper, and file folders. They also furnish and deliver electronic equipment such as surge protectors, calculators, shredders, headsets and fax machines. The vendor will also provide a local dedicated account manager to provide viable reporting communication to maximize compliance and facilitate oversight of pricing. The National Joint Powers Alliance (NJPA) Contract No. 010615 will provide the city with an additional advantage of an annual three percent rebate.

The Purchasing Department recommends for award utilizing National Joint Powers Alliance (NJPA) Contract No. 010615:

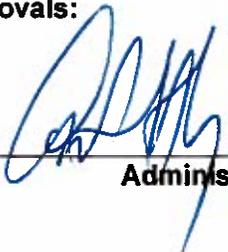
Staples Contract and Commercial, Inc.....\$480,000

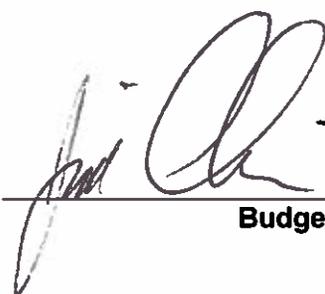
Staples Contract and Commercial, Inc. has met the specifications, terms and conditions of National Joint Powers Alliance (NJPA) Contract No. 010615 dated August 1, 2015. This purchase is made in accordance with Section 2-256(2) of the Procurement Code which authorizes the Mayor or his designee to utilize competitively bid contracts of other governmental entities. A blanket purchase agreement will be issued and will be binding only for actual supplies ordered. This agreement will be effective from date of award through July 31, 2019 with a one year optional extension.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001), Police Department, Fiscal Support (1401389), Fire Department, Fire Administration (1501485), Parks & Recreation Department (1901573), Leisure Services Administration (5002321), Library Department (2001133), Real Estate and Property Management Department, Property Management & Realty Service (3602605), Engineering & Capital Improvement Department Administration (1301341), Downtown Enterprise Facilities Department, Administration (2821813); Water Resources Operating Fund (4001), Water Resources Department Administration (4202045); Sanitation Operating Fund (4021), Sanitation Department Administration (4502237); and Billing and Collections Operating Fund (5201), Billing and Collections Department, Various Divisions (350).

Attachments: Top 100 Core Item Discount Schedule Resolution

Approvals:


_____ **Administrative**


_____ **Budget**

TOP 100 CORE ITEM OFFICE SUPPLIES - CITY OF ST. PETERSBURG

Primary Product Hierarchy	Item Description	Sell UOM	EAU	Price	Extended
Toner	HP CC364A BLACK TONER	EA	87	\$ 133.03	\$ 11,573.61
Toner	HP Q5942A BLACK TONER	EA	61	\$ 122.40	\$ 7,466.40
Toner	HP Q5950A TONER BLACK	EA	39	\$ 137.66	\$ 5,368.86
Toner	HP CE505X TONER BLACK	EA	40	\$ 116.13	\$ 4,645.20
Toner	HP Q5951A TONER CYAN	EA	23	\$ 203.97	\$ 4,691.31
Toner	HP CE255A BLACK TONER	EA	32	\$ 104.34	\$ 3,338.88
Office Supplies	NOTEBOOK REPORTER 4X8	OZ	212	\$ 6.29	\$ 1,333.97
Toner	HP Q5953A TONER MAGENTA	EA	17	\$ 203.97	\$ 3,467.49
Toner	HP Q5952A TONER YELLOW	EA	16	\$ 203.97	\$ 3,263.47
Toner	HP CE390A BLACK TONER	EA	19	\$ 142.18	\$ 2,701.50
Toner	HP 80A BLACK TONER	EA	34	\$ 84.70	\$ 2,879.80
Tech	APC BE550G BATTERY BACK UP	EA	47	\$ 34.95	\$ 1,642.65
Toner	HP CE505XD TONER CARTRIDGE 2PK	PK	10	\$ 242.35	\$ 2,423.50
Toner	DELL RGCN6 TONER BLACK	EA	25	\$ 57.73	\$ 1,443.25
Toner	HP CE505A BLACK TONER CARTRIDGE	EA	27	\$ 63.25	\$ 1,707.75
Toner	HP CE412A TONER YELLOW	EA	18	\$ 92.62	\$ 1,667.16
Toner	HP CF280X TONER BLACK	EA	13	\$ 145.82	\$ 1,895.60
Toner	HP CE411A TONER CYAN	EA	17	\$ 92.62	\$ 1,574.58
Toner	HP CE272A YELLOW CARTRIDGE	EA	5	\$ 351.00	\$ 1,755.00
Toner	HP CE271A CYAN CARTRIDGE	EA	5	\$ 351.00	\$ 1,755.00
Toner	HP CE413A TONER MAGENTA	EA	16	\$ 92.62	\$ 1,481.92
Toner	HP C9721A CYAN TONER	EA	9	\$ 202.72	\$ 1,824.46
Toner	MICR Black Toner Cartridge Compatible with HP 64A (CC364A)	EA	6	\$ 155.09	\$ 930.54
Toner	HP C9720A BLACK TONER	EA	12	\$ 148.46	\$ 1,781.46
Toner	HP Q1338A BLACK TONER	EA	15	\$ 113.77	\$ 1,706.57
Toner	HP CE505D BLACK TONER 2PK	PK	11	\$ 128.85	\$ 1,417.35
Toner	HP CE270A BLK CARTRIDGE	EA	7	\$ 203.48	\$ 1,424.37
Office Supplies	RY15 STAPLES DESKPAD 22X17	EA	350	\$ 2.69	\$ 941.50
Tech	VIEWSONIC VX2370SMH-LED	IN	10	\$ 143.66	\$ 1,436.60
Toner	HP C9722A YELLOW TONER	EA	8	\$ 202.72	\$ 1,621.76
Toner	HP CE403A TONER MAGENTA	EA	8	\$ 182.63	\$ 1,461.02
Tech	SANDISK CRUZER GLIDE 8GB USB	EA	223	\$ 3.28	\$ 731.44
Toner	HP CE273A MAGENTA CARTRIDGE	EA	4	\$ 351.00	\$ 1,404.00
Facilities	KIMTECH PREP WIPERS FOR BLEACH	CT	29	\$ 41.91	\$ 1,215.39
Toner	HP C9723A MAGENTA TONER	EA	7	\$ 202.72	\$ 1,419.04
Toner	HP 78A TONER	EA	18	\$ 64.35	\$ 1,158.30
Office Supplies	PILOT G2 RETRACT GEL BOLD BK DZ	DZ	80	\$ 2.32	\$ 185.60
Toner	HP 45A BLACK INK	EA	47	\$ 31.10	\$ 1,461.70
Toner	HP CE255X TONER BLACK	EA	6	\$ 187.68	\$ 1,126.08
Toner	SEB REMAN TONER HP 49A	EA	24	\$ 38.87	\$ 932.88
Toner	HP CE400X TONER BLACK	EA	7	\$ 164.93	\$ 1,154.54
Toner	HP 80X DUAL PACK TONER BLACK	PK	4	\$ 255.36	\$ 1,021.44
Toner	HP 305A BLACK TONER	EA	15	\$ 69.19	\$ 1,037.85
Toner	HP CE401A TONER CYAN	EA	6	\$ 182.63	\$ 1,095.77
Tech	BROTHER TZE-2312PK 12MM BKWHT	PK	42	\$ 9.99	\$ 419.58
Tech	INKJET CD/DVD PERM 20PK 2UP	PK	70	\$ 7.97	\$ 557.90
Toner	HP 950XL BLACK INK	EA	33	\$ 30.36	\$ 1,001.88
Office Supplies	BETTER PERF PAD 8.5X11 LGL WTE	DZ	65	\$ 4.32	\$ 280.80
Toner	HP 49A TONER	EA	18	\$ 64.76	\$ 1,165.68
Office Supplies	PILOT G2 RET FINE BLACK 12	DZ	72	\$ 3.13	\$ 225.36
Toner	HP CE402A TONER YELLOW	EA	5	\$ 182.63	\$ 913.14
Tech	HP M602N LASERJET ENT PRINTER	EA	1	\$ 559.20	\$ 559.20
Toner	BROTHER TN450 HY BLACK TONER	EA	16	\$ 46.57	\$ 745.12
Toner	SEB REMAN TONER HP 64A CC364A	EA	8	\$ 77.69	\$ 621.52
Office Supplies	BOOKLET ENV GUM WHT 9X12 -100	BX	54	\$ 8.72	\$ 470.88
Toner	HP 96 BLACK INK	EA	29	\$ 30.83	\$ 894.07
Toner	HP 85A TONER	EA	14	\$ 56.19	\$ 786.66
Paper	8.5X11 WHITE CARD STOCK 250	PK	97	\$ 5.99	\$ 581.03

TOP 100 CORE ITEM OFFICE SUPPLIES - CITY OF ST. PETERSBURG

Primary Product Hierarchy	Item Description	Sell UOM	EAU	Price	Extended
Toner	HP 97 COLOR INK	EA	26	\$ 34.31	\$ 892.06
Toner	HP 96/97 BLK/CLR INK 2PK	PK	13	\$ 65.61	\$ 852.93
Toner	HP 13X TONER	EA	12	\$ 81.59	\$ 979.08
Tech	STAPLES 100PK CD-R SPINDLE	PK	55	\$ 11.39	\$ 626.45
Office Supplies	15 AAG DLY LSLFCOLR CALRFL3X6	EA	37	\$ 1.40	\$ 51.80
Toner	HP 564XL BLK/564 CMY 4PK CVP	PK	15	\$ 49.20	\$ 738.00
Office Supplies	FILE PKT 3.5IN LTR KRAFT 25	BX	24	\$ 13.99	\$ 335.76
Toner	CANON 128 BLACK TONER	EA	9	\$ 60.83	\$ 547.49
Office Supplies	US TRGTBT053US - CASE,15.6 LAPTOP,BK	EA	19	\$ 20.56	\$ 390.64
Toner	HP12A 2PK BLACK TONER	PK	7	\$ 110.93	\$ 776.51
Toner	HP COLOR LAREJET CB380A	EA	4	\$ 193.45	\$ 773.80
Toner	HP Q5949XD BLACK TONER	PK	3	\$ 256.52	\$ 769.56
Toner	LEXMARK E260A11A TONER	EA	8	\$ 93.65	\$ 749.20
Tech	HP 824A Yellow Image Drum (CB386A)	EA	2	\$ 310.47	\$ 620.94
Tech	HP COLOR LASERJET CB387A	EA	2	\$ 310.47	\$ 620.94
Tech	HP LASERJET P1606DN PRINTER	EA	4	\$ 119.99	\$ 479.96
Toner	HP 131A (CF212A) YELLOW TONER	EA	9	\$ 70.47	\$ 634.19
Toner	HP 131A (CF211A) CYAN TONER	EA	9	\$ 70.47	\$ 634.19
Toner	HP 131A (CF213A) MAGENTA TONER	EA	9	\$ 70.47	\$ 634.19
Tech	LT WEIGHT LCD PRIVACYFILTER 17	EA	5	\$ 49.72	\$ 248.60
Toner	SEB REMAN TONER HP CE255X	EA	5	\$ 95.20	\$ 476.00
Tech	EPSON POWRLITE 1761W PROJECTOR	EA	1	\$ 459.99	\$ 459.99
Tech	HP MONO LASERJET P3015DN	EA	1	\$ 114.29	\$ 114.29
Toner	US HEWCE410XD - TONER,LJ 305X,BK	BX	3	\$ 143.68	\$ 431.03
Toner	HP 701 BLACK FAX CARTRIDGE	EA	22	\$ 30.78	\$ 677.16
Toner	HP 96 2PK BLACK INK	PK	12	\$ 58.47	\$ 701.64
Toner	DELL PK492 TONER CART BLACK	EA	11	\$ 50.74	\$ 558.14
Office Supplies	FOLDR 1/3CUT LTR MANILA 250	BX	44	\$ 15.75	\$ 693.00
Tech	SONY ICD-PX333	EA	13	\$ 24.84	\$ 322.92
Office Supplies	5.25IN FILE PCKT LTR BRN 10	BX	57	\$ 9.15	\$ 521.55
Office Supplies	AVY LSR LBL 3000PK 1X2 5/8	BX	32	\$ 6.44	\$ 206.08
Toner	HP Q7553A BLACK TONER	EA	10	\$ 67.11	\$ 671.13
Office Supplies	FILE PCKT ENDTB TYV LTR 3.5 MA	BX	22	\$ 19.99	\$ 439.78
Toner	HP COLOR LASERJET CB383A	EA	2	\$ 301.97	\$ 603.94
Tech	GALAXY NOTE 8 WHITE	EA	2	\$ 299.00	\$ 598.00
Facilities	PURELL SANITIZER 2 LITER PUMP	EA	29	\$ 17.99	\$ 521.71
Tech	HP OFFICEJET PRO 8610 E-AIO	EA	5	\$ 99.95	\$ 499.75
Tech	P-TOUCH TAPE 1/2IN BLK/WHT	EA	66	\$ 4.72	\$ 311.52
Toner	SEB REMAN TONER HP CE255A	EA	5	\$ 53.02	\$ 265.10
Office Supplies	CLASP ENV BRN KRFT 6.5X9.5-100	BX	86	\$ 5.38	\$ 462.68
Tech	SANDISK 32GB ULTRA SDHC CARD	EA	8	\$ 33.18	\$ 265.44
Office Supplies	STENO BOOK GREEN 6X9 12 COUNT	DZ	69	\$ 6.29	\$ 434.17

\$ 128,380.67

A RESOLUTION APPROVING THE AWARD OF A FIVE YEAR AGREEMENT (BLANKET AGREEMENT) WITH A ONE-YEAR RENEWAL OPTION TO STAPLES CONTRACT & COMMERCIAL, INC. FOR OFFICE SUPPLIES AT A TOTAL COST NOT TO EXCEED \$480,000 UTILIZING NATIONAL JOINT POWERS ALLIANCE CONTRACT NO. 010615; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2-256(2) of the City Code the City is permitted to utilize competitively bid proposals or contracts secured by State, County or municipal government when it is in the best interest of the City; and

WHEREAS, Staples Contract & Commercial, Inc. has met the specifications, terms and conditions of the National Joint Powers Alliance Contract No. 010615 dated August 1, 2015; and

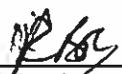
WHEREAS, the Purchasing Department recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the award of a five-year agreement (Blanket Agreement) with a one-year renewal option to Staples Contract & Commercial, Inc. for office supplies at a total estimated annual cost not to exceed \$480,000 utilizing National Joint Powers Alliance Contract No. 010615 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this agreement will be effective from the date of award through July 31, 2019.

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 September 3, 2015

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

Subject: Awarding a contract to Cathey Construction & Development, LLC in the amount of \$289,615 for the construction of a Fleet Maintenance Vehicle Wash Facility. (Engineering Project No. 15063-115; Oracle No. 14604).

Explanation: The Procurement Department received two bids for the construction of a Fleet Maintenance Vehicle Wash Facility for the Fleet Management Department, located at 1800 - 7th Avenue North.

The contractor will furnish all labor, material and equipment necessary to demolish and remove the existing structure, concrete pad construction, existing vehicle wash equipment and associated piping and vaults. They will construct a new concrete pad; install a metal building system canopy structure with a 6 foot pvc/vinyl fence; and install a vehicle wash water recycling system and pressure washer.

The work will be completed within (90) consecutive calendar days from the date of the Notice to Proceed. Bids were opened on July 9, 2015 and are tabulated as follows:

<u>Bidder</u>	<u>Total with Add Alternate</u>
Cathey Construction & Development, LLC (Indian Rocks Beach, FL)	\$289,615
Certus Builders, Inc. (Tampa, FL)	\$360,000

Cathey Construction & Development, the lowest responsive and responsible bidder, has met the specifications, terms and conditions for IFB 5780 dated, June 11, 2015. They have satisfactorily performed similar projects in Lake City, FL and Bonifay, FL for the Florida Department of Military Affairs and the City of Marianna, FL. The Principal of the firm is William B. Cathey, President.

Recommendation: Administration recommends awarding this contract to Cathey Construction & Development, LLC in the amount of \$289,615 for construction of a Fleet Maintenance Vehicle Wash Facility.

Cost/Funding/Assessment Information: Funds are available in the General Capital Improvement Fund (3001) Fleet Wash Rack Upgrade Project (14604).

Attachments: Resolution

Approvals:



Administrative

Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO CATHEY CONSTRUCTION & DEVELOPMENT, LLC FOR THE CONSTRUCTION OF A FLEET MAINTENANCE VEHICLE WASH FACILITY AT A TOTAL COST NOT TO EXCEED \$289,615; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received two bids for the construction of a Fleet Maintenance Vehicle Wash Facility pursuant to IFB 5780 dated June 11, 2015; and

WHEREAS, Cathey Construction & Development, LLC has met the terms and conditions of IFB 5780; and

WHEREAS, the Administration recommends approval of this award.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bid and award of an agreement to Cathey Construction & Development, LLC for the construction of a Fleet Maintenance Vehicle Wash Facility at a total cost not to exceed \$289,615 is hereby approved and the Mayor or Mayor's designee is authorized to execute all documents necessary to effectuate this transaction.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 2015

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

Subject: Accepting a proposal from the Florida Department of Management Services, a sole source supplier, for communications services through the State's CentraNet (CNET) SUNCOM program for the Department of Technology Services at an estimated annual cost of \$130,000.

Explanation: This purchase is being made under F.S. Chapter 282, which allows State agencies, universities, cities, counties, municipalities and nonprofit organizations to utilize the CNET communications services program. The program provides approximately 350 local analog telephone lines and long distance for the city's use. The analog lines are primarily used by departments for voice calls, alarm monitoring, elevator phones and time clocks.

The CNET system is a statewide network created within the State Technology Office that provides local and long distance communications services to political subdivisions of the State. The State CNET system allows the city to utilize Verizon telephone lines, at locations beyond the reach of the City's telephone system, at state contracted pricing. Since 2014, the Telecommunications Division of the Department of Technology Services has been replacing costly Verizon "Off Premise Exchanges" with lower cost CNET lines to tie remote locations to the master City switch.

The Procurement and Supply Management Department in cooperation with the Department of Technology Services, recommends for award:

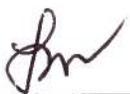
Florida Department of Management Services..... \$130,000

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 service is available from only one source. The vendor has confirmed the City's eligibility for participation in the CNET program. A blanket purchase agreement will be issued and will be binding only for actual services received. The agreement will be effective from date of award through September 30, 2016.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Department of Technology Services Operating Fund (5011) Telecommunications Division (8502569).

Attachments: Resolution

Approvals:


_____ **Administrative**


_____ **Budget**

A RESOLUTION DECLARING FLORIDA DEPARTMENT OF MANAGEMENT SERVICES TO BE A SOLE SOURCE SUPPLIER; APPROVING THE AWARD OF A ONE-YEAR AGREEMENT (BLANKET AGREEMENT) FOR THE PURCHASE OF COMMUNICATIONS SERVICES THROUGH THE STATE'S CENTRANET (CNET) SUNCOM PROGRAM AT A TOTAL COST NOT TO EXCEED \$130,000 FOR THE DEPARTMENT OF TECHNOLOGY SERVICES; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to utilize the State of Florida's Centranet CNET Program SUNCOM for local and long distance communications services in order to reduce the cost of these services; and

WHEREAS, this service is only provided through the Florida Department of Management Services; and

WHEREAS, Section 2-249 of the City Code provides requirements for sole source procurement; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Department of Technology Services, recommends approval of the award of an agreement to the Florida Department of Management Services as a sole source supplier; and

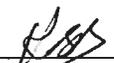
WHEREAS, the Mayor or his designee has prepared a written statement to City Council certifying the condition and circumstances for this sole source purchase.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Florida Department of Management Services is a sole source supplier; and

BE IT FURTHER RESOLVED that the award of a one-year agreement to the Florida Department of Management Services for the purchase of communications services through the State's CentraNet (CNET) SUNCOM Program at a total cost not to exceed \$130,000 for the Department of Technology Services is hereby approved and the Mayor or the Mayor's designee is authorized to execute all necessary documents 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 September 3, 2015

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

SUBJECT: A Resolution authorizing the Mayor, or his designee, to execute a one (1) year agreement with the Pinellas Suncoast Transit Authority in an amount not to exceed \$75,000 to operate a daily fixed route trolley service program from St. Pete Beach to the eastern terminus of Second Avenue N.E. in downtown St. Petersburg including service to the Pier Parking Lots; and providing an effective date.

EXPLANATION: In October, 2009 the “Central Avenue Shuttle” was created in partnership with the Pinellas Suncoast Transit Authority (PSTA), the St. Petersburg Downtown Partnership and the City of St. Petersburg. The Central Avenue Shuttle was created as a second themed service as an expansion of the St. Petersburg Trolley system which previously only included the Downtown Looper. The Central Avenue Shuttle provided service between The Pier and Grand Central Station at Central Avenue and 31st Street. These trolley services augment regular bus service, provide enhanced public transit, operate inexpensive and frequent service, reduce pollution, enhance citizen and visitor transportation options and support local businesses.

In October, 2011 the City and PSTA partnered to expand the popular Central Avenue Shuttle and renamed it the Central Avenue Trolley. The expanded service allowed riders to board at Pass-A-Grille and ride all the way to The Pier via St. Pete Beach and Central Avenue without having to make a transfer. The Central Avenue Trolley has been in operation for almost four years and ridership has continued to exceeded expectations. In fiscal year 2014, the Central Avenue Trolley carried over 72,000 passengers per month and was the fifth most popular route in the PSTA system. Although The Pier building is closed at this time, the Central Avenue Trolley provides valuable service to the waterfront and serves both the Beach Drive/Pelican and Dolphin surface lots and links these parking assets to other downtown destinations.

The City’s commitment of \$75,000 was required in order to provide a “Reduced Fare Zone” and a “Free Fare Zone” upon the implementation of the Central Avenue Trolley. These zones (depicted in Exhibit A) were critical to enhance ridership on the shorter rides within the greater downtown area. The City and PSTA desire to continue these reduced fare zones in the proposed renewal. Because PSTA normally receives \$2 per passenger and needs to maintain revenue to meet the expenses of running the operation, the City would be responsible for continuing to buy down the rate at a cost of \$0.50 per rider. However, the \$0.50 per rider only applies to those who do not have daily or monthly transit passes, do not qualify for the Unlimited Access Program and do not ride outside the free fare zone as those riders would pay the normal rate once they exit the free fare zone or would have already paid the full fare before entering the reduced fare zone. PSTA has agreed to again place a \$75,000 cap on the City’s fare buy-down contribution.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his designee, to execute a one (1) year agreement with the Pinellas Suncoast Transit Authority in an amount not to exceed \$75,000 to operate a daily fixed

route trolley service program from St. Pete Beach to the eastern terminus of Second Avenue N.E. in downtown St. Petersburg including service to the Pier Parking Lots; and providing an effective date.

COST/FUNDING ASSESSEMENT INFORMATION: Funding for the City's responsibility to buy down fares will be appropriated in the FY 16 Operating Budget (pending Council adoption), General Fund (0001), Transportation & Parking Management Department, Administration (281-1797). The agreement will not go into effect until City Council adopts the FY 16 Operating Budget.

ATTACHMENTS: Resolution Agreement

APPROVALS: Administration:
Budget:
Legal:

Joseph Zee *EAM*
David L. Fuller 8-13-15
[Signature]

Resolution No. 2015- _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A ONE (1) YEAR AGREEMENT WITH THE PINELLAS SUNCOAST TRANSIT AUTHORITY IN AN AMOUNT NOT TO EXCEED \$75,000 TO OPERATE A DAILY FIXED ROUTE TROLLEY SERVICE FROM ST. PETE BEACH TO THE EASTERN TERMINUS OF SECOND AVENUE N.E. IN DOWNTOWN ST. PETERSBURG INCLUDING SERVICE TO THE PIER PARKING LOTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg ("City") is undertaking certain measures to stimulate economic activity through transportation initiatives; and

WHEREAS, the Pinellas Suncoast Transit Authority ("PSTA") has been providing trolley service from St. Pete Beach to the eastern terminus of Second Avenue N.E. in downtown St. Petersburg including service to the Beach Drive/Dolphin and Pelican Parking Lots ("Service") since October of 2011; and

WHEREAS, the City and PSTA desire to continue this partnership and have negotiated an agreement whereby PSTA will continue to implement the Service; and

WHEREAS, the City has included \$75,000 in the FY 16 Recommended City Development Administration budget for the Central Avenue Trolley; and

WHEREAS, the City wishes to contribute up to \$75,000 to support the Central Avenue Trolley for the portion of the Service which will shuttle passengers between Sundial and the Beach Drive/Dolphin and Pelican Parking Lots for free as well as provide discounted (\$0.50) rides between Grand Central Station and Sundial.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his designee, is authorized to execute a one (1) year agreement with the Pinellas Suncoast Transit Authority in an amount not to exceed \$75,000 to operate a daily fixed route trolley service from St. Pete Beach to the eastern terminus of Second Avenue N.E. in downtown St. Petersburg including service to the Beach Drive/Dolphin and Pelican Parking Lots.

BE IT FURTHER RESOLVED that the agreement will not go into effect until City Council adopts the FY 16 Operating Budget.

This Resolution shall become effective immediately upon its adoption.

APPROVALS:

Legal: 

Administration: 

Budget: 

Evan Mory, Director,
Transportation and Parking
Management Department

CENTRAL AVENUE TROLLEY AGREEMENT

THIS AGREEMENT is entered into on this ____ day of _____, 2015, by and between PINELLAS SUNCOAST TRANSIT AUTHORITY ("PSTA"), an independent special district, with its principal place of business located at 3201 Scherer Drive, St. Petersburg, Florida, 33716, and the CITY OF ST. PETERSBURG (the "City"), a Florida municipal corporation with its principal place of business located at 175 Fifth Street North, St. Petersburg, FL 33701 (collectively referred to as the "Parties").

WHEREAS, PSTA has been providing trolley services for the Central Avenue Shuttle from St. Pete Beach to The Pier ("Central Avenue Trolley") since October of 2011 and additional public transportation to the downtown area of St. Petersburg, Florida since October of 2014;

NOW, THEREFORE, the Parties, in consideration of the covenants, conditions and mutual obligations contained herein, the receipt and adequacy of which are hereby acknowledged, agree as follows:

1. RECITALS. The above recitals are true and correct and incorporated herein.
2. CENTRAL AVENUE TROLLEY. PSTA shall operate the Central Avenue Trolley in accordance with the route map attached hereto as **Exhibit A** and incorporated by reference.
3. REDUCED FARE ZONES. The passenger fares charged for Central Avenue Trolley routes between Grand Central Station and Sundial ("Reduced Rate Zone") shall be at a reduced rate of Zero U.S. Dollars and 50/100 (\$0.50) per passenger, per ride. PSTA shall not charge passengers any fare for routes between Sundial and the St. Petersburg Pier, including the surface parking lots for the St. Petersburg Pier ("Free Fare Zone"). Any passengers utilizing daily, monthly, or other pre-paid passes will not be charged a fare.
4. SUBSIDY. The City shall pay PSTA Zero U.S. Dollars and 50/100 (\$0.50) per passenger, not to exceed an annual maximum of Seventy-five Thousand U.S. Dollars and NO/100 (\$75,000.00), on a monthly basis. The subsidy paid to PSTA of \$0.50 is a match for each passenger boarding in the Free Fare Zone and for cash paying passengers boarding in the Reduced Fare Zone, except no match will be paid for passengers who utilize a pre-paid pass or those who ride any portion of the route outside the Free and Reduced Fare Zones. PSTA shall submit a monthly invoice to the City within thirty (30) days after the completion of each calendar month and payment shall be remitted no later than thirty (30) days after the receipt of each invoice.
5. TERM. This Agreement shall be effective for a one (1) year period commencing October 1, 2015 and terminating on September 30, 2016. The Parties may only extend or renew the term of this Agreement by mutual written agreement.

6. TERMINATION.

- a. WITHOUT CAUSE. This Agreement may be terminated without cause by either party by upon ninety (90) days' written notice of its intent to terminate.
- b. WITH CAUSE. In the event the City fails to comply with any provision of this Agreement, including failure to make timely payment of undisputed invoices, PSTA may, in its sole discretion, terminate this Agreement upon thirty (30) days' written notice to the City.

7. NOTICES.

- a. All notices, requests, demands or deliveries, and other communications which are required or permitted under this Agreement shall be in writing and sent to the respective addresses below:

If to PSTA:
Chief Executive Officer
Pinellas Suncoast Transit Authority
3201 Scherer Drive
St. Petersburg, Florida 33716
Fax No. 727-540-1913

If to the City:
Director, Transportation & Parking Mgt.
City of St. Petersburg
One 4th Street N.
St. Petersburg, FL 33701
Fax No. 727-551-3326

With required copy to:
Alan S. Zimmet, General Counsel
Bryant Miller Olive, P.A.
One Tampa City Center, Suite 2700
Tampa, FL 33602
Fax: (813) 223-2705

- b. Either party may change its above contact information by providing written notice to the other party.
8. HOLD HARMLESS. PSTA and the City agree, to the extent permitted by law, to indemnify, defend and hold the other harmless for the negligent acts omissions of their employees and officers and for any violations of federal or state law or regulation, including but not limited to 42 U.S.C. §1983, Title VII of the Civil Rights Act of 1964, as amended, the Civil Rights Act of 1991, the Americans with Disabilities Act, and Chapter 760, Florida Statutes. Nothing contained herein shall be construed as a waiver of any immunity from or limitation of liability the City or PSTA may be entitled to under the doctrine of sovereign immunity or Section 768.28, Florida Statutes. The obligations contained in this Paragraph shall survive the termination of this Agreement, however terminated.

9. MISCELLANEOUS.

- a. **Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The City and PSTA consent to jurisdiction over them and agree that venue for any state action shall lie solely in the Sixth Judicial Circuit in and for Pinellas County, Florida, and for any federal action shall lie solely in the U.S. District Court, Middle District of Florida, Tampa Division.
- b. **Entire Agreement.** This Agreement, together with any exhibits attached hereto, constitutes the entire agreement among the Parties and supersedes any and all prior negotiations, oral agreements or representations made or relating to the subject matter of this Agreement.
- c. **Assignment.** This Agreement may not be assigned without the prior written consent of the other party. Such consent shall not be unreasonably withheld or delayed.
- d. **Third Party Rights.** This Agreement shall not be construed to create any rights, claims, or benefits to any person other than the Parties hereto.
- e. **Severability.** If any of the provisions of this Agreement are held to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such provisions shall be deemed separate, severable, and the validity, legality, and enforceability of the remaining provisions shall not in any way be affected thereby.
- f. **Headings and Paragraph References.** The headings and paragraph references in this Agreement are inserted only for the purpose of convenience and shall not be construed to expand or limit the provisions contained in such paragraphs.
- g. **Authorization.** Both parties to this Agreement represent and warrant that they are authorized to enter into this Agreement without the consent and joinder of any other party and that the individuals executing this Agreement have full power and authority to bind their respective entities to the terms hereof.
- h. **Modification.** This Agreement may not be amended or altered except by mutual written agreement of the Parties. No waiver shall be valid unless set forth in writing and signed by the party waiving its rights, claims, or remedies available at law. In the event either party elects to waive its remedies for breach of this Agreement, such a waiver shall not limit that party's remedies for any subsequent breach of that or any other term of this Agreement.
- i. **Non-Appropriation.** The obligations of the Parties as to any funding required pursuant to this Agreement shall be limited to an obligation in any given year

to budget and appropriate from legally available funds, after monies for essential services have been budgeted and appropriated, sufficient monies for the funding that is required during that year. Notwithstanding the foregoing, a party 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 party pursuant to this Agreement.

IN WITNESS WHEREOF, the Parties have hereto made an executed this Agreement on the date first above written.

Witness:

Pinellas Suncoast Transit Authority

Print Name: _____

Brad Miller, Chief Executive Officer

Approved as to form:

Alan S. Zimmet, General Counsel

Witness:

Print Name: _____

Approved as to Content and Form

City Attorney (Designee)

By: _____
Assistant City Attorney

City of St. Petersburg, Florida

By: _____

Print Name: _____

As its: _____

Attest: _____

Chan Srinivasa, City Clerk

EXHIBIT A

Central Avenue Trolley

ST. PETERSBURG PIER TO ST. PETE BEACH/PASS-A-GRILLE
ST. PETE BEACH/PASS-A-GRILLE TO ST. PETERSBURG PIER

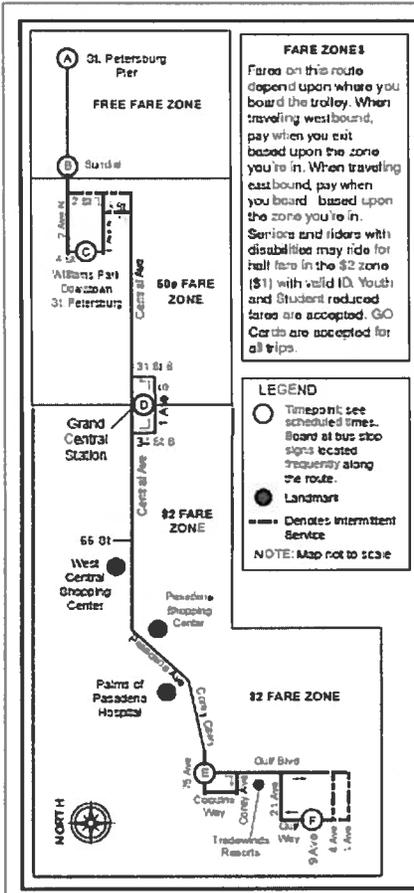
MONDAY - THURSDAY

(A)	(B)	(C)	(C)	(D)	(E)	(F)	(F)	(E)	(D)	(C)	(B)	(A)
Depart The Pier	Arrive Williams Park	Depart Williams Park	Grand Central Station	75 Ave & Gulf Blvd	8 Ave & Gulf Way	9 Ave & Gulf Way	75 Ave & Gulf Blvd	Grand Central Station	Williams Park	Depart The Pier	Arrive The Pier	
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--	--	8:25	8:40	9:00X	9:15	9:25	9:45	10:10	10:25	10:25	10:30	10:30
--	--	8:55	9:10	9:30X	9:45	9:50	10:10	10:35	10:50	10:50	11:00	11:00
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10:05am	10:08	10:20	10:25	10:40	11:00	11:15	11:25	11:45	12:10	12:25	12:20	12:30
10:30	10:33	10:45	10:55	11:10	11:30X	11:45	11:55	12:15	12:40	12:45	12:41	12:45
11:00	11:03	11:15	11:25	11:40	12:00X	12:20	12:30	12:50	1:15	1:30	1:31	1:35
11:30	11:33	11:45	11:55	12:10	12:30	12:50	1:00	1:20	1:45	2:00	2:01	2:05
11:45	11:48	12:05	12:15	12:30	12:50	1:10	1:20	1:40	2:05	2:20	--	--
12:00pm	12:03	12:15	12:25	12:40	1:00	1:10	1:30	1:50	2:15	2:30	2:31	2:35
12:15	12:18	12:30	12:40	12:55	1:15	1:35	1:50	2:10	2:35	2:50	--	--
12:30	12:33	12:45	12:55	1:10	1:30	1:50	2:00	2:20	2:45	3:00	3:01	3:05
12:45	12:48	1:00	1:10	1:25	1:45	2:05	2:15	2:35	3:01	3:15	3:16	3:20
1:00	1:03	1:15	1:25	1:40	2:00X	2:20	2:30	2:50	3:15	3:30	3:31	3:35
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1:35	1:38	1:50	2:00	2:15	2:35	2:55	3:05	3:25	3:50	4:05	4:06	4:10
2:05	2:08	2:20	2:30	2:45	3:05X	3:25	3:35	3:55	4:20	4:35	4:36	4:40
2:35	2:38	2:50	3:00	3:15	3:35	3:55	4:00	4:20	4:45	5:00	5:01	5:05
3:05	3:08	3:20	3:25	3:40	4:00X	4:20	4:25	4:45	5:10	5:30	--	--
3:20	3:23	3:35	3:45	4:00	4:20	4:40	4:50	5:10	5:35	5:55	--	--
3:35	3:38	3:50	4:00	4:15	4:35	4:55	5:05	5:20	5:45	6:00	--	--
3:50	3:53	4:05	4:15	4:30	4:50	5:10	5:20	5:40	6:05	6:20	--	--
4:10	4:13	4:25	4:35	4:50	5:10	5:30	5:40	6:00	6:25	6:40	--	--
4:25	4:28	4:40	4:50	5:05	5:25	5:45	5:55	6:10	6:35	6:50	--	--
4:40	4:43	4:55	5:05	5:20	5:40	5:60	6:10	6:30	6:55	7:15	--	--
5:05	5:08	5:20	5:30	5:45	6:05	6:25	6:35	6:55	7:20	7:35	--	--
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--	--	9:20	9:25	9:40	10:05	10:25	10:25	10:45	11:05	11:20	--	--
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--	--	10:05	10:10	10:25	11:00	--	--	--	--	--	--	--

FRIDAY

(A)	(B)	(C)	(C)	(D)	(E)	(F)	(F)	(E)	(D)	(C)	(B)	(A)
Depart The Pier	Arrive Williams Park	Depart Williams Park	Grand Central Station	75 Ave & Gulf Blvd	8 Ave & Gulf Way	9 Ave & Gulf Way	75 Ave & Gulf Blvd	Grand Central Station	Williams Park	Depart The Pier	Arrive The Pier	
--	--	--	--	--	--	--	0:30	0:55	7:10	--	--	--
--	--	--	0:10	0:30	0:45	0:50	7:10	7:35	7:50	--	--	--
--	--	0:20	0:35	7:00	7:15	7:15	7:30	7:55	8:10	--	--	--
--	--	0:35	0:50	7:10	7:25	7:30	7:50	8:15	8:30	--	--	--
--	--	0:50	7:05	7:25	7:40	7:45	8:05	8:30	8:45	--	--	--
--	--	7:05	7:20	7:40X	7:55	8:00	8:20	8:45	9:00	--	--	--
--	--	7:20	7:35	7:55	8:10	8:15	8:35	9:00	9:15	--	--	--
--	--	7:35	7:50	8:10	8:25	8:30	8:50	9:15	9:30	--	--	--
--	--	8:00	8:15	8:35	8:50	9:00	9:20	9:45	10:00	10:01	10:05	10:05
--	--	8:25	8:40	9:00	9:15	9:25	9:45	10:10	10:25	10:25	10:30	10:30
--	--	8:55	9:10	9:30	9:45	9:50	10:10	10:35	10:50	10:50	11:00	11:00
--	--	9:25	9:40	10:00	10:15	10:25	10:45	11:10	11:25	11:25	11:30	11:30
--	--	--	--	--	--	--	--	--	--	11:40	11:41	11:45
--	--	0:55	10:10	10:30X	10:45	10:55	11:15	11:40	11:55	11:55	12:00	12:00
10:05am	10:08	10:20	10:25	10:40	11:00	11:15	11:25	11:45	12:10	12:25	12:20	12:30
10:30	10:33	10:45	10:55	11:10	11:30X	11:45	11:55	12:15	12:40	12:45	12:41	12:45
11:00	11:03	11:15	11:25	11:40	12:00X	12:20	12:30	12:50	1:15	1:30	1:31	1:35
11:30	11:33	11:45	11:55	12:10	12:30	12:50	1:00	1:20	1:45	2:00	2:01	2:05
11:45	11:48	12:05	12:15	12:30	12:50	1:10	1:20	1:40	2:05	2:20	--	--
12:00pm	12:03	12:15	12:25	12:40	1:00	1:10	1:30	1:50	2:15	2:30	2:31	2:35
12:15	12:18	12:30	12:40	12:55	1:15	1:35	1:50	2:10	2:35	2:50	--	--
12:30	12:33	12:45	12:55	1:10	1:30	1:50	2:00	2:20	2:45	3:00	3:01	3:05
12:45	12:48	1:00	1:10	1:25	1:45	2:05	2:15	2:35	3:01	3:15	3:16	3:20
1:00	1:03	1:15	1:25	1:40	2:00X	2:20	2:30	2:50	3:15	3:30	3:31	3:35
--	--	--	--	--	--	--	--	--	--	3:45	3:46	3:50
1:35	1:38	1:50	2:00	2:15	2:35	2:55	3:05	3:25	3:50	4:05	4:06	4:10
2:05	2:08	2:20	2:30	2:45	3:05X	3:25	3:35	3:55	4:20	4:35	4:36	4:40
2:35	2:38	2:50	3:00	3:15	3:35	3:55	4:00	4:20	4:45	5:00	5:01	5:05
3:05	3:08	3:20	3:25	3:40	4:00X	4:20	4:25	4:45	5:10	5:30	5:31	5:35
3:20	3:23	3:35	3:45	4:00	4:20	4:40	4:50	5:10	5:35	5:50	--	--
3:35	3:38	3:50	4:00	4:15	4:35	4:55	5:05	5:20	5:45	6:00	6:01	6:05
3:50	3:53	4:05	4:15	4:30	4:50	5:10	5:20	5:40	6:05	6:20	--	--
4:10	4:13	4:25	4:35	4:50	5:10	5:30	5:40	6:00	6:25	6:40	--	--
4:25	4:28	4:40	4:50	5:05	5:25	5:45	5:55	6:10	6:35	6:50	--	--
4:40	4:43	4:55	5:05	5:20	5:40	5:60	6:10	6:30	6:55	7:15	7:16	7:20
5:05	5:08	5:20	5:30	5:45	6:05	6:25	6:35	6:55	7:20	7:35	--	--
5:35	5:38	5:50	6:00	6:15	6:35	6:55	7:00	7:15	7:35	7:50	7:51	7:55
6:05	6:08	6:20	6:30	6:45	7:05	7:25	7:35	7:55	8:20	8:35	8:36	8:40
6:35	6:38	6:50	7:00	7:15	7:35	7:55	8:05	8:25	8:50	9:05	9:06	9:10
7:05	7:08	7:20	7:30	7:45	8:05	8:25	8:35	8:55	9:20	9:35	9:36	9:40
7:35	7:38	7:50	8:00	8:15	8:35	8:55	9:05	9:25	9:50	10:05	10:06	10:10
8:05	8:08	8:20	8:30	8:45	9:05	9:25	9:35	9:55	10:20	10:35	10:36	10:40
8:35	8:38	8:50	9:00	9:15	9:35	9:55	10:05	10:25	10:50	11:05	11:06	11:10
9:05	9:08	9:20	9:30	9:45	10:05	10:25	10:35	10:55	11:20	11:35	--	--
9:35	9:38	9:50	10:00	10:15	10:35	10:55	11:05	11:25	11:50	--	--	--
10:05	10:08	10:20	10:30	10:45	11:05	11:25	11:35	11:55	--	--	--	--
10:35	10:38	10:50	11:00	11:15	11:35	--	--	--	--	--	--	--
11:05	11:08	11:20	11:30	11:45	--	--	--	--	--	--	--	--

• Willamette Service Provided On All Trips
A - These trips serve 1 Ave
TIMES SHOWN ARE SCHEDULED BUT MAY VARY DUE TO TRAFFIC CONDITIONS, WEATHER OR UNFORSEEN EVENTS



FARE ZONES
Fares on this route depend upon where you board the trolley. When traveling westbound, pay when you exit based upon the zone you're in. When traveling eastbound, pay when you board based upon the zone you're in.
Seniors and riders with disabilities may ride for half fare in the \$2 zone (\$1) with valid ID. Youth and Student reduced fares are accepted. GO Cards are accepted for all trips.

LEGEND
○ Timepoint: see scheduled times. Board at bus stop signs located frequently along the route.
● Landmark
--- Denotes Intermittent Service
NOTE: Map not to scale

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 2015

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

SUBJECT: A resolution authorizing the Mayor, or his Designee, to sell the surplus, unimproved City-owned parcel located at approximately 747 – 4th Avenue North, St. Petersburg, to Marcal Investments, LLC for \$32,000, with net proceeds of \$2,800 to the City; and to execute all documents necessary to effectuate same; and providing an effective date.

EXPLANATION: Real Estate and Property Management Department received an offer from Marcal Investments, Inc. ("Buyer") to purchase the surplus, unimproved City-owned parcel located at approximately 747 – 4th Avenue North, St. Petersburg ("Property"). The Buyer owns the abutting property located at 755 – 4th Avenue North, which is currently improved with a single-family home. The Buyer intends to demolish the home and assemble the two parcels in order to develop the assembled site with townhomes.

The Property was originally part of a larger parcel acquired by the Florida Department of Transportation ("FDOT") in 1976 for the development of the interstate. FDOT utilized a portion of the parcel needed for the interstate and subsequently conveyed the remainder of the parcel to the City. The deed from FDOT that conveyed the Property to the City contained a reverter clause that states *"if the property is not used for public purposes it shall revert to the Grantor."* After the City received the offer from the Buyer, the City inquired with FDOT to ascertain whether its reversionary interest in the Property could be released in order for the City to accomplish the sale. FDOT informed the City that if FDOT declared the Property surplus, the City would be required to pay the market value of the Property to FDOT in consideration for the release of the reverter. The Property was subsequently declared surplus by FDOT, with the market value being established by FDOT's in-house appraisal in the amount of \$29,200. Therefore, \$29,200 will be paid to FDOT from the proceeds of the City's sale of the Property.

The Property is an irregular-shaped unimproved parcel consisting of ±3,648 square feet and is zoned DC-2 (Downtown Center District). Subsequent to FDOT declaring the Property surplus to their needs, the City declared the Property surplus real estate after appropriate City Departments were queried.

The Property is legally described as follows:

That part of Lot 10, MCDANIEL-SMALLWOOD SUBDIVISION according to Hillsborough Plat 3, Page 71 as recorded in the Public Records of Pinellas County, Florida; being described as follows:

BEGIN at the SE corner thereof, thence run South 89°56'47" West 47.0 feet, thence North 0°08'35" East 88.09 feet, thence South 65°59' 25" East 51.40 feet, thence South 0°08'35" West 67.13 feet to POINT OF BEGINNING.

Parcel I.D No.: 19/31/17/53622/000/0100

Approximate Street Address: 747- 4th Avenue North, St. Petersburg

On June 30, 2015, the Property was appraised by Scott Seaman, McCormick Braun and Seaman, as requested by the City, who indicated the market value to be \$32,000. The contract price is \$32,000, with the Buyer paying all closing costs. The City will pay \$29,200 for the FDOT appraised value of the Property in consideration of FDOT releasing the reverter. The City's net proceeds from the sale will be \$2,800.

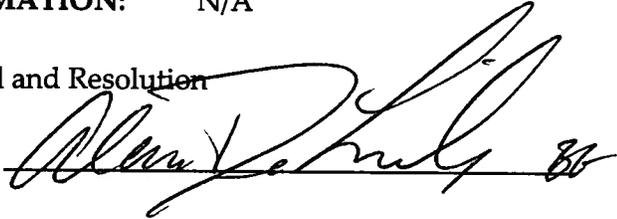
According to Billing and Collections Special Assessment and Utility Liens records, there are no City liens against the Buyer.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to sell the surplus, unimproved City-owned parcel located at approximately 747 - 4th Avenue North, St. Petersburg, to Marcal Investments, LLC for \$32,000, with net proceeds of \$2,800 to the City; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Illustration, Appraisal and Resolution

APPROVALS: Administration:



Budget:

N/A

Legal:



(As to consistency w/attached legal documents)

Legal: 00242337.doc V. 1

ILLUSTRATION



747 – 4th Avenue North, St. Petersburg

APPRAISAL OF REAL PROPERTY



LOCATED AT

747 4TH AVENUE NORTH
ST. PETERSBURG, FL. 33701

FOR

CITY OF ST. PETERSBURG
P.O. BOX 2842
ST. PETERSBURG, FL 33731-2842

AS OF

JUNE 30, 2015

BY

SCOTT W. SEAMAN, SRA
STATE CERTIFIED GENERAL APPRAISER
CERT GEN 1758
LICENSED REAL ESTATE BROKER
727-821-6601 EXT. 125
SEAMAN@TAMPABAY.RR.COM

LAND APPRAISAL REPORT

File No. 15274

IDENTIFICATION:

Borrower N/A Census Tract 215.00 Map Reference 19-31-17
 Property Address 747 4TH AVENUE NORTH
 City ST. PETERSBURG County PINELLAS State FL Zip Code 33701
 Legal Description MCDANIEL & SMALL WOOD'S SUB LOT 10 LESS RD RW ON N, PB OH3, PG 071
 Sale Price \$ N/A Date of Sale N/A Loan Term _____ yrs. Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$ -0- (yr) Loan charges to be paid by seller \$ N/A Other sales concessions _____
 Lender/Client CITY OF ST. PETERSBURG Address P.O. BOX 2842, ST PETERSBURG, FL, 33731-2842
 Occupant VACANT Appraiser SCOTT W. SEAMAN, SRA Instructions to Appraiser "MARKET VALUE"

NEIGHBORHOOD:

Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good	Avg.	Fair	Poor
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input checked="" type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input type="checkbox"/> Steady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Oversupply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	<u>50%</u> 1 Family	<u>10%</u> 2-4 Family	<u>10%</u> Apts.	<u>10%</u> Condo	<u>20%</u> Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	% Vacant		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range	\$ <u>35,000</u> to \$ <u>300,000</u>		Predominant Value \$ <u>100,000</u>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Age	NEW yrs. to <u>75</u> yrs.		Predominant Age <u>55</u> yrs.		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): THE SUBJECT IS LOCATED ON THE NORTH SIDE OF 4TH AVENUE N., 188 FEET EAST OF 8TH STREET NO. IN ST. PETERSBURG, FL. THIS IS AN AREA OF SINGLE FAMILY MULTI-FAMILY & COMM. PROPERTIES IN THE DOWNTOWN AREA. GENERAL MAINTENANCE IN THE AREA APPEARS TO BE AVERAGE AND ALL SUPPORTING FACILITIES ARE IN A 2 MILE RADIUS.

SITE:

Dimensions N/A = 3,649 Sq. Ft. or Acres Corner Lot
 Zoning classification "DC-2/LAND COMMERCIAL" Present Improvements do do not conform to zoning regulations
 Highest and best use Present use Other (specify) SINGLE FAMILY RESIDENTIAL
 Elec. Public Other (Describe) _____
 Gas PRIVATE
 Water _____
 San. Sewer _____
 Underground Elect. & Tel. Sidewalk Street Lights
 Off Site Improvements: Street Access Public Private; Surface ASPHALT; Maintenance Public Private; Storm Sewer Curb/Gutter Street Lights
 Topo AT STREET GRADE; Size AVERAGE FOR AREA; Shape IRREGULAR; View COMMERCIAL; Drainage APPEARS ADEQUATE
 Is the property located in a HUD Identified Special Flood Hazard Area? No Yes
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): NO ADVERSE ITEMS WERE NOTED. OVERALL SIZE, UTILITY AND ACCESS ARE AVERAGE FOR THE AREA. FLOOD PANEL 12103C0219G INDICATES ZONE X FLOOD ZONE DATED 9-3-03.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	747 4TH AVENUE NORTH ST. PETERSBURG	200 BLK 4TH AVE N. ST. PETERSBURG	SE COR. 1ST AVE. & 11TH ST. N. ST. PETERSBURG	NWC M.L.K. & ARLINGTON N. ST. PETERSBURG
Proximity to Subject		5 BLOCKS E	4 BLOCKS SW	2 BLOCKS SW
Sales Price	\$ N/A	\$ 230,000	\$ 575,000	\$ 1,700,000
Price	\$	\$ 48.04 PSF	\$ 29.68 PSF	\$ 34.00 PSF
Data Source	INSPECTION	ORB 18656 PG 2458	ORB 18589 PG 2586	LISTING
Date of Sale and Time Adjustment	DESCRIPTION 6/15	DESCRIPTION 1-15 ASSEMBLEGE	DESCRIPTION 11-14	DESCRIPTION 6-15 LISTING
Location	AVG/FAIR	AVG/SUP	AVG/SUP	AVG/SUP
Site/View	3,649 SF	4,788 SF	19,372 SF	50,000 SF
ZONING	"DC-2"	"DC-2"	"DC-1"	"DC-2"
SHAPE	IRRG.	RECTANGULAR	RECTANGULAR	RECTANGULAR
VIEW	COMM/MF	SIMILAR	SIMILAR	SIMILAR
DOMTC	N/A	N/A	N/A	N/A
Sales or Financing Concessions		CASH	CASH	ASSUME CASH
Net Adj. (Total)		+ - \$ -31.22	+ - \$ -17.81	+ - \$ -25.50
Indicated Value of Subject		\$ 16.82 PSF	\$ 11.87 PSF	\$ 8.50 PSF

Comments on Market Data: AN ADJUSTMENT WAS MADE FOR COMP. #3 BEING A LISTING, ASSEMBLEGE, LOCATION/ACCESS, SIZE AND SHAPE, PLACING MOST EQUAL WEIGHT ON ALL THREE SALES, WE ESTIMATE THE VALUE OF THE SUBJECT SITE TO BE: 3,649 SF X \$9.00 PSF = \$72,980.

Comments and Conditions of Appraisal: BASED ON THE COMPARABLES ABOVE, WE HAVE ESTIMATED THE VALUE OF THE SUBJECT TO BE: 3,649 SF X \$9.00 PSF = \$32,841 ROUNDED TO \$32,000.

RECONCILIATION:

Final Reconciliation: THE SALES COMPARISON APPROACH IS THE ONLY APPLICABLE APPROACH TO VALUE VACANT LAND.

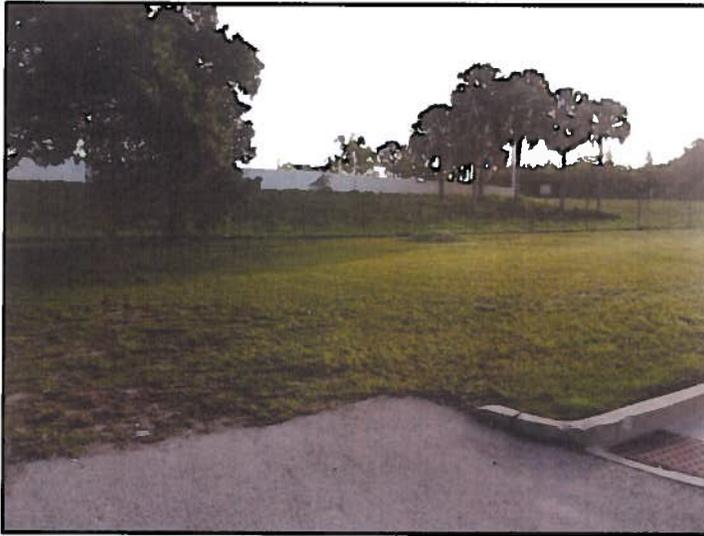
I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF JUNE 29, 2015 to be \$ 32,000

SCOTT W. SEAMAN, SRA Did Did Not Physically Inspect Property
 Appraiser(s) Review Appraiser (if applicable)

[Y2K]

Subject Photo Page

Borrower/Client	N/A		
Property Address	747 4TH AVENUE NORTH		
City	ST. PETERSBURG	County	PINELLAS
Client	CITY OF ST. PETERSBURG	State	FL
		Zip Code	33701



Subject Front

747 4TH AVENUE NORTH
Sales Price N/A
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location AVG/FAIR
View 3,849 SF
Site
Quality
Age



Subject Street



Subject Street

Borrower/Client	N/A	File No. 15274
Property Address	747 4TH AVENUE NORTH	
City	ST. PETERSBURG	County PINELLAS
Client	CITY OF ST. PETERSBURG	State FL. Zip Code 33701

APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

- Appraisal Report** (A written report prepared under Standards Rule 2-2(a), pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- Restricted Appraisal Report** (A written report prepared under Standards Rule 2-2(b), pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Reasonable Exposure Time (USPAP defines Exposure Time as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.)
My Opinion of Reasonable Exposure Time for the subject property at the market value stated in this report is: 6-12 MONTHS

Comments on Appraisal and Report Identification

Note any USPAP related issues requiring disclosure and any State mandated requirements:

We have performed NO services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.

APPRAISER:

Signature: 
 Name: SCOTT W. SEAMAN, SRA
 STATE CERTIFIED GENERAL APPRAISER
 State Certification #: CERT GEN 0001758
 or State License #: _____
 State: FL Expiration Date of Certification or License: 11/16
 Date of Signature and Report: JULY 1, 2015
 Effective Date of Appraisal: JUNE 29, 2015
 Inspection of Subject: None Interior and Exterior Exterior-Only
 Date of Inspection (if applicable): _____

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____
 Name: _____
 State Certification #: _____
 or State License #: _____
 State: _____ Expiration Date of Certification or License: _____
 Date of Signature: _____
 Inspection of Subject: None Interior and Exterior Exterior-Only
 Date of Inspection (if applicable): _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SELL THE SURPLUS, UNIMPROVED CITY-OWNED PARCEL LOCATED AT APPROXIMATELY 747 - 4TH AVENUE NORTH, ST. PETERSBURG, TO MARCAL INVESTMENTS, LLC FOR \$32,000, WITH NET PROCEEDS OF \$2,800 TO THE CITY; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management Department received an offer from Marcal Investments, Inc. ("Buyer") to purchase the surplus, unimproved City-owned parcel located at approximately 747 - 4th Avenue North, St. Petersburg ("Property"); and

WHEREAS, the Buyer owns the abutting property located at 755 - 4th Avenue North, which is currently improved with a single-family home; and

WHEREAS, the Buyer intends to demolish the home and assemble the two parcels in order to develop the assembled site with townhomes; and

WHEREAS, the Property was originally a part of a larger parcel acquired by the Florida Department of Transportation ("FDOT") in 1976 for the development of the interstate and FDOT utilized a portion of the parcel needed for the interstate and subsequently conveyed the remainder of the parcel to the City; and

WHEREAS, the deed from FDOT that conveyed the Property to the City contained a reverter clause that states "*if the property is not used for public purposes it shall revert to the Grantor*"; and

WHEREAS, after the City received the offer from the Buyer, the City inquired with FDOT to ascertain whether its reversionary interest in the Property could be released in order for the City to accomplish the sale; and

WHEREAS, FDOT informed the City that if FDOT declared the Property surplus, the City would be required to pay the market value of the Property to FDOT in consideration for the release of the reverter; and

WHEREAS, the Property was subsequently declared surplus by FDOT, with the market value being established by FDOT's in-house appraisal in the amount of \$29,200; therefore, \$29,200 will be paid to FDOT from the proceeds of the City's sale of the Property; and

WHEREAS, the Property is an irregular-shaped unimproved parcel consisting of ±3,648 square feet and is zoned DC-2 (Downtown Center District); and

WHEREAS, subsequent to FDOT declaring the Property surplus to their needs, the City declared the Property surplus real estate after appropriate City Departments were queried; and

WHEREAS, the Property is legally described as follows:

That part of Lot 10, MCDANIEL-SMALLWOOD Subdivision according to Hillsborough Plat 3, Page 71 as recorded in the Public Records of Pinellas County, Florida; being described as follows:

BEGIN at the SE corner thereof, thence run South 89°56'47" West 47.0 feet, thence North 0°08'35" East 88.09 feet, thence South 65°59' 25" East 51.40 feet, thence South 0°08'35" West 67.13 feet to POINT OF BEGINNING.

Parcel I.D No.: 19/31/17/53622/000/0100

Approximate Street Address: 747- 4th Avenue North, St. Petersburg; and

WHEREAS, on June 30, 2015, the Property was appraised by Scott Seaman, McCormick Braun and Seaman, as requested by the City, who indicated the market value to be \$32,000; and

WHEREAS, the contract price is \$32,000, with the Buyer paying all closing costs and the City paying \$29,200 for the FDOT appraised value of the Property in consideration of FDOT releasing the reverter, resulting in net proceeds to the City from the sale of \$2,800; and

WHEREAS, according to Billing and Collections Special Assessment and Utility Liens records, there are no City liens against the Buyer.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is authorized to sell the surplus unimproved City-owned parcel located at approximately 747 - 4th Avenue North, St. Petersburg, as legally described above, to Marcal Investments, LLC for \$32,000, with net proceeds of \$2,800 to the City and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (Designee)
Legal: 00242337.doc V. 1

APPROVED BY:



Bruce E. Grimes, Director
Real Estate and Property Management

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 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 St. Petersburg Warehouse Arts District, Inc., a Florida non-profit corporation, for use of three (3) unimproved parcels located on the westerly side of 22nd Street South between 6th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, for a period of twenty-four (24) hours at a nominal fee, to provide overflow parking for the public while hosting a community art event and to execute all documents necessary to effectuate same; and providing an effective date.

EXPLANATION: Real Estate and Property Management received a request on February 11, 2014 from St. Petersburg Warehouse Arts District, Inc., a Florida non-profit corporation, to use three (3) unimproved parcels located on the westerly side of 22nd Street South between 6th Avenue South and Fairfield Avenue South to provide overflow parking for the public within the 22nd Street South Business District while hosting a community art event on September 25, 2015. The Property has dimensions of approximately 103.4 ft. x 270 ft. ($\pm 27,918$ sq. ft., or $\pm .64$ acres) and is zoned IT (Industrial Traditional).

The Property is legally described as follows:

Lots 1, 2, 15 and 16, Block 3, HIGHLAND CREST SUBDIVISION
Pinellas County Parcel I. D. Nos.: 23/31/16/38628/003/0010
23/31/16/38628/003/0150
23/31/16/38628/003/0151

The Licensee has executed a License Agreement ("License") for a twenty-four (24) hour period on September 25 and September 26, 2015, subject to City Council approval. The Licensee shall pay a nominal fee of \$36.00, plus applicable sales tax, to the City for the License. Additionally, the Licensee shall maintain a \$1,000,000 Commercial General Liability policy, protecting the City against all claims which may arise or be claimed on account of the Licensee's use of the property. The Licensee shall maintain the Property at its own cost and expense, remove all goods and effects used during the event, and deliver up the Property in good condition clean and clear of trash and other debris upon expiration of the License.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his Designee, to execute a License Agreement with St. Petersburg Warehouse Arts District, Inc., a Florida non-profit corporation, for use of three (3) unimproved parcels located on the westerly side of 22nd Street South between 6th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, for a period of twenty-four (24) hours at a nominal fee, to provide overflow parking for the public while hosting a community art event and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: July 7, 2015 Request, Illustration and Resolution

APPROVALS: Administration:


_____ *06/26*

Budget:

_____ N/A

Legal:



(As to consistency w/attached legal documents)

Legal: 00242162.doc V. 1



July 7, 2015

To Ms. Nelson,

The Warehouse Arts District requests the use of the City of St. Petersburg owned lot located on 22nd Street South on the West side of the Street between Fairfield and 7th Ave as well as the Southern half of the 600 block at 22nd St. S. (or it's legal description of Lots 1, 2, 15 and 16, Block 3, HIGHLAND CREST SUBDIVISION) on the evening of September 25, 2015 from 3pm-midnight.

We are planning a public fundraising event at 515 22nd Street South and need the lot for overflow parking. Attached in this email is the PDF of this letter, our 501©3 status along with a list of our current board member's contact information.

Please let me know if further information is required.

Thank you for your time and attention.

Tracy Kennard
Interim Executive Director
Warehouse Arts District Association
727-826-7211

515 22nd Street South, St. Petersburg, FL 33712
info@whereartismade.com

ILLUSTRATION



LEGAL DESCRIPTION

Lots 1, 2, 15 and 16, Block 3, HIGHLAND CREST SUBDIVISION

PINELLAS COUNTY PARCEL I.D. NOS.

23/31/16/38628/003/0010

23/31/16/38628/003/0150

23/31/16/38628/003/0151

Resolution No. 2015 - _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH ST. PETERSBURG WAREHOUSE ARTS DISTRICT, INC., A FLORIDA NON-PROFIT CORPORATION, FOR USE OF THREE (3) UNIMPROVED PARCELS LOCATED ON THE WESTERLY SIDE OF 22ND STREET SOUTH BETWEEN 6TH AVENUE SOUTH AND FAIRFIELD AVENUE SOUTH, ST. PETERSBURG, FLORIDA, FOR A PERIOD OF TWENTY-FOUR (24) HOURS AT A NOMINAL FEE, TO PROVIDE OVERFLOW PARKING FOR THE PUBLIC WHILE HOSTING A COMMUNITY ART EVENT AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management received a request on February 11, 2014 from St. Petersburg Warehouse Arts District, Inc., a Florida non-profit corporation, to use three (3) unimproved parcels located on the westerly side of 22nd Street South between 6th Avenue South and Fairfield Avenue South to provide overflow parking for the public within the 22nd Street South Business District while hosting a community art event on September 25, 2015; and

WHEREAS, the Property is legally described as follows:

Lots 1, 2, 15 and 16, Block 3, HIGHLAND CREST SUBDIVISION
Pinellas County Parcel I. D. Nos.: 23/31/16/38628/003/0010
23/31/16/38628/003/0150
23/31/16/38628/003/0151; and

WHEREAS, the Property has dimensions of approximately 103.4 ft. x 270 ft. ($\pm 27,918$ sq. ft., or $\pm .64$ acres) and is zoned IT (Industrial Traditional); and

WHEREAS, the Licensee has executed a License Agreement ("License"), for a twenty-four (24) hour period on September 25 and September 26, 2015, subject to City Council approval; and

WHEREAS, the Licensee shall pay a nominal fee of \$36.00, plus applicable sales taxes, to the City for the License; and

WHEREAS, the License requires the Licensee to maintain the Property at its own cost and expense, remove all goods and effects used during the event, and deliver up the Property in good condition clean and clear of trash and other debris upon expiration of the License; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is authorized to execute a License Agreement with St. Petersburg Warehouse Arts District, Inc., a Florida non-profit corporation, for use of three (3) unimproved parcels located on the westerly side of 22nd Street South between 6th Avenue South and Fairfield Avenue South, St. Petersburg, Florida, for a period of twenty-four (24) hours at a nominal fee, to provide overflow parking for the public while hosting a community art event and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:

City Attorney (Designee)

Legal:00242162.doc V. 1

APPROVED BY:

David S. Goodwin, Director
Planning and Economic Development

APPROVED BY:

Bruce E. Grimes, Director
Real Estate & Property Management



MEMORANDUM

Council Meeting of September 3, 2015

TO: Members of City Council

FROM: Mayor Rick Kriseman

RE: Confirmation of appointment to the Arts Advisory Committee

I respectfully request that Council confirm the appointment of Ashley C. Burke as a regular member to the Arts Advisory Committee to serve an unexpired three-year term ending September 30, 2015.

A copy of Ms. Burke's resume has been provided to the Council office for your information.

RK/cs

Attachments

cc: W. Atherholt, Director of Cultural Affairs

A RESOLUTION CONFIRMING THE
APPOINTMENT OF A REGULAR MEMBER TO
THE ARTS ADVISORY COMMITTEE; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida,
that this Council hereby confirms the appointment of Ashley C. Burke as a regular member to
the Arts Advisory Committee to serve unexpired three-year term ending September 30, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to form and content:

City Attorney or (Designee)

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of September 3, 2015

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

SUBJECT: A resolution authorizing the Mayor or his designee to accept a grant from WorkNet Pinellas, Inc. d/b/a CareerSource Pinellas in the amount of \$30,000 for the specific purpose of continuing education and training of current Fire & Rescue Department employees as paramedics; and to execute all documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \$30,000 from the increase in the unappropriated balance of the Emergency Medical Services fund (1009) resulting from these additional revenues, to the CareerSource Pinellas 2015 project (14996); and providing an effective date.

EXPLANATION: St. Petersburg Fire & Rescue ("Department") provides first response Advanced Life Support (ALS) Emergency Medical Services (EMS). Requests for EMS care accounted for nearly 47,000 out of approximately 54,000 calls for service in 2014. Across, the country, the demand for EMS response is on the rise. To effectively meet this demand, the Department must continue to acquire paramedic trained personnel and more importantly, train its existing workforce to fill this roll. Currently, 12 firefighters employed by the Department are attending the Paramedic Program at Manatee Technical College. The Paramedic Program runs from August 12, 2015 to June 22, 2016 and consists of 1100 classroom/training hours. The actual cost of training and textbooks per employee is \$5,049 or \$60,588 for all 12 employees.

WorkNet Pinellas, Inc. d/b/a CareerSource Pinellas ("CareerSource") provides funding for existing businesses located in Pinellas County to train their existing employees in needed skills. The City has been offered a grant from CareerSource in the amount of \$30,000 for the specific purpose of training existing Department personnel to become paramedics. The Grant will provide \$30,000, almost fifty percent (50%) of the tuition costs for the 12 existing employees. The City will provide the remaining cost of \$30,588 from the Emergency Medical Services Fund (1009).

RECOMMENDATION: Administration recommends adoption of the attached resolution; authorizing the Mayor or his designee to accept a grant from WorkNet Pinellas, Inc. d/b/a CareerSource Pinellas in the amount of \$30,000 for the specific purpose of continuing education and training of current Fire & Rescue Department employees as paramedics; and to execute all documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \$30,000 from the increase in the unappropriated balance of the Emergency Medical Services fund (1009) resulting from these additional revenues, to the CareerSource Pinellas 2015 project (14996); and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Revenues in the amount of \$30,000 will be received from CareerSource Pinellas. A supplemental appropriation in the amount of \$30,000 from the Emergency Medical Services Fund (1009) resulting from these additional revenues to

Resolution No. 2015 _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A GRANT FROM WORKNET PINELLAS, INC. D/B/A CAREERSOURCE PINELLAS IN THE AMOUNT OF \$30,000 FOR THE SPECIFIC PURPOSE OF CONTINUING EDUCATION AND TRAINING OF CURRENT FIRE & RESCUE DEPARTMENT EMPLOYEES AS PARAMEDICS; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$30,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE EMERGENCY MEDICAL SERVICES FUND (1009) RESULTING FROM THESE ADDITIONAL REVENUES, TO THE CAREERSOURCE PINELLAS 2015 PROJECT (14996); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Petersburg Fire & Rescue ("Department") provides first response Advanced Life Support (ALS) Emergency Medical Services (EMS) which accounted for nearly 47,000 out of approximately 54,000 calls for service in 2014; and

WHEREAS, the demand for EMS response is on the rise; and

WHEREAS, to effectively meet this demand, the Department must continue to acquire paramedic trained personnel and more importantly, train its existing workforce to fill this roll; and

WHEREAS, paramedic training consists of 1100 classroom/training hours with an actual cost of training and textbooks per employee of \$5,049; and

WHEREAS, WorkNet Pinellas, Inc. d/b/a CareerSource Pinellas ("CareerSource") provides funding for existing businesses located in Pinellas County to train their existing employees in needed skills; and

WHEREAS, CareerSource has offered the City a grant ("Grant") in the amount of \$30,000 for the specific purpose of training existing Department personnel to become paramedics; and

WHEREAS, the Grant will provide almost fifty percent (50%) of the tuition costs for 12 existing employees who will begin training August 12, 2015; and

WHEREAS, the remaining funding in the amount of \$30,588 is currently available in the Emergency Medical Services Fund (1009), Fire Department, Emergency Medical Services (150-1513); and

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of September 3, 2015

TO: Honorable Charlie Gerdes, Chair & Members of City Council

SUBJECT: A Resolution approving the agreement between the City of St. Petersburg ("City"), Pinellas County Property Appraiser ("Property Appraiser"), and Pinellas County Tax Collector ("Tax Collector") for Tax Management Associates, Inc. ("TMA") to receive thirty percent (30%) of any tax, penalties, and interest collected from back taxes assessed or tax liens filed by the Property Appraiser on parcels in the City, which undeserved personal exemptions were discovered through a TMA audit pursuant to the agreement between TMA, the Property Appraiser, and the Tax Collector; authorizing the Mayor or his designee to execute all documents necessary to effectuate the transaction; and providing an effective date.

EXPLANATION: The Pinellas County Property Appraiser ("Property Appraiser") and Pinellas County Tax Collector ("Tax Collector") have negotiated an agreement with Tax Management Associates, Inc. ("TMA") for TMA to perform audit services to identify properties in Pinellas County that have claimed undeserved or fraudulent personal exemptions, which would otherwise remain uncollected ("TMA Agreement"). Under the TMA Agreement, TMA would receive thirty percent (30%) of the tax, penalties, and interest collected from back taxes assessed or tax liens on properties that have received undeserved or fraudulent personal exemptions.

Under the agreement between the City of St. Petersburg ("City"), the Property Appraiser, and the Tax Collector, TMA would receive thirty percent (30%) of the tax, penalties, and interest collected from back taxes assessed or tax liens on properties in the City that have received undeserved or fraudulent personal exemptions, and the City would receive the remaining portion.

RECOMMENDATION: Administration recommends approval of the attached resolution approving the agreement between the City of St. Petersburg ("City"), Pinellas County Property Appraiser ("Property Appraiser"), and Pinellas County Tax Collector ("Tax Collector") for Tax Management Associates, Inc. ("TMA") to receive thirty percent (30%) of any tax, penalties, and interest collected from back taxes assessed or tax liens filed by the Property Appraiser on parcels in the City, which undeserved personal exemptions were discovered through a TMA audit pursuant to the agreement between TMA, the Property Appraiser, and the Tax Collector; authorizing the Mayor or his designee to execute all documents necessary to effectuate the transaction; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: There is no cost effect on the City. However, additional ad valorem revenue may be realized to the extent that undeserved exemptions within the City are identified.

ATTACHMENT: Resolution

APPROVALS: ADMINISTRATION

A handwritten signature in blue ink, appearing to be "J. A. [unclear]", written over a horizontal line.



PAM DUBOV, CFA, CAE

Pinellas County Property Appraiser

www.pcpao.org

pam@pcpao.org

June 24, 2015

Subject: Investigation of Improper Property Tax Exemptions

The Homestead Property Tax Exemption is a valuable benefit for permanent Florida residents. Coupled with the Save Our Homes cap, homeowners can save thousands of dollars in property taxes each year. But just like all money-saving benefits, it is ripe for fraudulent or improper claims. A claim of improper homestead exemption shifts the burden of property tax payments to other property owners, and robs Cities, Counties, Schools and other taxing authorities of needed revenue.

Florida Statute s. 196.011 (9) provides a process for filing liens for back taxes, 50% penalties, and 15% interest per annum for a period up to 10 years on parcels that receive undeserved homestead exemption. The amounts collected are returned to the taxing authorities by the Tax Collector. The Property Appraiser does not receive any portion of the funds collected under this statute.

The Pinellas County Property Appraiser's Office developed a homestead exemption fraud investigation unit 26 years ago after the county approved the property appraiser's request to allow automatic renewal of exemption. The unit grew from 1 member in 1989 to 4 members by 2009. Up until 2009, all investigators had a law enforcement background and in 2009, our investigators had 80 years of investigative experience combined.

The Save-Our-Homes cap increased the tax savings associated with the homestead exemption, giving property owners a greater incentive to wrongly claim an exemption on multiple homes or to claim a Florida exemption while also claiming residency based property tax benefits in another state or country. Some property owners have become more sophisticated in their estate and financial planning in order to circumvent the Florida Constitution's limitation of one homestead exemption per family unit.

Budget cuts have led to a 37.5% decrease in our investigative staff and a 33% reduction in investigations. Total lien values have fallen by 50%, but part of that is due to losses in value and the Save Our Homes cap amounts. We simply do not have the manpower to unearth a large number of the homestead exemption fraud cases that actually exist. Our investigative staff used to perform extensive field investigations when potential homestead exemption fraud was alleged, which is something we can no longer afford to do because it is so labor intensive. That methodology did not take full advantage of information that has become available through national and state databases either.

The current method of detecting possible homestead exemption fraud relies primarily on reports from citizens and returned mail from the post office. The majority of potential fraud cases come in as tips and complaints from the general public. Complaints are received from property appraiser staff, government agencies, law enforcement, and citizens. We also rely heavily on our returned, undeliverable mail as that is a red flag that a homestead exemption is no longer valid. There are many cases of homestead fraud that go undetected using these methods.

MAIN BRANCH- COURTHOUSE

315 Court St. - 2nd Floor
Clearwater, FL33756
MAIL: PO Box 1957
Clearwater, FL33757
TEL: (727) 464-3207
FAX: (727) 464-3448
HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:

TEL: (727) 464-3294
FAX: (727) 464-3408
COMMERCIAL APPRAISALS:
TEL: (727) 464-3284
RESIDENTIAL APPRAISALS:
TEL: (727) 464-3643 (C/P)
TANGIBLE PERSONAL PROPERTY
TEL: (727) 464-8484
FAX: (727) 464-8488

NORTHCOUNTY

29269 US Highway 19 N
Clearwater, FL33761
TEL: (727) 464-8780
FAX: (727) 464-8794

TYRONE (SOUTH)

1800 66th St. N
St. Petersburg, FL33710
TEL: (727) 582-7652
FAX: (727) 582-7610

MID-COUNTY

CUSTOMER SERVICE CENTER - WALK-IN
13025 Starkey Rd., Largo (Tax Collector)
TEL: (727) 464-3207
FAX: (727) 464-8488
MAIL: PO Box 1957 - Clearwater, FL33757

There are new technological developments in software and database mining that allow companies to run statistical, mass data analysis that we do not have the capabilities to run. This software enables us to uncover potential undeserved homestead exemptions by identifying property owners who receive benefits or have indicia of residence in other jurisdictions nationwide.

Tax Management Associates (TMA) offers a service that has helped to recover millions in tax dollars for other counties. They use their mass data analysis software to detect possible homestead exemption fraud paired with their highly trained investigative staff to verify information. They then return their findings to us so that we can validate that the homestead was improper and file liens against parcels receiving undeserved benefits.

TMA will be paid 30% of total amount of the back taxes, penalties and interest paid by property owners who should not have received homestead. TMA will not be paid until the lien is paid.

We believe that a more uniform discovery of improper homestead will occur if we utilize TMA's services than if we continue to try to discover improper exemptions using outdated, labor-intensive methods. We also believe, but cannot prove, that taxing authorities will receive a greater financial gain using the TMA database search capabilities despite the fact that a portion of the proceeds will be paid to the vendor. The vendor bears the risk that we will find a low incidence of such exemptions. If no liens are filed and paid, the vendor will not be paid.

Note: This proposal will *not* affect the normal tax delinquency process for non-payment of tax bills. This proposal only addresses taxes that have been improperly exempted. These improper exemptions may remain undetected without the assistance of TMA.

This proposal will require the Property Appraiser and Tax Collector to execute a Memorandum of Understanding (MOU) with each taxing authority in which the taxing authority agrees to have 30% of the proceeds of lien collections paid to the vendor. A copy of the proposed MOU and our proposed contract with the vendor is attached.

We respectfully request that you join us in our efforts to reduce the incidence of improper exemptions by executing the attached MOU. Our proposal will create a funding mechanism to allow us to review the validity of all residency based property tax exemptions and should serve to decrease the number of exemptions that are improperly claimed.

If you have questions regarding this request, please contact me or our Chief Deputy, Erin Moore at 464-4295. Thank you for your consideration in this matter.

Sincerely,



Pam Dubov, CFA, CAE
Pinellas County Property Appraiser

Attachments: MOU between the Taxing Authorities and the PAO/TC (to be signed and returned)
TMA Contract with the PAO/TC (for information only)

NO. 2015 –

APPROVING THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG (“CITY”), PINELLAS COUNTY PROPERTY APPRAISER (“PROPERTY APPRAISER”), AND PINELLAS COUNTY TAX COLLECTOR (“TAX COLLECTOR”) FOR TAX MANAGEMENT ASSOCIATES, INC. (“TMA”) TO RECEIVE THIRTY PERCENT (30%) OF ANY TAX, PENALTIES, AND INTEREST COLLECTED FROM BACK TAXES ASSESSED OR TAX LIENS FILED BY THE PROPERTY APPRAISER ON PARCELS IN THE CITY, WHICH UNDESERVED PERSONAL EXEMPTIONS WERE DISCOVERED THROUGH A TMA AUDIT PURSUANT TO THE AGREEMENT BETWEEN TMA, THE PROPERTY APPRAISER, AND THE TAX COLLECTOR; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas County Property Appraiser (“Property Appraiser”) administers ad valorem property tax exemptions and prepares and files tax liens for back taxes related to the removal of undeserved exemptions; and

WHEREAS, the Pinellas County Tax Collector (“Tax Collector”) collects and distributes ad valorem property taxes, including back taxes and tax liens, and associated penalties, fees, and interest; and

WHEREAS, the City of St. Petersburg, Florida (“City”) receives local property tax revenue to fund essential public services; and

WHEREAS, there may be property owners in the City claiming undeserved or fraudulent personal exemptions from ad valorem property tax, which reduces the City’s property tax revenue; and

WHEREAS, the Property Appraiser and Tax Collector have negotiated an agreement with Tax Management Associates, Inc. (“TMA”) for audit services to identify properties with undeserved personal exemptions for the purpose of collecting taxes due on those properties, which funds would otherwise be unavailable to the City; and

WHEREAS, TMA will provide these audit services in exchange for thirty percent (30%) of any tax, penalties, and interest collected from back taxes assessed or tax liens filed by the Property Appraiser on parcels identified through a TMA audit as having undeserved personal exemptions; and

WHEREAS, the City will receive the remaining portion of any tax, penalties, and interest collected from back taxes assessed or tax liens filed by the Property Appraiser on parcels in the City identified through a TMA audit as having undeserved personal exemptions.

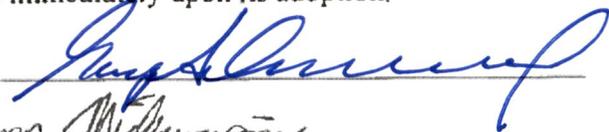
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the agreement between the City of St. Petersburg ("City"), Pinellas County Property Appraiser ("Property Appraiser"), and Pinellas County Tax Collector ("Tax Collector") for Tax Management Associates, Inc. ("TMA") to receive thirty percent (30%) of any tax, penalties, and interest collected from back taxes assessed or tax liens filed by the Property Appraiser on parcels in the City, which undeserved personal exemptions were discovered through a TMA audit pursuant to the agreement between TMA, the Property Appraiser, and the Tax Collector, is hereby approved.

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

This Resolution shall become effective immediately upon its adoption.

APPROVALS:

Administration:



Legal:



00242682