

COUNCIL MEETING

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

CITY OF ST. PETERSBURG

**January 7, 2016
8:30 AM**

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

1. If you are speaking under the Public Hearings, Appeals or Open Forum sections of the agenda, please observe the time limits indicated on the agenda.
2. Placards and posters are not permitted in the Chamber. Applause is not permitted except in connection with Awards and Presentations.
3. Please do not address Council from your seat. If asked by Council to speak to an issue, please do so from the podium.
4. Please do not pass notes to Council during the meeting.
5. Please be courteous to other members of the audience by keeping side conversations to a minimum.
6. The Fire Code prohibits anyone from standing in the aisles or in the back of the room.
7. If other seating is available, please do not occupy the seats reserved for individuals who are deaf/hard of hearing.

GENERAL AGENDA INFORMATION

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

If you are deaf/hard of hearing and require the services of an interpreter, please call our TDD number, 892-5259, or the Florida Relay Service at 711 as soon as possible. The City requests at least 72 hours advance notice, prior to the scheduled meeting, and every effort will be made to provide that service for you. If you are a person with a disability who

needs an accommodation in order to participate in this/these proceedings or have any questions, please contact the City Clerk's Office at 893-7448.

A. Meeting Called to Order and Roll Call.

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

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

Officer Jeffrey Yaslowitz – January 24, 2011

Sergeant Thomas Baitinger – January 24, 2011

B. Approval of Agenda with Additions and Deletions.

C. Consent Agenda (see attached)

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.

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

Public Hearings

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

1. [Ordinance 210-H in accordance with Section 1.02\(c\)\(5\)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement \(JPA\) for the Southwest Hangar Redevelopment Project \(Project #14168\), to be executed by the City, as a requirement for receipt of Florida Department of Transportation \(FDOT\) funds \(Grant\) including but not limited to the Aviation Program Assurances \(Grant Assurances\), which, inter alia, require that the City make Albert Whitted Airport](#)

available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to accept the Grant in an amount not to exceed \$600,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; providing an effective date; and providing for expiration.

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. Implementation of the Biosolids and Waste to Energy Project.
 - (a) Approving a Second Amendment to the Construction Manager at Risk Agreement (CMAR) to the Haskell Company for Construction Phase services to construct the new Biosolids and Waste to Energy Project, and authorizing the Mayor or Designee to execute the Second Amendment including a Guaranteed Maximum Price in the amount of \$64,868,267 for the work.
 - (b) Authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. 12-02- AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc., in the amount of \$199,885, for construction phase services for the Southwest Water Reclamation Facility. (SWWRF) Dewatering Facility Project. (Engineering Project No. 14031-111; Oracle No. 14034)
 - (c) Authorizing the Mayor or his designee to execute Amendment No. 2 to the Architect/Engineering Agreement (A/E) with Brown and Caldwell dated April 18, 2013, for construction phase services, equipment startup and commissioning in the amount of \$1,637,092 for the Biosolids and Waste to Energy Project. (Engineering Project No. 13057-111, Oracle No. 13830)
 - (d) Authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg, Florida and Black & Veatch Corporation, in the amount not to exceed \$406,862, for construction phase services, equipment start-up and commissioning related to the Southwest Wastewater Treatment Facility Gas Generator and Electrical Improvements Project. (Engineering Project No. 13082-111; Oracle No. 14018)
 - (e) Authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of \$65,992, for construction phase services, equipment start-up and commissioning for the Southwest Water Reclamation Facility

(SWWRF) Solids Thickening Improvements. (Engineering Project No. 13063 111; Oracle No. 14035)

3. [Approving Amendment No. 1 to Task Order No. 12-1-SC/T, as revised \(Task Order\) to the architect/engineering agreement between the City of St. Petersburg, Florida and Sprinkle Consulting, Inc. dated July 9, 2014, in the amount of \\$120,000 for professional engineering and construction phase services related to the Historic Booker Creek Trail Phase II A Project, for a total task order \(as revised and amended\) amount not to exceed \\$219,453.69.](#)

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

Setting January 21, 2016 as the public hearing date for the following proposed Ordinance(s):

1. [An Ordinance adopted as required by section 1.02\(c\)\(5\)a., St. Petersburg City Charter, authorizing the Mayor to accept a Florida Department of State, Division of Cultural Affairs Grant in the amount of \\$1,000,000 for acoustic renovations for the Mahaffey Theater; authorizing the restrictions contained in the Grant documents which require that the City will execute and record a restrictive covenant, or such other appropriate document, that dedicates the land and building developed with grant assistance for ten years as a cultural facility for the use and benefit of the general public subject to rules for conversion of the property; authorizing the Mayor, or his designee, to execute and record in the public record the covenant and all other documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \\$1,000,000 from the unappropriated balance of the General Capital Improvement Fund \(3001\); and providing an effective date.](#)
2. [An Ordinance of the City of St. Petersburg, revising Chapter 28, Vehicles for Hire; adding, deleting, and revising definitions; revising article and section titles; clarifying language related to low speed vehicles to conform with changes in State law; adding requirements for vessels; amending the subsection relating to pedal buses; reorganization of subsections to enhance readability; revising the application requirements for a public vehicle drivers permit; and providing an effective date.](#)

G. New Business

1. [Central Avenue Council Report/Update \(Councilmember Foster\)](#)
2. [Referral to the Budget, Finance and Taxation Committee for consideration of divestment of fossil fuels from the City's pension funds. \(Councilmember Nurse\)](#)

H. Council Committee Reports

1. [Budget, Finance & Taxation Committee. \(12/17/15\)](#)
2. [Public Services & Infrastructure Committee. \(12/17/15\)](#)
3. [Energy, Natural Resources & Sustainability Committee. \(12/17/15\)](#)

I. Legal

J. Open Forum

K. Adjournment

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda A
January 7, 2016

NOTE: Business items listed on the yellow Consent Agenda cost more than one-half million dollars while the blue Consent Agenda includes routine business items costing less than that amount.

(Purchasing)

1. Approving an increase to the allocation for temporary staffing services with Infinity Staffing of NJ, LLC dba Lyneer Staffing Solutions in the amount of \$350,000 which increases the total contract amount to \$3,474,000.
2. Renewing an agreement with UnitedHealthcare Insurance Company for group health program administrative services at an estimated annual cost of \$1,432,700; authorizing the Mayor or his designee to pay claims and fund health reimbursement accounts associated with the self-funded program, estimated at \$43,476,582; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.
3. Renewing an agreement with Metropolitan Life Insurance Company (MetLife) for voluntary dental DHMO and PPO insurance at an estimated annual premium of \$1,182,405.

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda B January 7, 2016

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

(Purchasing)

1. [Approving the purchase of replacement off-road utility vehicles from GHC Motorsports, for the Fleet Department at a total cost of \\$448,696.](#)
2. [Awarding a contract to Air Mechanical & Service Corp. in the amount of \\$227,847.00 for Fire Station No. 4 HVAC Replacement Project; rescinding unencumbered appropriations from the following projects in the City Facilities Capital Improvement Fund \(3031\); \\$54,500 from the Infrastructure TBD FY16 Project \(15118\) and \\$20,000 from Fire Station Major Improvements FY16 Project \(15060\) to provide funding for Engineering services to the project; approving a supplemental appropriation in the amount of \\$74,500 from the unappropriated balance of the City Facilities Capital Improvement Fund \(3031\), resulting from these rescissions, to the Fire Station #4 HVAC Project \(15061\); and providing an effective date \(Engineering Project No. 14222-019; Oracle Project No. 15061\).](#)
3. [Renewing an agreement with CompBenefits Company for voluntary vision insurance at an estimated annual premium of \\$186,522.](#)
4. [Approving the purchase of radio frequency identification \(RFID\) data collection systems from Sonrai Systems LLC for the Sanitation department at a total cost of \\$157,720.](#)
5. [Approving the donation of two passenger vans valued at approximately \\$9,000 to the Pinellas Ex Offender Re-Entry Coalition, Inc.](#)

(Miscellaneous)

6. [Approving an agreement between the Society of St. Vincent de Paul, South Pinellas, Inc. \(Agency\), and the City of St. Petersburg, Florida for the operation of the St. Vincent de Paul Care Center in an amount not to exceed \\$148,633 for the period commencing October 1, 2015 and ending September 30, 2016; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.](#)
7. [Approving the City of St. Petersburg February 2016 through January 2017 City Council meeting schedule.](#)

8. Authorizing the Mayor of his designee to execute an agreement between the City of St. Petersburg, Florida, and Tom Pitzen, artist, for artist to design, fabricate and install a work of art at Riviera Bay Park and to execute all documents necessary to effectuate this agreement.
9. Authorizing the use of final judgments to bid on foreclosed properties at judicial sales; and approving the payment of taxes and closing costs for such purchases.

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

Final Meeting of the City Council

Saturday, January 2, 2016, 9:00 a.m., Council Chamber

Installation of New Councilmembers

Saturday, January 2, 2016, 10:00 a.m., Council Chamber

MEMORANDUM
CITY OF ST. PETERSBURG

City Council Meeting of January 7, 2016

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

FROM: Clay Smith, Director, Downtown Enterprise Facilities Department 

SUBJECT: An Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") for the Southwest Hangar Redevelopment Project (Project #14168), to be executed by the City, as a requirement for receipt of Florida Department of Transportation ("FDOT") funds ("Grant") including but not limited to the Aviation Program Assurances ("Grant Assurances"), which, *inter alia*, require that the City make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to accept the Grant in an amount not to exceed \$600,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; providing an effective date; and providing for expiration.

EXPLANATION: Section 1.02 (c) (5) B of the St. Petersburg City Code authorizes City Council, by a single ordinance dealing with only a single encumbrance, receiving a public hearing and receiving an affirmative vote for at least six (6) members of City Council, to permit the recording of encumbrances on Albert Whitted Airport as follows:

Encumbrances or restrictions of up to twenty years for that property or portions of that property generally known as Albert Whitted Airport which would restrict the use of that property, or portions of that property, to airport uses each time such a restriction is executed. The Albert Whitted property is generally described as:

All of Block 1, Albert Whitted Airport Second Replat and Additions as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida

The Airport has multiple grant funding opportunities through the Florida Department of Transportation ("FDOT") that will be available within the next few years to complete major improvements to the airport including bulk hangars (e.g. Hangar # 2), t-hangars and

aircraft ramp improvements. The majority of the improvements will include the replacement of existing, older facilities, such as Hangar #2 and T-Hangars #5, 6, 7, & 8, which have well outlived their life-cycles. However, when all phases are completed, there should be a net increase of bulk hangar storage capacity on the airport by ±25,000 sq/ft. Some of the existing aircraft ramp areas will also be improved as part of this project to correct design deficiencies, handle aircraft displacement and increase overall surface parking capacity.

Originally, the grants planned for this project were set-up as individual projects. When the first grant for this project was received, it was determined it would be more efficient to complete the design for all phases on the front end, and because multiple phases will be bid out together, it was recommended that the individual grants be merged under the single, Southwest Hangar Redevelopment Project (#14168).

The specific grant that is the subject of this Council request is the fourth (4th) grant for these improvements in the amount of \$600,000 which will fund up to eighty percent (80%) for both design and construction costs. The Grant funding and the City's twenty percent (20%) match of \$150,000 was approved as part of the FY16 CIP budget and provides a total of \$750,000 in additional funds for this project.

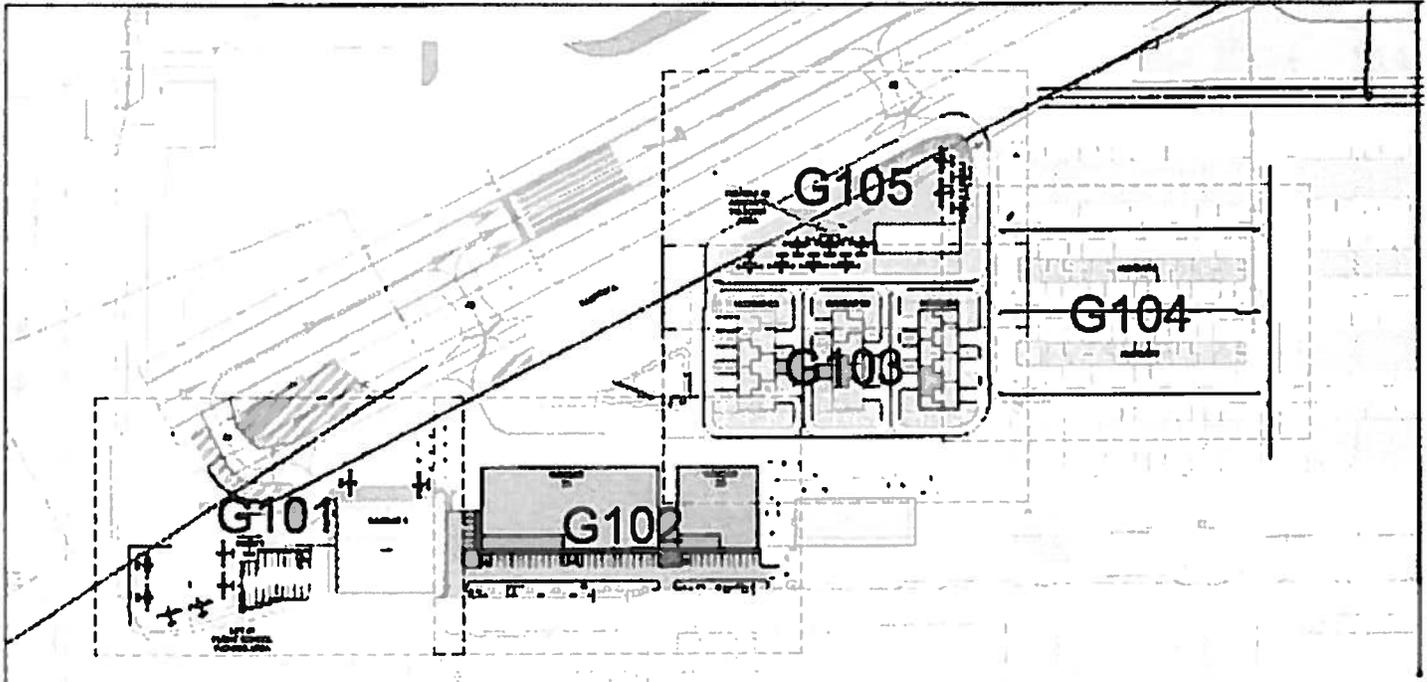
The site layout, phasing plan and design for all of the facilities within the Southwest Hangar Redevelopment Project is currently underway. It is expected that the first phasing of construction will be put out in bid in late FY16/early FY17 with construction starting shortly thereafter. Exhibit "A", which is attached to this memorandum, provides a conceptual depiction of the primary project area and the various phases.

Additional grant opportunities will become available within FY17 - FY18 to provide the final funding to complete all the construction phases. Separate ordinances for these grants will be brought for Council approval when awarded by FDOT. Administration continues to explore opportunities to identify match funding for the final, future grants to complete all phases of this project.

A First Reading of the ordinance was held on December 17, 2015.

RECOMMENDATION: The Administration recommends that City Council adopt the attached An Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") for the Southwest Hangar Redevelopment Project (Project #14168), to be executed by the City, as a requirement for receipt of Florida Department of Transportation ("FDOT") funds ("Grant") including but not limited to the Aviation Program Assurances ("Grant Assurances"), which, *inter alia*, require that the City make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from

EXHIBIT "A": SOUTHWEST HANGAR REDEVELOPMENT PROJECT AREA



Ordinance No. _____

An Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") for the Southwest Hangar Redevelopment Project (Project #14168), to be executed by the City, as a requirement for receipt of Florida Department of Transportation ("FDOT") funds ("Grant") including but not limited to the Aviation Program Assurances ("Grant Assurances"), which, *inter alia*, require that the City make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to accept the Grant in an amount not to exceed \$600,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; providing an effective date; and providing for expiration.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Albert Whitted Municipal Airport ("Airport") is defined by the City of St. Petersburg, Florida, City Charter Section 1.02(c)(5) B. as: All of Block 1, Albert Whitted Airport Second Replat and Additions as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida.

Section Two. The Florida Department of Transportation ("FDOT") has offered the City a grant in the amount of \$600,000 ("Grant") which will be available for the following project on the Airport: Southwest Hangar Redevelopment Project (Project #14168). The Grant provides an eighty percent (80%) match toward the total cost of the project.

Section Three. The restrictions which are set forth in the Joint Participation Agreement ("JPA"), including but not limited to the Aviation Program Assurances ("Grant Assurances") and any additional Supplemental Joint Participation Agreements ("JPAs") to be executed by the City, as a requirement for receipt of the Grants in an amount not to exceed \$600,000 for the project described in Section Two of this ordinance, which *inter alia* require, that the City make Albert Whitted Airport available as an airport for public use on fair and reasonable terms, and maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment not to exceed 20 years from the effective date of the JPA are authorized.

Section Four. The Mayor or his designee is authorized to accept the Grant from the FDOT in the amount of \$600,000.

Section Five. The Mayor or his designee is authorized to execute all documents necessary to effectuate this ordinance.

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

Section Eight. Expiration. In the event the FDOT fails to award the grant set forth in Section Two, above, within one year of the effective date of this ordinance, this ordinance shall expire.

Approvals:

Legal:



Administration:



Budget:



Legal: 00252440.doc V. 1

**Interlocal Agreement
Between the
City of St. Petersburg, Florida and Pinellas County, Florida**

THIS INTERLOCAL AGREEMENT (“Agreement”) is made and entered into as of this 10 day of February, 2015 (“Effective Date”), by and between the City of St. Petersburg, Florida (“City”), a municipal corporation, and Pinellas County, Florida (“County”), a political subdivision of the State of Florida (collectively, “Parties”).

RECITALS:

WHEREAS, the County entered into an Interlocal Agreement dated April 29, 2008, with each of the municipalities located within Pinellas County to allocate the net proceeds of the local government sales surtax funds (“Penny Funds”) provided for in Section 212.055(2), Fla. Stat., as approved by the electorate; and

WHEREAS, on April 29, 2008, the County and the City also entered into a separate Interlocal Agreement (“City-County Interlocal Agreement”) related to funding of critical infrastructure improvement projects within and adjacent to the City (which projects were identified in the City-County Interlocal Agreement); and

WHEREAS, since the projects identified in the City-County Interlocal Agreement would mutually benefit both Parties, the County agreed to provide funding in the amount of forty-four million five hundred thousand dollars (\$44,500,000) for such projects with the County’s share of Penny Funds (“County Penny Funds”); and

WHEREAS, such amount of funding with County Penny Funds was based upon the then-current projections of the revenue to be collected from the local government infrastructure sales surtax, however since that time the recession has impacted collections such that revised projections of sales tax proceeds are approximately twenty-five percent (25%) less than originally projected; and

WHEREAS, since the execution of the City-County Interlocal Agreement, the County has completed various projects within and adjacent to the City; and

WHEREAS, since the execution of the City-County Interlocal Agreement, the City’s priorities related to the critical infrastructure improvement projects that should be funded with the County Penny Funds have changed and the City requested the County to reconsider the projects to be funded with the County Penny Funds; and

WHEREAS, the City’s current priorities are identified in paragraph 2 of this Agreement and include the proposed St. Petersburg Police Headquarters, which the County has determined will contribute not only to the safety and welfare of the citizens of St. Petersburg, but also to the citizens of the County as a whole insofar as the new police headquarters will provide a CAT 5 back-up facility to the Regional 911 Center, as well as other safety-related benefits; and

WHEREAS, taking into consideration all of the foregoing recitals, the Parties desire to terminate the City-County Interlocal Agreement and enter into this Agreement that recognizes the City's current priorities and the County's obligation to fund projects within and adjacent to the City with County Penny Funds in the amount of twenty-eight million two hundred thousand dollars (\$28,200,000).

NOW, THEREFORE, for and in consideration of the foregoing recitals, all of which are hereby adopted as an integral part of this Agreement, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

SECTION 1. TERMINATION OF EXISTING INTERLOCAL AGREEMENT.

The St. Petersburg/Pinellas County Interlocal Agreement between the City of St. Petersburg, Florida and Pinellas County, Florida dated April 29, 2008 (referred to above as the City-County Interlocal Agreement) is hereby terminated.

SECTION 2. PROJECTS.

A. The County shall pay the City from County Penny Funds or other available non-ad valorem revenue that the County has budgeted for this purpose, including such revenue as available grant funds (provided the grant funds do not impose any requirements or restrictions on the City related to use of such funds other than those set forth in this Agreement) for the following projects in accordance with the terms and conditions set forth below:

- i. Jamestown. This project consists of fully renovating existing units at the City owned and managed Jamestown apartment complex. The County shall pay the City two million dollars (\$2,000,000) ("Jamestown Payment") on or before December 1, 2015 for this project. In the event the Jamestown Payment exceeds the cost of this project ("Jamestown Cost"), the difference between the Jamestown Payment and the Jamestown Cost shall be utilized by the City for the Police Headquarters project described below. The County shall not be responsible for contributing any additional funds to this project in the event the Jamestown Cost exceeds the Jamestown Payment.

- ii. Sidewalks. This project consists of installing missing sidewalk segments along County roads within the City. The County shall pay the City one million seven hundred thousand dollars (\$1,700,000) ("Sidewalk Payment") on or before June 1, 2016 for this project. In the event the Sidewalk Payment exceeds the cost of this project ("Sidewalk Cost"), the difference between the Sidewalk Payment and Sidewalk Cost shall be utilized by the City for the Police Headquarters project described below. The County shall not be responsible for contributing any additional funds to this project in the event the Sidewalk Cost exceeds the Sidewalk Payment.

- iii. Central Avenue. This project consists of streetscape improvements from Park Street to 58th Street and mast arms at signalized intersections on Central Avenue (CR150). The County shall pay the City four million three hundred thousand dollars (\$4,300,000) ("Central Avenue Payment") on or before June 1, 2017 for this project. In the event the Central Avenue Payment exceeds the cost of this project ("Central Avenue Cost"), the difference between the Central Avenue Payment and the Central Avenue Cost shall be utilized by the City for the Police Headquarters project described below. The County shall not be responsible for contributing any additional funds to this project in the event the Central Avenue Cost exceeds the Central Avenue Payment.

- iv. Police Headquarters. This project consists of a new police department headquarters to include an EOC and Regional 911 Center Backup Facility. The County shall pay the City twenty million two hundred thousand dollars (\$20,200,000) on or before December 1, 2019 for this project. Except for any excess funds as described in subsections A.i., A.ii., and A.iii. above, the County shall not be responsible for contributing any additional funds to this project.

B. On a quarterly basis, the City shall submit documentation to the County which evidences expenditures relative to the projects described in subsection A, above.

C. The City shall maintain books and records related to this Agreement and the City shall, at any reasonable time requested by the County and as often as the County may deem necessary, make available to the County for examination of its books, records and information with respect to all projects covered by this Agreement and shall permit the County or its designated authorized representatives to audit and inspect all such books, records and information relating to all projects covered by this Agreement.

SECTION 3. TERM OF AGREEMENT.

This Agreement shall commence on the Effective Date and shall remain in effect until the County has made all payments required by this Agreement.

SECTION 4. AMENDMENTS.

This Agreement may only be amended by mutual, written consent of the Parties hereto.

SECTION 5. EXECUTION.

This Agreement may be signed in counterparts by the Parties hereto.

IN WITNESS WHEREOF, the Parties to this Agreement have caused their names to be affixed by the proper officers thereof, as of the day and year first written above.

CITY OF ST. PETERSBURG, FLORIDA

By: *Richard Kriseman*
Richard Kriseman, as its Mayor

ATTEST
Chan Srinivasa
Chan Srinivasa, City Clerk

Approved as to Form and Content
Mandy W.
City Attorney (Designee)



**STATE OF FLORIDA
COUNTY OF PINELLAS**

The foregoing instrument as acknowledged before me this 6th day of FEBRUARY, 2015, by Richard Kriseman, Mayor and Chan Srinivasa, City Clerk, on behalf of the City of St. Petersburg, Florida, who are personally known to me or has produced a _____ as identification.

Lisa Brekke
Notary

LISA BREKKE
Notary Public, State of Florida
My Comm. Expires Feb. 20, 2016
No. EE 171502

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

By: *John Mourou*
Chair



ATTEST: Ken Burke, Clerk
Norman D. Loy
Norman D. Loy, Deputy Clerk

APPROVED AS TO FORM
Juan Carlos
Office of the County Attorney

**Interlocal Agreement
Between the
City of St. Petersburg, Florida and Pinellas County, Florida**

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into as of this 10 day of FEBRUARY, 2015 ("Effective Date"), by and between the City of St. Petersburg, Florida ("City"), a municipal corporation, and Pinellas County, Florida ("County"), a political subdivision of the State of Florida (collectively, "Parties").

RECITALS:

WHEREAS, the County entered into an Interlocal Agreement dated April 29, 2008, with each of the municipalities located within Pinellas County to allocate the net proceeds of the local government sales surtax funds ("Penny Funds") provided for in Section 212.055(2), Fla. Stat., as approved by the electorate; and

WHEREAS, on April 29, 2008, the County and the City also entered into a separate Interlocal Agreement ("City-County Interlocal Agreement") related to funding of critical infrastructure improvement projects within and adjacent to the City (which projects were identified in the City-County Interlocal Agreement); and

WHEREAS, since the projects identified in the City-County Interlocal Agreement would mutually benefit both Parties, the County agreed to provide funding in the amount of forty-four million five hundred thousand dollars (\$44,500,000) for such projects with the County's share of Penny Funds ("County Penny Funds"); and

WHEREAS, such amount of funding with County Penny Funds was based upon the then-current projections of the revenue to be collected from the local government infrastructure sales surtax, however since that time the recession has impacted collections such that revised projections of sales tax proceeds are approximately twenty-five percent (25%) less than originally projected; and

WHEREAS, since the execution of the City-County Interlocal Agreement, the County has completed various projects within and adjacent to the City; and

WHEREAS, since the execution of the City-County Interlocal Agreement, the City's priorities related to the critical infrastructure improvement projects that should be funded with the County Penny Funds have changed and the City requested the County to reconsider the projects to be funded with the County Penny Funds; and

WHEREAS, the City's current priorities are identified in paragraph 2 of this Agreement and include the proposed St. Petersburg Police Headquarters, which the County has determined will contribute not only to the safety and welfare of the citizens of St. Petersburg, but also to the citizens of the County as a whole insofar as the new police headquarters will provide a CAT 5 back-up facility to the Regional 911 Center, as well as other safety-related benefits; and

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2015040476 02/12/2015 at 09:18 AM
OFF REC BK: 18675 PG: 1590-1594
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WHEREAS, taking into consideration all of the foregoing recitals, the Parties desire to terminate the City-County Interlocal Agreement and enter into this Agreement that recognizes the City's current priorities and the County's obligation to fund projects within and adjacent to the City with County Penny Funds in the amount of twenty-eight million two hundred thousand dollars (\$28,200,000).

NOW, THEREFORE, for and in consideration of the foregoing recitals, all of which are hereby adopted as an integral part of this Agreement, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

SECTION 1. TERMINATION OF EXISTING INTERLOCAL AGREEMENT.

The St. Petersburg/Pinellas County Interlocal Agreement between the City of St. Petersburg, Florida and Pinellas County, Florida dated April 29, 2008 (referred to above as the City-County Interlocal Agreement) is hereby terminated.

SECTION 2. PROJECTS.

A. The County shall pay the City from County Penny Funds or other available non-ad valorem revenue that the County has budgeted for this purpose, including such revenue as available grant funds (provided the grant funds do not impose any requirements or restrictions on the City related to use of such funds other than those set forth in this Agreement) for the following projects in accordance with the terms and conditions set forth below:

- i. Jamestown. This project consists of fully renovating existing units at the City owned and managed Jamestown apartment complex. The County shall pay the City two million dollars (\$2,000,000) ("Jamestown Payment") on or before December 1, 2015 for this project. In the event the Jamestown Payment exceeds the cost of this project ("Jamestown Cost"), the difference between the Jamestown Payment and the Jamestown Cost shall be utilized by the City for the Police Headquarters project described below. The County shall not be responsible for contributing any additional funds to this project in the event the Jamestown Cost exceeds the Jamestown Payment.

- ii. Sidewalks. This project consists of installing missing sidewalk segments along County roads within the City. The County shall pay the City one million seven hundred thousand dollars (\$1,700,000) ("Sidewalk Payment") on or before June 1, 2016 for this project. In the event the Sidewalk Payment exceeds the cost of this project ("Sidewalk Cost"), the difference between the Sidewalk Payment and Sidewalk Cost shall be utilized by the City for the Police Headquarters project described below. The County shall not be responsible for contributing any additional funds to this project in the event the Sidewalk Cost exceeds the Sidewalk Payment.

- iii. Central Avenue. This project consists of streetscape improvements from Park Street to 58th Street and mast arms at signalized intersections on Central Avenue (CR150). The County shall pay the City four million three hundred thousand dollars (\$4,300,000) ("Central Avenue Payment") on or before June 1, 2017 for this project. In the event the Central Avenue Payment exceeds the cost of this project ("Central Avenue Cost"), the difference between the Central Avenue Payment and the Central Avenue Cost shall be utilized by the City for the Police Headquarters project described below. The County shall not be responsible for contributing any additional funds to this project in the event the Central Avenue Cost exceeds the Central Avenue Payment.

- iv. Police Headquarters. This project consists of a new police department headquarters to include an EOC and Regional 911 Center Backup Facility. The County shall pay the City twenty million two hundred thousand dollars (\$20,200,000) on or before December 1, 2019 for this project. Except for any excess funds as described in subsections A.i., A.ii., and A.iii. above, the County shall not be responsible for contributing any additional funds to this project.

B. On a quarterly basis, the City shall submit documentation to the County which evidences expenditures relative to the projects described in subsection A, above.

C. The City shall maintain books and records related to this Agreement and the City shall, at any reasonable time requested by the County and as often as the County may deem necessary, make available to the County for examination of its books, records and information with respect to all projects covered by this Agreement and shall permit the County or its designated authorized representatives to audit and inspect all such books, records and information relating to all projects covered by this Agreement.

SECTION 3. TERM OF AGREEMENT.

This Agreement shall commence on the Effective Date and shall remain in effect until the County has made all payments required by this Agreement.

SECTION 4. AMENDMENTS.

This Agreement may only be amended by mutual, written consent of the Parties hereto.

SECTION 5. EXECUTION.

This Agreement may be signed in counterparts by the Parties hereto.

IN WITNESS WHEREOF, the Parties to this Agreement have caused their names to be affixed by the proper officers thereof, as of the day and year first written above.

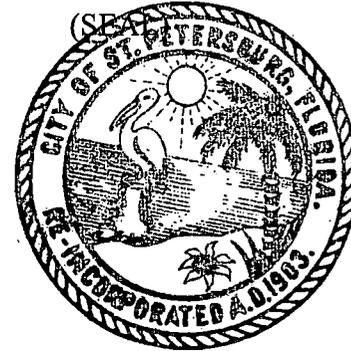
CITY OF ST. PETERSBURG, FLORIDA

By: [Signature]
Richard Kriseman, as its Mayor

ATTEST
[Signature]
Chan Srinivasa, City Clerk

Approved as to Form and Content

[Signature]
City Attorney (Designee)



**STATE OF FLORIDA
COUNTY OF PINELLAS**

The foregoing instrument as acknowledged before me this 6th day of February, 2015, by Richard Kriseman, Mayor and Chan Srinivasa, City Clerk, on behalf of the City of St. Petersburg, Florida, who are personally known to me or has produced a _____ as identification.

[Signature]
Notary

LISA BREKKE
Notary Public, State of Florida
My Comm. Expires Feb. 20, 2016
No. EE 171502

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

By: [Signature]
Chair



ATTEST: Ken Burke, Clerk
[Signature]
Norman D. Loy, Deputy Clerk

APPROVED AS TO FORM
[Signature]
Office of the County Attorney

**BOARD OF COUNTY
COMMISSIONERS**

Dave Eggers
Pat Gerard
Charlie Justice
Janet C. Long
John Morroni
Karen Williams Seel
Kenneth T. Welch

3/6/15 - Originals sent to City Clerk



James L. Bennett
County Attorney

February 25, 2015

Macall Dyer, Assistant City Attorney
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731-2842

RE: St. Petersburg/Pinellas County Interlocal Agreement

Dear Macall:

Attached are two (2) fully executed copies of the above document. One is an original signed version; the other is a certified recorded version. If you have any questions, please don't hesitate to contact me. Thank you.

Sincerely,

Jewel White
Chief Assistant County Attorney

MJW:sme

Attachments

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PLEASE ADDRESS REPLY TO:

315 Court Street
Clearwater, Florida 33756
Phone: (727) 464-3354
FAX: (727) 464-4147
TDD: (727) 464-4431
Website: www.pinellascounty.org



ST. PETERSBURG CITY COUNCIL

Report

Meeting of January 7, 2016

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

SUBJECT: Implementation of the Biosolids and Waste to Energy Project

OBJECTIVE: To authorize the Mayor, or his Designee, to execute contract Amendments with the below listed firms for the purposes of construction of the Biosolids and Waste to Energy Project at the Southwest Water Reclamation Facility (SWWRF). The Biosolids to Energy Project will provide a means to produce a sustainable Class A biosolids suitable for use as a soil amendment, reduce operational costs for biosolids processing by consolidating operations at the SWWRF, provide needed replacement of worn and obsolete equipment, produce renewable biogas fuel to power vehicles and produce electrical energy for facility operations, and reduce the City's carbon footprint. Detail contract amendment background information, resolutions, and funding are provided as attachments, as follows:

1. The Haskell Company – Amendment No.2 for Construction Phase Services and Construction of the Project in the amount of \$64,868,267.
2. Brown and Caldwell – Amendment No. 2 for Construction Phase Services engineering services pertaining to the Biosolids processing in the amount of \$1,637,092.
3. Black and Veatch Corporation – Amendment No. 2 for Construction Phase engineering services pertaining to gas generator, electrical, and old plant facilities demolition in the amount of \$406,862.
4. AECOM Technical Services, Inc. – Amendment No. 1 for Construction Phase engineering services pertaining to biosolids dewatering facility in the amount of \$199,885.
5. Carollo Engineers, Inc. – Amendment No. 2 for Construction Phase engineering services pertaining to solids thickening improvements in the amount of \$65,992.

EXPLANATION: In February 2009, the City submitted an appropriation request to the Federal Department of Energy (DOE) to develop, design, and construct a St. Petersburg Sustainable Biosolids and Renewable Energy project. The project received a \$2.5 million dollar DOE grant in 2012.

The engineering firm Brown and Caldwell was selected based upon their expertise, to provide engineering services in phases. Phase 1 included a Feasibility and Technology Study, Phase 2 included detailed engineering design services and preparation of technical specifications and plans. Detail design work was completed by Brown and Caldwell for the biosolids processing and gas production facilities. Additional engineering design was performed by other firms selected for their expertise in specific areas of design, as follows: Black and Veatch – gas generator and electrical; AECOM – biosolids dewatering; and Carollo – solids thickening.

In November 2014, the City selected The Haskell Company as the Construction Manager at Risk (CMAR) and authorized preconstruction phase services, including cost estimating, value engineering, constructability review, and development of a Guaranteed Maximum Price (GMP) for the project.

On November 20, 2015, The Haskell Company proposed a Guaranteed Maximum Price (GMP) of \$64,868,267 for construction of the Biosolids to Energy Project at the Southwest Water Reclamation Facility (SWWRF). The project is designed to consolidate biosolids handling and dewatering at the SWWRF, provide needed replacement of solids handling facilities, produce Class A biosolids, and generate renewable energy from the biosolids treatment process.

This project will utilize two stage thermophilic and mesophilic anaerobic digestion to enhance methane gas production from waste activated sludge (WAS) at the SWWRF along with waste activated sludge to be conveyed from the NEWRF and NWWRF to the SWWRF by pipelines under a separate project. A natural gas fueled engine generator will be used to offset the plant electrical demand at the SWWRF. Renewable Biogas produced from the anaerobic digestion process will be captured, cleansed and used on site to fuel the natural gas generator, and also used as a vehical fuel.

This Project includes primary wastewater treatment in the form of two (2) new primary clarifiers and odor control systems. Two (2) new digesters will produce Class A biosolids using a temperature-phased anaerobic digestion ("TPAD") process. The biosolids that are both conveyed to and produced by the SWWRF will be processed by thickening with gravity belt thickeners, followed by TPAD digestion, and dewatering using two new screw presses. The resulting dewatered Class A biosolids will continue to be land applied. Fats, oil and grease are to be added to the biosolids processing in order to increase the production of digester gas. The Project is expected to provide a significant reduction in energy costs at the SWWRF, by using the energy from digester gas, which is currently burned and wasted to the atmosphere.

The following are the major biosolids treatment facilities to be constructed with this project.

- Demolition of existing obsolete structures and equipment
- 1560KW combined heat and power gas powered electrical generator
- Two (2) primary clarifiers
- Flow splitter facility
- Two (2) refurbished gravity belt thickeners
- Two (2) digesters
- Generator waste heat to biosolids digesters heat recovery system
- Fats, oil and grease receiving station that uses primary clarifier odor control system
- Dewatering facility with two screw presses with odor control
- Electrical and boiler building
- Facilities for the cleaning of biogas to pipeline quality natural gas
- Odor control facilities

The CMAR will furnish all labor, materials, equipment and services to construct the project in accordance with the contract documents. The CMAR may competitively bid along with subcontractors and self-perform up to 30% of the cost of construction. The CMAR will provide all positions on-site and home office, necessary to manage the Project site, including subcontractors and vendors, and administer the project to complete the construction. The CMAR will provide a Senior Project Manager, Senior Project Superintendent, and a Project Engineer, located on-site in the CMAR's field office full time for the purpose of managing, coordinating, and directing all construction, administrative, and field activities. The CMAR will provide personnel to assist with procurement, submittal reviews, cost estimating, scheduling, safety, quality control, clerical and any other duties necessary to ensure all activities are performed in a timely and satisfactory manner. The CMAR will work closely with City Staff and the Design Engineer (Brown & Caldwell, AECOM, Inc., Carollo Engineers, Inc., and Black & Veatch Corporation) and equipment manufacturers' representatives throughout construction, start-up, commissioning and City Staff operational training.

The Haskell Company GMP proposal includes use of St. Petersburg SBE contractors to meet the 5% SBE participation goal for the project. Additionally, the proposal includes a commitment to utilize

Apprentice Workers for 10% of the work hours on the project (18,067 hours), and Disadvantaged Workers for 10% of the work hours on the project (18,067 hours).

The Construction Manager will begin work after contract execution and issuance of a Notice to Proceed and will complete the work within thirty eight (38) months thereafter.

Engineering Construction Phase services to be provided by Brown & Caldwell, Black & Veatch, AECOM, and Carollo Engineers will include site visits, shop drawing reviews, additional information request responses, equipment start-up, commissioning services, final inspections, and preparation of record drawings.

EVALUATION – CONSIDERATIONS: This proposed project provides the following benefits:

- The project provides for cost effective production of Class A biosolids, designed to be compliant with current and future land application disposal rules and regulations when recycled as a fertilizer soil amendment.
- The project will produce renewable energy in the form of biogas to be used for electrical power generation at the SWWRF, and as a vehicle fuel.
- The project supports the St. Petersburg Sustainability Initiative net zero energy goal, and zero waste goal.
- The project provides approximately 31.6 million dollars in present worth cost savings as compared to continuing current operations over a twenty (20) year period, including capital and operating expenditures and the value of biogas vehicle fuel.
- The project has been peer reviewed by CH2M Hill Engineers. The biosolids treatment and disposal alternatives, processes, cost models, and reliability of the project design were found to be valid and reasonable.
- The project has been presented in Public Meetings requested by the Alliance for Bayway Communities and Greater Pinellas Point Civic Association. The project has been reviewed by Eckerd College officials.
- The project has received a \$2.5 million dollar Federal Department of Energy grant, and will be financed in part by the low interest State Revolving Loan Fund loan program for water reclamation facility improvements.
- The CMAR has committed to utilize SBE firms to meet the SBE goal of 5% participation, and also employ Apprentice Workers for a minimum of 10% of the work hours, and Disadvantaged Workers for a minimum of 10% minimum of the work hours on the project.
- Currently construction costs are trending upward. The construction cost for the project were developed by competitive bidding, delay in award will most likely increase the cost of the project.

RECOMMENDATION: Administration recommends City Council authorize the Mayor or his Designee to execute Contract Amendments for Construction Phase Services with The Haskell Company, Brown & Caldwell, Black & Veatch Corporation, AECOM Technical Services, Inc. and Carollo Engineering, Inc., as described in the attachments to this memorandum.

ATTACHMENTS: 1 through 5

ST. PETERSBURG CITY COUNCIL

Report

Meeting of January 7, 2016

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

SUBJECT: Approving a Second Amendment to the Construction Manager at Risk Agreement with the Haskell Company for construction phase services to construct the new Biosolids and Waste to Energy Project; and authorizing the Mayor or Designee to execute the Second Amendment including a Guaranteed Maximum Price in the amount of \$64,868,267 for the work; rescinding an unencumbered appropriation in the Water Resources Capital Project Fund (4003) in the amount of \$1,000,000 from the WRF SW RW Storage FY14/15 Capital Project (14231); approving a supplemental appropriation in the amount of one million dollars (\$1,000,000) from the unappropriated balance of the Water Resources Capital Project Fund (4003) to the WRF SW Biosolids Dewatering FY16 Project (15291).

EXPLANATION: On February 27, 2009, the City submitted an appropriation request for Federal Department of Energy (DOE) funding for the St. Petersburg Sustainable Biosolids/Renewable Energy Project.

On September 6, 2012 City Council approved a DOE Grant in the amount of \$2,500,000 providing for 80% cost grant with 20% local cost share for Phase 1 – Project Research and Development, and 50/50 cost share for Phase 2 – Project Design and Phase 3 – Project Construction.

The consulting engineering firm of Brown and Caldwell, pursuant to a consultant selection process based upon relative experience and qualifications, was selected to evaluate different technologies such as thermal, chemical, and mechanical process for energy recovery; and sustainable biosolids disposal. The study evaluated capital and operating costs, energy costs for biosolids processing, renewable energy to offset energy requirements in water reclamation operations, and processes to reduce biosolids disposal costs.

On July 22, 2010 City Council approved Task Order No. 08-2-BC/W to the firm of Brown and Caldwell in the amount of \$258,217 for a Phase 1 Feasibility and Technology Study. The Phase 1 Feasibility Study, recommended consolidation of wastewater solids handling and construction of energy production facilities at the Southwest Water Reclamation Facility (SWWRF). Work proposed includes expansion of biosolids dewatering, enhanced anaerobic digestion to provide renewable natural gas (methane) and Class A biosolids, and odor control for biosolids processing. Recommendations are to continue processing yard waste separately using current mulching technologies and re-evaluate possible thermal processing of yard waste in a later project.

On April 18, 2013, pursuant to a consultant selection process, City Council approved the selection of Brown and Caldwell to provide professional engineering design services related to the new Biosolids and Waste to Energy Project, in the amount of \$2,921,138. Brown and Caldwell proceeded with design services and completed 60% plans in February 2014.

On September 17, 2015, City Council approved Amendment No. 1 to the A/E Agreement with Brown and Caldwell to provide for additional professional engineering design services in the amount of \$194,371 which provided for necessary value engineering design services, for a total not to exceed the amount of \$3,115,509.

On November 25, 2013, City Council approved Task Order No. 12-04-BV/W to the firm of Black & Veatch in the amount of \$472,031 for engineering design services for two new 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 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 which provided professional design services to modify the current two CHP generator design documents to a more cost effective single CHP generator design.

On December 5, 2013, City Council approved Task Order No. 12-02-AEC/W to the firm of AECOM Technical Services, Inc. in the amount of \$313,166 for engineering design services for the demolition of the old dewatering building and construction of a new dewatering facility and odor control.

On May 30, 2013, Task Order No. 12-02-CE/W was administratively approved to provide preliminary engineering services and a Basis of Design Report for the SWWRF Thickening Improvements Project, in the amount of \$68,900.

On December 5, 2013 City Council approved Task Order No. 12-02-CE/W to the firm of Carollo Engineers, Inc. in the amount of \$197,690 for engineering design services for the solids thickening portion of the Project.

On November 24, 2014, pursuant to Construction Manager Request for Proposal selection process, City Council approved the Construction Manager at Risk (CMAR) Agreement between the City of St. Petersburg and the Haskell Company (Haskell) and authorized preconstruction phase and utility location services in the amount of \$227,438 for the new Biosolids and Waste to Energy Project. Preconstruction phase services included cost estimating, value engineering, constructability review, and development of a Guaranteed Maximum Price (GMP) for the project.

The Project plans for cost estimating and value engineering included design by Brown and Caldwell, Black and Veatch Corporation, AECOM Technical Services, and Carollo Engineers, Inc.

On September 17, 2015, the City Council approved Amendment No. 1 to the CMAR Agreement to modify the contract documents to authorize the use of competitive bidding during the preconstruction phase to develop the Guaranteed Maximum Price, 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 preconstruction services related to the Generator and Electrical Improvements Project, including demolition of old plant facilities, designed by Black and Veatch (B&V). Amendment No. 1 in the amount of \$106,858, increases the total amount for preconstruction phase to \$334,296.

On November 20, 2015, The Haskell Company proposed a Guaranteed Maximum Price (GMP) of \$64,868,267 for construction of the Biosolids to Energy Project at the Southwest Water Reclamation Facility. The Project is designed to consolidate biosolids handling and dewatering at the SWWRF, produce Class A biosolids, and generate renewable energy from the biosolids treatment process.

This project will utilize two stage thermophilic and mesophilic anaerobic digestion to enhance methane gas production from waste activated sludge (WAS) at the SWWRF along with waste activated sludge to be conveyed from the NEWRF and NWWRF to the SWWRF under a separate

project. A natural gas fueled engine generator will be used to offset the plant electrical demand at the SWWRF. Renewable Biogas produced from the anaerobic digestion process will be captured, cleansed and used on site to fuel the natural gas generator, and also used as a vehicle fuel.

This Project includes primary wastewater treatment in the form of two (2) new primary clarifiers and odor control systems. Two (2) new digesters will produce Class A biosolids using a temperature-phased anaerobic digestion ("TPAD") process. The biosolids that are both conveyed to and produced by the SWWRF will be processed by thickening with gravity belt thickeners, followed by TPAD digestion, and dewatering using two new screw presses. The resulting dewatered Class A biosolids will continue to be land applied. Fats, oil and grease are to be added to the biosolids processing in order to increase the production of digester gas. The Project is expected to provide a significant reduction in energy costs at the SWWRF, by using the energy from digester gas, which is currently burned and wasted to the atmosphere.

The following are the major biosolids treatment facilities to be constructed with this project.

- Demolition of existing obsolete structures and equipment
- 1560KW combined heat and power gas powered electrical generator
- Two primary clarifiers
- Flow splitter facility
- Two (2) refurbished gravity belt thickeners
- Two (2) digesters
- Generator waste heat to biosolids digesters heat recovery system
- Fats, oil and grease receiving station that uses primary clarifier odor control system
- Dewatering facility with two screw presses with odor control
- Electrical and boiler building
- Facilities for the cleaning of biogas to pipeline quality natural gas
- Odor control facilities

The Guaranteed Maximum Price of \$64,868,267 includes the following projects and are funded as noted:

Proj. No.	Project Name	Construction Cost	Funding Source
15290	WRF SW Digester Biosolids Proj FY16	\$49,884,249	SRF
15293	WRF SW GBT Rehabilitation FY16	\$720,750	Bond Funded
15291	WRF SW Biosolids Dewater FY16	\$4,070,000	Bond Funded
14018	WRF SW CNG Gen FY13/14/15	\$10,193,268	Bond Funded
TOTAL		\$64,868,267	

On June 19, 2014, City Council authorized the Mayor or his designee to apply for assistance from FDEP's State Revolving Fund (SRF) loan program for water reclamation facility improvements identified in the "2014 Supplement to the 201 Facilities Plan Update". Council also authorized the Mayor to execute the requested loan agreement documents for an amount not to exceed \$50 million subject to the approval of the City Attorney and Director of Finance. This 201 Plan Update was also adopted by City Council on June 19, 2014. The State Revolving Fund (SRF) Loan offered by FDEP is contingent upon the acceptance of the City's loan application and successful agreement to be executed in January 2016. FDEP has placed the Biosolids project on the fundable list for FY16 up to \$40 million. The remaining \$10 million will be made available in the next fiscal year. The project is scheduled to begin in February 2016 and be completed by April 2019. From a cash-flow perspective, this three year construction schedule allows for the \$40 million to be available in the first year, with the balance becoming available in the second year. Project construction expenses are reimbursed to the City following periodic reimbursement

requests to FDEP. Typically, the loan repayment begins two years after the execution of the loan agreement. We anticipate the interest rate to be 1.75% for a term of 20 years. This SRF loan is part of the 5-year utility rate plan prepared by our rate consultant, Burton & Associates.

The CMAR will furnish all labor, materials, equipment and services to construct the project in accordance with the contract documents. The CMAR may competitively bid along with subcontractors and self-perform up to 30% of the cost of construction. The CMAR will provide all positions on-site and home office, necessary to manage the Project site, including subcontractors and vendors, and administer the project to complete the construction. The CMAR will provide a Senior Project Manager, Senior Project Superintendent, and a Project Engineer, located on-site in the CMAR's field office full time for the purpose of managing, coordinating, and directing all construction, administrative, and field activities. The CMAR will provide personnel to assist with procurement, submittal reviews, cost estimating, scheduling, safety, quality control, clerical, and any other duties necessary to ensure all activities are performed in a timely and satisfactory manner. The CMAR will work closely with City staff and the Design Engineers (Brown & Caldwell, AECOM, Inc., Carollo Engineers, Inc., and Black & Veatch Corporation) and equipment manufacturers' representatives throughout construction, start-up, commissioning and City staff operational training.

The Haskell Company GMP proposal includes use of St. Petersburg SBE contractors to meet the 5% SBE participation goal for the project. Additionally, the proposal includes a commitment to utilize Apprentice Workers for 10% of the work hours on the project, and Disadvantaged Workers for 10% of the work hours on the project.

The Construction Manager will begin work after contract execution and issuance of a Notice to Proceed and will complete the work within thirty eight (38) months thereafter.

RECOMMENDATION: Administration recommends City Council approve the attached Resolution approving a Second Amendment to the Construction Manager at Risk Agreement ("CMAR") to the Haskell Company for Construction Phase services to construct the new Biosolids and Waste to Energy Project, and authorizing the Mayor or Designee to execute the Second Amendment including a Guaranteed Maximum Price in the amount of \$64,868,267 for the work.

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available following the successful execution of the State Revolving Fund loan agreement in an amount not to exceed \$50,000,000. Funds are also available in the Water Resources Capital Projects Fund, WRF SW CNG Gen FY13/14/15 Project (14018), the WRF SW GBT Rehabilitation FY16 Project (15293), and WRF SW Biosolids Dewater FY16 Project (15291) following the rescission of unencumbered appropriations from the Water Resources Capital Projects Fund (4003), the WRF SW RW Storage FY14/15 Project (14231) in the amount of \$1,000,000 and authorizing a supplemental appropriation in the amount of \$1,000,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003) resulting from this rescission to the WRF SW Biosolids Dewater FY16 Project (15291),

ATTACHMENTS: Resolution

APPROVALS:
tbg


Administrative


Budget

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH THE HASKELL COMPANY FOR CONSTRUCTION PHASE SERVICES TO CONSTRUCT THE NEW BIOSOLIDS AND WASTE TO ENERGY PROJECT; AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE SECOND AMENDMENT INCLUDING A GUARANTEED MAXIMUM PRICE IN THE AMOUNT OF \$64,868,267 FOR THE WORK; RESCINDING AN UNENCUMBERED APPROPRIATION IN THE WATER RESOURCES CAPITAL PROJECT FUND (4003) IN THE AMOUNT OF \$1,000,000 FROM THE WRF SW RW STORAGE FY14/15 CAPITAL PROJECT (14231); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000) FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECT FUND (4003) TO THE WRF SW BIOSOLIDS DEWATERING FY16 PROJECT (15291) RESULTING FROM THIS RESCISSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 24, 2014, pursuant to Construction Manager Request for Proposal selection process, City Council approved the Construction Manager at Risk (CMAR) Agreement between the City of St. Petersburg and the Haskell Company (Haskell) and authorized preconstruction phase and utility location services in the amount of \$227,438 for the new Biosolids and Waste to Energy Project; and

WHEREAS, on September 24, 2015, the City and Haskell executed Amendment No. 1 to the CMAR Agreement to modify the contract documents to authorize the use of competitive bidding during the pre-construction phase to develop the Guaranteed Maximum Price, 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 preconstruction services related to the Generator and Electrical Improvements Project, including demolition of old plant facilities, designed by Black and Veatch (B&V), in the amount of \$106,858, increasing the total amount for preconstruction phase to \$334,296; and

WHEREAS, the City and Haskell desire to execute a Second Amendment to the CMAR Agreement to include a Guaranteed Maximum Price in the amount of \$64,868,267 for construction of the Biosolids to Energy Project at the Southwest Water Reclamation Facility. The Project is designed to consolidate biosolids handling and dewatering at the SWWRF; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg, Florida, that the Second Amendment to the Construction Manager at Risk Agreement ("CMAR") to the Haskell Company for Construction Phase services to construct the new Biosolids and Waste to Energy Project is hereby approved and the Mayor or Designee is authorized to execute the Second Amendment including a Guaranteed Maximum Price in the amount of \$64,868,267 for the work.

BE IT FURTHER RESOLVED, that an unencumbered appropriation in the amount of \$1,000,000 from the unappropriated balance of the Water Resources Capital Project Fund (4003) to the WRF SW R W Storage FY14/15 Project (14231) is hereby rescinded.

BE IT FURTHER RESOLVED, that a supplemental appropriation in the amount of \$1,000,000 from the unappropriated balance of the Water Resources Capital Project Fund (4003) to the WRF SW Biosolids Dewatering FY16 Project (12591) resulting from this rescission is hereby approved as follows:

<u>Water Resources Capital Project Fund (4003)</u>	
WRF SW Biosolids Dewatering FY16 Project (15291)	\$1,000,000

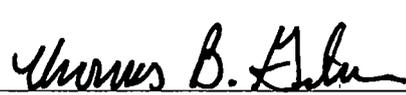
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee) _____

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

Tom Greene
Budget Director

ST. PETERSBURG CITY COUNCIL

Report

Meeting of January 7, 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 Architect/Engineering Agreement ("A/E") with Brown and Caldwell dated April 18, 2013, for construction phase services, equipment startup and commissioning in the amount of \$1,637,092 for the Biosolids and Waste to Energy Project (Engineering Project No. 13057-111, Oracle No. 15291)

EXPLANATION: On April 18, 2013, the City Council approved an Architect/Engineering Agreement between the City and Brown and Caldwell for Design Services related to the new Biosolids and Waste to Energy Project, in the total amount of \$2,921,138.

The scope of services included preliminary and final design services, permitting, and the preparation of bidding documents and bidding phase services necessary for design of a new splitter box, conveyance piping, two new primary clarifiers, new odor control covers, new primary sludge pumping station, new odor control system, to convert the SWWRF digestion system to a temperature-phased anaerobic digestion (TPAD; thermophilic followed by mesophilic) system to Class A Biosolids, new fats, oils, and grease (FOG) receiving and handling facility pump station and gas treatment system. Services include all necessary general civil, architectural, structural, electrical, process-mechanical, HVAC, plumbing, fire suppression, instrumentation and controls engineering.

Biosolids thickening, dewatering, and loading for disposal will occur within a new enclosed building with odor control. This building will be designed by another Consultant with more relative experience in biosolids dewatering. Electrical power used at the SWWRF will be produced by a combined heat power (CHP) engine electrical generator designed by another consultant with expertise in CHP design. The CHP engine will provide heated process water to support the TPAD process.

The scope of services also included a new fats, oils, and grease (FOG) receiving and handling facility pump station and gas treatment system designed to remove carbon dioxide, siloxanes, hydrogen sulfide, water and other impurities. The gas treatment system will clean the digester gas to meet or exceed the compressed natural gas fuel standards established by the Society of Automotive Engineers (SAE J1616). The renewable natural gas will be used to fuel an electric generator for plant electrical needs and excess natural gas will be used to fuel CNG fleet refuse trucks. Renewable natural gas is eligible for renewable energy credits through the EPA Renewable Fuel Standards Program. All of the digesters will be completely sealed with fixed covers so that all of the digester gas that is produced can be captured and used for energy recovery, in addition to preventing release into the atmosphere. The design includes a new odor control system and connections to recover heat from the combined heat power (CHP) engine electrical generator designed by another consultant with expertise in CHP design. The CHP engine will provide heated process water to support the TPAD process. The new digester gas treatment system will be designed to remove carbon dioxide, siloxanes, hydrogen sulfide, water and other impurities.

Amendment No. 1 to the A/E Agreement with Brown and Caldwell was approved by City Council on September 17, 2015 to provide for additional professional engineering design services in the amount of \$194,371 which provided for necessary value engineering design services, for a total not to exceed the amount of \$3,115,509.

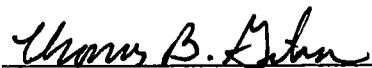
Amendment No. 2 to the A/E Agreement with Brown and Caldwell, in the amount of \$1,637,092, provides for construction phase services, including but not limited to site visits, shop drawing review, manufacturer O&M manuals review, equipment start-up, final inspections, preparation of record drawings, commissioning and project closeout. Brown and Caldwell will also be in close coordination with the CMAR (Haskell), Black & Veatch and other Design Engineers for the construction phase services and commissioning of the overall SWWRF Biosolids and Waste to Energy Project and Generator and Electrical Improvements Project.

RECOMMENDATION: Administration recommends that City Council approve Amendment No. 2 to the Architect/Engineering Agreement ("A/E") with Brown and Caldwell dated April 18, 2013, for construction phase services, equipment startup and commissioning in the amount of \$1,637,092 for the Biosolids and Waste to Energy Project.

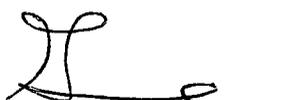
COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003) WRF SW Digester Biosolids FY16 Project (15290).

ATTACHMENTS: Resolution

APPROVALS:
hpk/tbg



Administrative

Budget

RESOLUTION NO. 2016-

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 2 TO THE ARCHITECT/ENGINEERING AGREEMENT ("A/E") WITH BROWN AND CALDWELL DATED APRIL 18, 2013, FOR CONSTRUCTION PHASE SERVICES, EQUIPMENT STARTUP AND COMMISSIONING IN THE AMOUNT OF \$1,637,092 FOR THE BIOSOLIDS AND WASTE TO ENERGY PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$4,752,601 (ENGINEERING PROJECT NO. 13057-111, ORACLE NO. 15290); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 18, 2013, the City Council approved an Architect/Engineering Agreement between the City and Brown and Caldwell for Design Services related to the new Biosolids and Waste to Energy Project, in the total amount of \$2,921,138; and

WHEREAS, Amendment No. 1 to the A/E Agreement with Brown and Caldwell was approved by City Council on September 17, 2015 to provide for additional professional engineering design services in the amount of \$194,371 for a total amount not to exceed \$3,115,509; and

WHEREAS, Amendment No. 2 to the A/E Agreement with Brown and Caldwell, in the amount of \$1,637,092, provides for construction phase services, equipment start-up and commissioning of the overall SWWRF Biosolids and Waste to Energy Project and Generator and Electrical Improvements Project for a total amount not to exceed \$4,752,601.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is hereby authorized to execute Amendment No. 2 to the Architect/Engineering Agreement ("A/E") with Brown and Caldwell dated April 18, 2013, for construction phase services, equipment startup and commissioning in the amount of \$1,637,092 for the Biosolids and Waste to Energy Project for a total amount not to exceed \$4,752,601 (Engineering Project No. 13057-111, Oracle No. 15290).

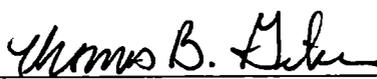
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

ST. PETERSBURG CITY COUNCIL

Report

Meeting of January 7, 2016

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

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg, Florida and Black & Veatch Corporation, in the amount not to exceed \$406,862, for construction phase services, equipment start-up and commissioning related to the Southwest Wastewater Treatment Facility Gas Generator and Electrical Improvements Project (Engineering Project No. 13082-111; Oracle No. 14018).

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 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 June 4, 2015, the City Council approved Task Order 12-04-BV/W, Amendment No. 1 for the lump sum fee of \$91,917 which provided the professional design services to modify the current two CHP generator design documents to a more cost effective single 1,560 kW CHP generator design. The single gas powered CHP generator will result in a lower capital and operating cost for the project as compared to the two generator design, due to a decrease in the electrical loads at the SWWRF after the selection of screw press dewatering equipment and off site gas compression.

Amendment No. 2 to Task Order 12-04-BV/W, in the amount of \$406,862, will provide the construction phase services, to include but not limited to, site visits, shop drawing review, manufacturer O&M manuals review, start-up, final inspections, preparation of record drawings, FDEP Air Emissions Operation Permit, and Commissioning for the Southwest Wastewater Treatment Facility Gas Generator and Electrical Improvements Project. Black & Veatch Corporation will also be in close coordination with the CMAR (Haskell), Brown and Caldwell and other Design Engineers for the construction phase services and commissioning of the overall Biosolids to Energy Project, as it pertains to the SWWRF Gas Generator and Electrical Improvements Project.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg, Florida and Black & Veatch Corporation, in the amount not to exceed \$406,862, for construction phase services, equipment start-up and commissioning related to the Southwest Wastewater Treatment Facility Gas Generator and Electrical Improvements Project.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF SW CNG Gen FY13/14/15 Project (14018).

ATTACHMENTS: Resolution

APPROVALS:
sm/tbg

Thomas B. Gibson
Administrative

[Signature] [Signature]
Budget

RESOLUTION NO. 2016-

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. 12-04-BV/W, TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND BLACK & VEATCH CORPORATION, IN THE AMOUNT NOT TO EXCEED \$406,862, FOR CONSTRUCTION PHASE SERVICES, EQUIPMENT START-UP AND COMMISSIONING RELATED TO THE SOUTHWEST WASTEWATER TREATMENT FACILITY GAS GENERATOR AND ELECTRICAL IMPROVEMENTS PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$970,810 (ENGINEERING PROJECT NO. 13082-111; ORACLE NO. 14018); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 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 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); and

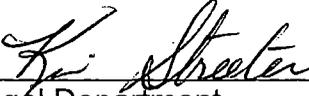
WHEREAS, on June 4, 2015, the City Council approved Task Order 12-04-BV/W, Amendment No. 1 for the lump sum fee of \$91,917 which provided the professional design services to modify the current two CHP generator design documents to a more cost effective single 1,560 kW CHP generator design; and

WHEREAS, Amendment No. 2 to Task Order 12-04-BV/W, in the amount of \$406,862, will provide the construction phase services, equipment start-up and commissioning of the overall Biosolids to Energy Project, as it pertains to the SWWRF Gas Generator and Electrical Improvements Project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is hereby authorized to execute Amendment No. 2 to Task Order No. 12-04-BV/W, to the agreement between the City of St. Petersburg, Florida and Black & Veatch Corporation, in the amount not to exceed \$406,862, for construction phase services, equipment start-up and commissioning related to the Southwest Wastewater Treatment Facility Gas Generator and Electrical Improvements Project for a total amount not to exceed \$970,810. (Engineering Project No. 13082-111; Oracle No. 14018)

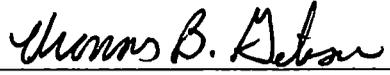
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

ST.PETERSBURG CITY COUNCIL

Report

Meeting of January 7, 2016

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. 12-02- AEC/W to the Agreement between the City of St. Petersburg and AECOM Technical Services, Inc., in the amount of \$199,885, for construction phase services, equipment startup and commissions for the Southwest Water Reclamation Facility (SWWRF) Dewatering Facility Project for a total amount not to exceed \$513,051. (Engineering Project No. 14031-111; Oracle No. 15291)

EXPLANATION: On November 20, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of AECOM Technical Services, Inc. for Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects.

On December 5, 2013 City Council approved Task Order No. 12-02-AEC/W, for the amount of \$313,166 for specific technical and engineering for the final design, permitting, and bidding phase of this project. The scope of work consisted of, but not limited to, field survey, asbestos testing, geotechnical testing, civil, process, mechanical and electrical engineering, final design, permitting, and bidding phase services for demolition of the old dewatering building and construction of a new biosolids dewatering facility. The project will dewater processed biosolids within an enclosed building with odor control facilities, after the enhanced digestion of sludge to produce renewable biogas.

The design of the Dewatering Facility was closely coordinated with the design of the methane gas production facilities under the Biosolids to Energy Project by Brown and Caldwell engineers. The use of AECOM Technical Services, Inc. for this work was based upon their experience with this type of design and ability to work cooperatively with Brown and Caldwell engineers, within the Project schedule requirements.

Amendment No. 1 to Task Order No. 12-02-AEC/W, in the amount of \$199,885, pertains to construction phase services, to include but not limited to, site visits, shop drawing review, manufacturer O&M manuals review, start-up, commissioning services, final inspections, and preparation of record drawings for the SWWRF Dewatering Facility Project. AECOM Technical Services, Inc. will also be in close coordination with the CMAR (Haskell) and other Design Engineers for the construction phase services, equipment startup and commissioning of the overall Biosolids to Energy Project, as it pertains to the SWWRF Dewatering Facility Project.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 12-02- AEC/W, in the amount of \$199,885, for construction phase services, equipment startup and commissioning for the Southwest Water Reclamation Facility (SWWRF) Dewatering Facility Project for a total amount not to exceed \$513,051.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF SW Biosolids Dewater FY16 Project (15291).

ATTACHMENTS: Resolution

APPROVALS: Thomas B. Gibson
da Administrative

[Signature] [Signature]
Budget

RESOLUTION NO. 2016-

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 12-02- AEC/W TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND AECOM TECHNICAL SERVICES, INC., IN THE AMOUNT OF \$199,885 FOR CONSTRUCTION PHASE SERVICES, EQUIPMENT START-UP AND COMMISSIONING FOR THE SOUTHWEST WATER RECLAMATION FACILITY (SWWRF) DEWATERING FACILITY PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$513,051 (ENGINEERING PROJECT NO. 14031-111; ORACLE NO. 15291); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 20, 2012, City Council approved a Master Agreement with the professional consulting engineering firm of AECOM Technical Services, Inc. for Miscellaneous Professional Services for Potable Water, Wastewater and Reclaimed Water Projects; and

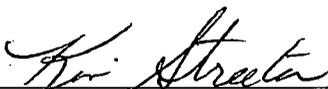
WHEREAS, on December 5, 2013 City Council approved Task Order No. 12-02-AEC/W, for the amount of \$313,166 for specific technical and engineering for the final design, permitting, and bidding phase for demolition of the old dewatering building and construction of a new biosolids dewatering facility.; and

WHEREAS, Amendment No. 1 to Task Order No. 12-02-AEC/W, in the amount of \$199,885, pertains to construction phase services, equipment start-up and commissioning of the SWWRF Dewatering Facility Project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is hereby authorized to execute Amendment No. 1 to Task Order No. 12-02- AEC/W, in the amount of \$199,885, for construction phase services, equipment start-up and commissioning for the Southwest Water Reclamation Facility (SWWRF) Dewatering Facility Project for a total amount not to exceed \$513,051 (Engineering Project No. 14031-111; Oracle No. 15291).

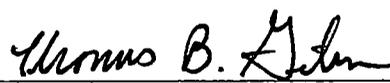
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

ST. PETERSBURG CITY COUNCIL

Report

Meeting of January 7, 2016

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

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of \$65,992, for construction phase services, equipment start-up and commissioning for the Southwest Water Reclamation Facility (SWWRF) Solids Thickening Improvements. (Engineering Project No. 13063-111; Oracle No. 15293)

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

On May 30, 2013, Task Order No. 12-02-CE/W was administratively approved to provide preliminary engineering services and a Basis of Design Report for the SWWRF Thickening Improvements Project. These services were satisfactorily completed at a cost of \$68,900.

On December 5, 2013 City Council approved Amendment No. 1 to Task Order No. 12-02-CE/W, in the amount of \$197,690 that provided for professional engineering design services pertaining to specific technical and engineering services related to the SWWRF Thickening Improvements Project. The scope of work consisted of, but was not limited to, structural, mechanical, electrical and control instrumentation engineering design services, preparation of plans and technical specifications, bidding documents, and bidding phase services.

The current waste activated sludge thickening system consists of one 2-meter gravity belt thickener (GBT) located within a partially open building. This Project will rehabilitate and relocate the existing GBT from the NEWRF to the SWWRF, rehabilitate the existing SWWRF GBT, replace two sludge grinders, three GBT feed pumps, add odor control ducts and ventilation system, within a modified and fully enclosed GBT building. The two rehabilitated GBT's within an enclosed structure with odor control facilities will partially dewater and thicken Waste Activated Sludge prior to enhanced digestion to produce renewable biogas under the Biosolids to Energy Project.

The design of the Solids Thickening Improvements was closely coordinated with the design of the methane gas production facilities under the Biosolids to Energy Project by Brown and Caldwell engineers. The use of Carollo Engineers, Inc. for this work was based upon their experience with this type of design and ability to work cooperatively with Brown and Caldwell engineers, within the Project schedule requirements.

Amendment No. 2 to Task Order No. 12-02-CE/W, in the amount of \$65,992, pertains to construction phase services, to include but not limited to, site visits, shop drawing review, RFIs, equipment start-up, commissioning services, final inspections, and preparation of record drawings for the SWWRF Solids Thickening Improvements. Carollo Engineers, Inc., will also

be in close coordination with the CMAR (Haskell) and other Design Engineers for the construction phase services and commissioning of the overall Biosolids to Energy Project, as it pertains to the SWWRF Solids Thickening Improvements.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment No. 2 to Task Order No. 12-02-CE/W, to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of \$65,992, for construction phase services, equipment start-up and commissioning services for the Southwest Water Reclamation Facility (SWWRF) Solids Thickening Improvements.

COST/FUNDING/ASSESSMENT INFORMATION: Funds are available in the Water Resources Capital Projects Fund (4003), WRF SW GBT Rehabilitation FY16 Project (15293).

ATTACHMENTS: Resolution

APPROVALS:
da

Thomas B. Gibson
Administrative

[Signature]
Budget

RESOLUTION NO. 2016-

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. 12-02-CE/W, TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND CAROLLO ENGINEERS, INC., IN THE AMOUNT OF \$65,992, FOR CONSTRUCTION PHASE SERVICES, EQUIPMENT START-UP AND COMMISSIONING FOR THE SOUTHWEST WATER RECLAMATION FACILITY (SWWRF) SOLIDS THICKENING IMPROVEMENTS FOR A TOTAL AMOUNT NOT TO EXCEED \$332,582 (ENGINEERING PROJECT NO. 13063-111; ORACLE NO. 15293); AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, on May 30, 2013, Task Order No. 12-02-CE/W was administratively approved to provide preliminary engineering services and a Basis of Design Report for the SWWRF Thickening Improvements Project at a cost of \$68,900; and

WHEREAS, on December 5, 2013 City Council approved Amendment No. 1 to Task Order No. 12-02-CE/W, in the amount of \$197,690 that provided for professional engineering design services pertaining to specific technical and engineering services related to the SWWRF Thickening Improvements Project for a total cost of ; and

WHEREAS, Amendment No. 2 to Task Order No. 12-02-CE/W, in the amount of \$65,992, pertains to construction phase services, to include but not limited to, site visits, shop drawing review, RFIs, equipment start-up, commissioning services, final inspections, and preparation of record drawings for the SWWRF Solids Thickening Improvements.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is hereby authorized to execute Amendment No. 2 to Task Order No. 12-02-CE/W to the Agreement between the City of St. Petersburg and Carollo Engineers, Inc., in the amount of \$65,992, for construction phase services, equipment start-up and commissioning services for the Southwest Water Reclamation Facility (SWWRF) Solids Thickening Improvements for a total amount not to exceed \$332,582 (Engineering Project No. 13063-111; Oracle No. 14035).

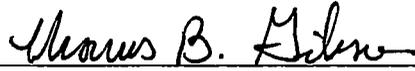
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

RESOLUTION NO. 2016 _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 12-1-SC/T, AS REVISED ("TASK ORDER") TO THE ARCHITECT/ENGINEERING AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND SPRINKLE CONSULTING, INC. DATED JULY 9, 2014, IN THE AMOUNT OF \$120,000 FOR PROFESSIONAL ENGINEERING AND CONSTRUCTION PHASE SERVICES RELATED TO HISTORIC BOOKER CREEK TRAIL PHASE II A PROJECT, FOR A TOTAL TASK ORDER (AS REVISED AND AMENDED) AMOUNT NOT TO EXCEED \$219,453.69; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida and Sprinkle Consulting, Inc. ("Sprinkle") entered into an architect/engineering agreement for Sprinkle to provide miscellaneous professional services for traffic calming, bicycle/pedestrian and development of regional impact projects; and

WHEREAS, Task Order No. 12-1-SC/T ("Task Order") in the amount of \$12,553.69 was executed on June 27, 2012 for the Historic Booker Trail – Alignment Mini-Study: MLK Jr. St. to Brooker Creek project ("Historic Booker Creek Trail Project"); and

WHEREAS, Administration issued Revision No. 1 on October 29, 2012, for Sprinkle to provide services for Phase IIA – Task 1 – Preliminary (30%) Design and Alternative Evaluation of the Historic Booker Creek Trail Project in the amount of \$86,900; and

WHEREAS, Amendment No. 1 to the Task Order (as revised) in the amount of \$120,000 for a total Task Order (as revised and amended) amount not to exceed \$219,453.69, is necessary to complete the Historic Booker Creek Trail Project; and

WHEREAS, Administration requests that Council approve Amendment No. 1 to the Task Order, as revised.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that Amendment no. 1 to Task Order No. 12-1-SC/T, as revised ("Task Order") to the architect/engineering agreement between the City of St. Petersburg, Florida and Sprinkle Consulting, Inc. dated July 9, 2014, in the amount of \$120,000 for professional engineering and construction phase services related to Historic Booker

Creek Trail Phase II A Project, for a total Task Order (as revised and amended) amount not to exceed \$219,453.69 is hereby approved.

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

This resolution shall become effective immediately upon its adoption.

Approved by:

Legal Department
By: (City Attorney or Designee)
00254586 v3

Administration

DST_4757748

MEMORANDUM
CITY OF ST. PETERSBURG

City Council Meeting of January 7, 2016

TO: The Honorable Amy Foster, Chair, and Members of City Council

FROM: Clay Smith, Director, Downtown Enterprise Facilities Department *eds*

SUBJECT: An ordinance authorizing the Mayor, or his designee, to accept a Cultural Facilities Grant from the State of Florida in the amount of \$1,000,000 for Acoustic Renovations for the Mahaffey Theater; record a restrictive covenant; and to execute all documents necessary to effectuate this grant; and approving a supplemental appropriation in the amount of \$1,000,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001) resulting from these additional revenues to the Mahaffey Theater Acoustic Renovations FY16 project (14661); and providing an effective date.

EXPLANATION: The State of Florida, Division of Cultural Affairs, has awarded a Cultural Facilities Grant in the amount of \$1,000,000 to the City of St. Petersburg ("City") to assist in the funding of acoustic renovations for the Mahaffey Theater. No City match is required for this grant. Funds from this grant will support the design of acoustic renovations and improvements for the Mahaffey Theater as well as fund the purchase of a new orchestra shell and related equipment. The cost of this phase is estimated to be \$1,000,000.

The cost of installing the orchestra shell and the construction cost of related acoustic and performance improvements is currently estimated to be \$850,000 and will be funded by the City from planned FY17 capital funds.

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

accordance with this Section." The Grant Agreement also provides that venue for any legal action arising under this agreement will be in Leon County, Florida. The Grant Agreement also requires the City to use the Mahaffey Theater as a cultural facility for ten years. If it is not used as a cultural facility for this time period, the grant funds (or a portion thereof) must be returned.

RECOMMENDATION: Administration recommends approval of the attached ordinance on first reading and scheduling of the public hearing for January 21, 2016.

COST/FUNDING/ASSESSMENT INFORMATION:

Revenues of \$1,000,000 will be received from this grant to provide funding for the design of acoustic renovations and improvements for the Mahaffey Theater as well as fund the purchase of a new orchestra shell and related equipment. A supplemental appropriation will be required from the unappropriated balance of the General Capital Improvements Fund (3001) resulting from these revenues to the FY16 Mahaffey Theater Acoustic Renovations Project (14661).

ATTACHMENTS: Ordinance

APPROVALS: Administration: 
Budget: Devis L Fuller 12-21-15
Legal: MD
(As to consistency with attached Legal documents)

Ordinance No. _____

An ordinance adopted as required by section 1.02(c)(5)a., St. Petersburg city charter, authorizing the mayor to accept a state of Florida, department of state, division of cultural affairs grant in the amount of \$1,000,000 for the acoustic renovations project at the Mahaffey Theater; authorizing the restrictions contained in the grant documents which require that the city will execute and record a restrictive covenant, or such other appropriate document, that dedicates the land and building developed with grant assistance for ten years as a cultural facility for the use and benefit of the general public subject to rules for conversion of the property; authorizing the mayor to execute and record in the public record the restrictive covenant and all other documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \$1,000,000 from the unappropriated balance of the general capital improvement fund (3001); and providing an effective date.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

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

Section Two. The State of Florida, Department of State, Division of Cultural Affairs has offered the City a grant in the amount of \$1,000,000 ("Grant") for the Acoustic Renovations project at the Mahaffey Theater.

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

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

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

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

Section Seven. Funding. A supplemental appropriation in the amount of \$1,000,000 is approved from the unappropriated balance of the General Capital Improvement Fund (3001).

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

Approvals:

Legal: *Maahly* Administration: *Clay J*

Budget: *James [unclear]*

MEMORANDUM

Council Meeting of January 7, 2016

TO: Honorable Amy Foster and Members of City Council
FROM: Evan Mory, Transportation & Parking Management Director
RE: First Reading, Vehicles for Hire Ordinance

On July 16, 2015 the City Council PS&I Subcommittee considered several potential changes to Chapter 28 of the St. Petersburg City Code pertaining to Vehicles for Hire. The primary discussion points related to regulation of Pedal Buses. At the meeting the committee voted in favor of changes to the code which would allow for less stringent regulation than what had been promulgated in the past. It had been contemplated to bring all Vehicle for Hire Ordinance amendments, including Transportation Network Companies (TNC's) to Council together. However, due to timing and uncertainty related to TNC regulation, Administration desires that Council consider Ordinance revisions that do not affect TNC's but allow other changes to move forward at this time. Attached is a draft Ordinance that would effectuate the changes desired by the Committee.

There were several policy issues considered by the committee, some which pertain to City Code and others that affect the License Agreement between the operators and the City. The following matters were discussed and unanimously favored by the Committee: changes to the rear vehicle lighting requirements that would allow for easier compliance, reduction of the exclusion zone to allow operation on 1st Avenue North west of MLK street in addition to East, elimination of prohibition within proximity to Co-sponsored events, reduction of prohibited operation hours on July 4th and New Year's Eve to only one hour after fireworks, reduce Tropicana Field restriction to one hour before and one hour after events and geographic restriction to only south of 1st Avenue North, and glassware prohibition to not include wrapped merchandise. Insurance limits were discussed but the committee decided to not support making any changes to insurance requirements. The committee discussed loading zones and angled parking for pedal bus parking which also did not result in any proposed changes.

The attached Ordinance, along with modifications to the License Agreements, would allow implementation of the committee's motions. The Ordinance also addresses revised definitions, clarifying language related to low speed vehicles to conform to changes in state law, adding requirements for vessels, and revising the application requirements for a public vehicle driver's permit. Administration requests that Council conduct a first reading of the attached Ordinance and schedule a second reading and public hearing.

Attachments: Draft Ordinance

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, REVISING CHAPTER 28, VEHICLES FOR HIRE; ADDING, DELETING, AND REVISING DEFINITIONS; REVISING ARTICLE AND SECTION TITLES; CLARIFYING LANGUAGE RELATED TO LOW SPEED VEHICLES TO CONFORM WITH CHANGES IN STATE LAW; ADDING REQUIREMENTS FOR VESSELS; AMENDING THE SUBSECTION RELATING TO PEDAL BUSES; REORGANIZATION OF SUBSECTIONS TO ENHANCE READABILITY; REVISING THE APPLICATION REQUIREMENTS FOR A PUBLIC VEHICLE DRIVERS PERMIT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section 1. Chapter 28 of the St. Petersburg City Code is hereby amended to read as follows:

Chapter 28 - VEHICLES FOR HIRE

ARTICLE I. - IN GENERAL

Sec. 28-1. - Definitions.

As used in this article the following terms shall have the meanings ascribed to them:

Driver means an individual who operates or is in actual physical control of a public vehicle.

Exempt vehicles means one of the following:

- (1) Motor vehicles used exclusively in transporting children to and from schools under contract with school officials.
- (2) Hearses and ambulances when operated by licensed embalmers, morticians, or ambulance service companies or their agents or employees in this State.
- (3) Handicab means a vehicle designed, constructed, reconstructed or operated for the transportation of persons with nonemergency conditions where no medical assistance is needed or anticipated en route; or for persons who are unable to comfortably use a standard means of conveyance; or for persons who cannot enter, occupy or exit a vehicle without extensive assistance; or where specialized equipment is used for wheelchair or stretcher service; and where the driver serves as both a driver and attendant to assist in door-to-door or bed-to-bed service. No emergency equipment other than a fire

extinguisher may be carried. The use of the term "ambulance" or "ambulatory service" may not be used and no representations may be made that any medical service is available.

- (4) Motor vehicles operated by a governmental agency.
- (5) Public sector buses which are used for the transportation of persons for compensation and which are owned, leased, operated or controlled by a municipal, county or state government, school board or a governmentally owned or managed nonprofit corporation.
- (6) Exclusive ride-sharing vehicles as defined in F.S. § 341.031.
- (7) Shuttle services owned and operated directly by a hotel or motel for transportation limited to registered guests thereof.
- (8) Vehicles used exclusively in transporting persons in a sight-seeing capacity with its primary purpose for tours of landmarks.

Limousine/Car Service means any motor vehicle not equipped with a taximeter, which provides seating accommodations for not more than 29 passengers, including the driver, not including exempt vehicles.

Low speed vehicle means a low speed vehicle as defined under Florida Statutes, as amended, governing motor vehicle licenses.

Manifest means a daily trip sheet completed by each driver listing the information required by the POD.

Motor vehicle means a vehicle that is motorized or self-propelled by power other than muscular power or by animals. The term "motor vehicle" does not include traction engines, road rollers, bicycles, mopeds, or motorcycles.

~~Motorized non-gasoline powered vehicles means vehicles which have an engine or motor which is directly powered by a source other than gasoline, such as a battery, often similar in appearance to a golf cart, which does not have a taximeter, and only have the capability to travel on streets designated with a 40 miles per hour or less traffic speed limit zone.~~

New fares means picking up any passenger from a location within the City.

Non-motorized vehicle means vehicles for hire designed to be propelled by humans or animals and which ~~do not~~ may or may not also have helper engines or motors installed so long as the helper engines or motors do not exceed the non-motorized vehicle speed of over 20 miles per hour on level ground.

Non-public sector bus means any motor vehicle with a capacity for no more than 29 passengers, including the driver but does not include public sector buses, school buses, and buses that transport passengers between a common carrier terminal station, or other exempt vehicles.

Operator means any person owning, leasing or controlling a taxicab, van, or limousine/car service. An operator may or may not be a driver.

Pedal bus means a non-motorized vehicle for hire with a seating configuration similar to that of a dinner table, seating on each side, and solely powered by humans using pedals.

Public street means any of the public streets, boulevards, avenues, drives, or alleys within the City.

Public vehicle means non-public sector buses, taxicabs, vans, limousines/car services and any other motorized and non-motorized vehicles, including vessels, for the transportation for hire of passengers where new fares begin within the City and includes ~~motorized non-gasoline powered~~ low speed vehicles which operate in the same manner as transportation for hire-a taxicab but may or may not charge a fee to new fares.

Public vehicle certificate means the written authority issued pursuant to this article which grants the privilege to operate one public vehicle within the City.

Public vehicle driver's permit means a permit issued pursuant to this article which entitles a person to drive or operate a public vehicle within the City.

Taxicab means any motor-driven vehicle, regardless of its power source, with a capacity for no more than nine passengers, including the driver, which is operated for compensation based upon rates reflected on a taximeter, not including exempt vehicles.

Taxicab meter means any mechanical, digital or electronic device which serves to monitor the distance, time, or mileage to determine the fare to be charged a passenger of a taxicab.

Van means any motor-driven vehicle with a capacity of not more than 29 passengers including the driver, not including exempt vehicles.

Vessel means any boat or watercraft designed for water travel, including, but not limited to, any kayak, canoe, boat, motorboat, air boat, or watercraft being propelled or powered by machinery, air or human power and designed for water travel and includes personal watercraft such as, but not limited to, jet skis, waverunners, wavejammers, and other similar vessels being propelled or powered by machinery, air or human power which transports passengers for compensation similar to a taxicab or other public vehicles. This definition does not include seaplanes or vessels rented for recreational purposes.

Sec. 28-2. - Penalty for violation.

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with or who procures, aids, or abets in the violation of any provision of this article shall be guilty of a municipal ordinance violation and may have a penalty enforced upon said person.

ARTICLE II. - REGULATIONS AND REQUIREMENTS FOR ~~OBTAINING~~ PUBLIC VEHICLES CERTIFICATE

Sec. 28-14. - Regulations and standards for public vehicles.

- (a) All public vehicles which are regulated by this chapter except nonmotorized vehicles and ~~motorized non-gasoline powered~~ low speed vehicles shall be equipped with the following:
 - (1) A rear view mirror and a side view mirror on the driver's side;

- (2) A speedometer properly installed, in good working order;
 - (3) Clean, sanitary interior, free from torn upholstery or floor covering and from damaged or broken seats;
 - (4) Door hinges and latches in good mechanical working order and doors which operate easily and close securely;
 - (5) Body, fenders, doors, trim and grill reasonably free from cracks, breaks, and dents that would impair the safety or appearance of the public vehicle;
 - (6) Glass in the windshield and windows that shall be approved safety non-shatterable glass;
 - (7) Tires of the size appropriate for the public vehicle and with no mismatched "sized" tires. There shall be no cuts into the tire cord or sidewall area or localized worn spots that expose the ply;
 - (8) An operational horn with the activating button mounted in the location designated by the vehicle designed and assembled by the vehicle manufacturer;
 - (9) Seat belts that are available for passengers in all seats except jump seats, spaces designed to accommodate wheelchairs or where the seat belts are not required by law. Seat belts in operating condition and easily accessible by all passengers. For the purpose of this section, seat belts which are placed under the seat or between the lower and upper portions of the seat are deemed not easily accessible;
 - (10) Standard, operational windshield wipers for the entire front windshield which shall be controlled electronically or by vacuum and operated from the interior of the public vehicle. The wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or badly worn;
 - (11) An operational parking brake and an operational primary brake system which acts on all of the vehicle's axles; and
 - (12) An adequately operating air conditioning/heating system and windshield defrost or defogging system, which controls the temperature of the interior of the vehicle between 68 degrees Fahrenheit to 78 degrees Fahrenheit.
- (b) The public vehicle shall be structurally sound and operate with a minimum of noise and vibration, and the driver's vision shall be unobstructed on all four sides of the public vehicle.
 - (c) There shall be a place provided for the driver's permit and the driver's appropriate valid State driver's license to be prominently displayed.
 - (d) Additionally, for taxicabs, the items listed below shall be required:
 - (1) The operator's trade name, monogram or insignia, taxicab number and telephone number shall be permanently affixed upon the metal portion of the outside of each side of the taxicab in letters at least three inches high, painted in a color contrasting to that of the taxicab. The color scheme and insignia shall be provided to the City and must be uniform through each fleet of vehicles. If there are any changes in color scheme, insignia, or cruise light design the City shall be notified within 10 days of the change.
 - (2) A two-way radio or its equivalent shall be installed and operating properly with access to or affiliated with a central dispatch facility.

- (3) A taximeter shall be installed and illuminated so as to be easily seen by a passenger sitting in any part of the taxicab.
 - a. The taximeter will be of such a type and design as will properly and accurately compute and display on its face the charge for distance traveled or the charge for waiting time.
 - b. The operation of any taxicab with a taximeter which is defective or which does not properly and accurately compute and display on its face the charge for distance traveled or the charge for waiting time shall constitute a violation of this article.
 - c. The taximeter shall be inspected each time a periodic inspection is made. The taximeter shall be inspected annually by the department of agriculture bureau of weights and measures and their seal affixed to the meter.
 - d. No taximeter shall be used between sunset and sunrise unless the face thereof shall be illuminated by a light so arranged as to give continuous light upon the taximeter.
 - e. The taximeter shall be one approved by the State department of agriculture bureau of weights and measures or such other enforcing department of the State.
 - f. There shall be a signal or other device affixed to the taximeter which indicates whether the taxicab is in use.
- ~~(4) The color scheme, insignia, and cruising light design shall be unique and readily distinguishable from other taxicab companies' color schemes and insignia. If there are any changes in color scheme, insignia, or cruise light design the City shall be notified.~~
- ~~(45)~~ Each operator shall have posted inside of each taxicab, in a conspicuous place, the detailed tariff charged or to be charged for transportation. This tariff shall be printed in such a size as to allow it to be easily readable by persons sitting in the rear seat of the taxicab. This tariff shall conform to and be an exact duplicate of the tariff filed with the POD as required by this article.
- ~~(56)~~ The name of the driver shall be plainly posted on the inside of the taxicab and it shall also state whether the driver is the owner or lessee of the taxicab.
- ~~(67)~~ The taxicab may have a roof identification device or a dashboard mounted identification device visible from the exterior indicating that the vehicle is a taxicab which may include a device to indicate whether the taxicab is available for hire or is vacant.
- (7) In addition to any vehicle signs allowed by the sign section of the land development regulations, taxicabs shall be allowed one triangular or one two-sided sign on the roof of the taxicab which shall not exceed two feet in height (as measured from the roof) or one one-sided sign which shall be attached to the trunk or bumper and directed toward vehicles following the taxicab. No sign face shall extend beyond any side of the vehicle and no sign face shall exceed five feet in length. If vehicle or window wraps are used, the trade dress insignia must still be readily visible to the public.
- (e) Exempt vehicles are not required to comply with this section.
- (f) Non-motorized vehicles are required to comply with the following:
 - (1) Non-motorized vehicles shall be equipped with:

- a. All safety equipment required for vehicles including horn, lights, reflectors and seatbelts, where applicable;
 - b. A signaling device, which may be human powered such as a whistle;
 - c. A clean, sanitary interior, free from torn upholstery or floor covering and from damaged or broken seats;
 - d. Doors which operate easily and close securely and door hinges and latches in good mechanical working order, if the vehicle is designed to have doors; and
 - e. Tires of the size appropriate for the vehicle, with no mismatched "sized" tires.
- (2) Non-motorized vehicles may not be operated on any City sidewalk;
- (3) Non-motorized vehicles shall comply with posted regulations for stopping and standing. Non-motorized vehicles may not stop or stand in on-street spaces reserved for bus stops and trolley stops;
- (4) Non-motorized vehicles may use available public parking spaces for stopping or standing but shall comply with posted time requirements and are subject to ticketing for failure to comply with such requirement;
- (5) There shall be a place provided in the vehicle for the public vehicle driver's permit to be displayed;
- (6) Non-motorized vehicles with passengers, except for pedal buses and horse carriages, may only operate between 9th Avenue South and 9th Avenue North and between 32nd Street and Tampa Bay;
- (7) Non-motorized vehicles shall enter into a license agreement with the City prior to transporting passengers;
- (8) A non-motorized vehicle shall have no more than one sign on each side of the vehicle, each not more than two square feet and one sign on the rear of the vehicle not more than four square feet.
- (98) For pedal buses, the following additional requirements shall be met:
- a. A public vehicle certificate shall be issued provided the applicant meets all the requirements set forth in this chapter and provides a copy of a current, valid license agreement with the City. The public vehicle certificate shall be visible from the exterior of the pedal bus on the rear of the vehicle. Failure to have a current, valid license agreement shall result in immediate revocation of the public vehicle certificate.
 - b. A public vehicle certificate holder shall operate the pedal bus within 30 days of obtaining a public vehicle certificate.
 - c. No alcoholic beverages other than beer, wine, hard cider or malt based beverages below 19 percent alcohol may be consumed by passengers on the pedal bus. No persons under the age of 21 are allowed on the pedal bus during a ride where alcohol is or is planned on being consumed.

- d. All ~~public vehicle certificate holders~~ pedal buses shall require passengers to execute a waiver, approved by the City, prior to boarding the pedal bus. Licensee shall make available for inspection such executed waivers upon the City's request.
- e. A ~~public vehicle certificate holder~~ pedal bus shall require all passengers under age 16 to wear helmets and offer helmets for all other passengers, regardless of age, at no cost.
- f. All pedal buses may only be used on public streets designated with a speed limit of 30~~5~~ miles per hour or less subject to the following exceptions:
 - 1. *Special events.* Pedal buses shall not operate within half a mile of any boundary of any event declared to be a special event by a resolution adopted by the City Council during the event and for two hours prior to and two hours after the event. The resolution shall delineate the boundaries within which the special event declaration is to be effective.
 - 2. ~~Co-sponsored and City-sponsored events. The pedal bus shall not operate within half a mile of any boundary of an outdoor event co-sponsored by the City under its co-sponsorship procedures or any boundary of a City-sponsored event that is specifically listed in the license agreement and shall not operate two hours prior to and two hours after the event. The POD may increase or decrease the distance and time limitations as determined necessary based upon the size of the event and may add outdoor events to this list if such event is anticipated to generate more than 10,000 attendees. In such a case the POD shall notify the public vehicle certificate holder in writing, at least ten days in advance of such restriction. Notwithstanding the foregoing,~~ The pedal bus shall not operate on December 31 and July 4 between and including 5th Avenue North to 5th Avenue South from Tampa Bay to Interstate I-275 after 5:00 p.m. The POD may increase or decrease the distance and time limitations as determined necessary to have unobstructed pedestrian and vehicular access.
 - 3. *Tropicana Field Events.* Pedal buses shall not operate between and including 6th Street and 20th Street and 5th Central Avenue North to 5th Avenue South ~~during an event held at Tropicana Field and for 1.05 hours prior to and 1.05 hours after an event held at Tropicana Field.~~
 - 4. *Crossing streets.* Pedal buses are allowed on streets designated with a speed limit of over 35~~0~~ miles per hour for the sole purpose of crossing such portion where a 35~~0~~ miles per hour or less speed zone is designated on both sides of the street. The pedal bus shall obey all State laws with regards to road crossings and travelling upon State and county roads.
 - 5. *Street closures.* Pedal buses are not allowed on streets which have been closed except that if such closure is in association with a parade permit and the pedal bus is an authorized participant in such parade.
- g. A pedal bus~~Public vehicle certificate holders~~ shall carry the following insurance at its own expense:

1. Commercial general liability insurance in an amount of at least \$5,000,000.00 per occurrence, with \$5,000,000.00 aggregate, and \$5,000.00 medical payments coverage. This policy shall include coverage for (i) personal injury or death or property damage or destruction; (ii) participant and passenger liability; (iii) contractual liability under this agreement, and (iv) customers who bring alcohol on the pedal bus.
 2. Automobile liability insurance of \$1,000,000.00 combined single limit.
 3. Workers' compensation insurance as required by Florida law and employers' liability insurance in an amount of at least \$100,000.00 each accident, \$100,000.00 per employee, and \$500,000.00 for all diseases.
- h. Pedal buses shall obey all traffic laws and shall not obstruct pedestrian traffic.
 - i. No glassware of any kind shall be allowed on the serving area of a pedal bus including but not limited to bottles, receptacles or drinking glasses. Glassware may be allowed to be stored on a pedal bus as long as the glassware is empty, securely stored so as to be inaccessible while the vehicle is in motion, and wrapped in paper, padding, or some other covering to prevent breakage.
 - j. A violation of the requirements in this section shall constitute a violation of this Code pursuant to Section 1-7 and may be grounds to revoke a public vehicle certificate.
- (g) ~~Motorized non gasoline powered~~ Low speed vehicles are required to comply with the following:
- (1) ~~Motorized non gasoline powered~~ Low speed vehicles shall conform to all Federal and State regulations (currently Title CFR Part 571.500 and Chapter 316, Florida Statutes).~~be equipped with:~~
 - a. ~~Mirrors, horn, headlights, taillights, turn signal lights, windshield wipers, hand brake and primary brake system which acts on all axles, all of which shall be in good working condition;~~
 - b. ~~Seatbelts for all occupants;~~
 - (2) ~~e.~~ Low speed vehicles shall have a clean, sanitary interior, free from torn upholstery or floor covering and from damaged or broken seats;
 - (3) ~~d.~~ All Low speed vehicles shall have the exterior parts of the vehicle shall be free from cracks, breaks and dents; ~~and~~
 - e. ~~Tires of the size appropriate for the vehicle, with no mismatched "sized" tires. There shall be no cuts into the tire cord or sidewall area or localized worn spots that expose the ply.~~
 - (4) ~~Motorized non gasoline powered~~ Low speed vehicles shall be structurally sound and operate with a minimum of noise and vibration;
 - (5) ~~Motorized non gasoline powered~~ Low speed vehicles shall comply with posted regulations for stopping and standing and shall not stop or stand in on-street spaces reserved for, or marked as, bus stops and trolley stops, but may use on-street spaces reserved for taxicabs;

- (64) ~~Motorized non-gasoline powered~~ Low speed vehicles may use available public parking spaces for stopping or standing but shall comply with posted time requirements and meter charges and are subject to ticketing for failure to comply with such requirements;
- (75) There shall be a place provided in the vehicle for the public vehicle driver's permit to be displayed which shall be readily visible to occupants;
- (86) ~~Examples of t~~The color scheme and insignia shall be ~~unique and readily distinguishable from all motorized non-gasoline powered vehicles and taxicab color schemes and insignias approved for operation in~~ provided to the City and must be uniform through each fleet of vehicles. In addition to any vehicle signs allowed by the sign section of the land development regulations, low speed vehicles are allowed to have both of the signs allowed for taxicabs and any sign on the roof of the vehicle may have sign faces up to five feet in length. If vehicle or window wraps are used, the trade dress insignia must still be readily visible to the public.
- (97) ~~Motorized non-gasoline powered~~ Low speed vehicles shall comply with all traffic regulations and shall not be allowed on any sidewalk;
- (108) ~~Motorized non-gasoline powered~~ Low speed vehicles which may charge a fee shall be regulated as a taxicab but shall not be required to have 24 hour dispatch service, ~~or a minimum number of public vehicle certificates, or a taxicab meter.~~
- (11) Notwithstanding the foregoing, City employees shall be allowed to operate low speed vehicles on any sidewalk or in any park provided such operation is necessary in carrying out their official duties.
- (h) ~~In addition to any vehicle signs allowed by the sign section of the land development regulations, taxicabs shall be allowed one triangular or one two-sided sign on the roof of the taxicab which shall not exceed two feet in height (as measured from the roof) or one one-sided sign which shall be attached to the trunk or bumper and directed toward vehicles following the taxicab. No sign face shall extend beyond any side of the vehicle and no sign face shall exceed four feet in length. In addition to any vehicle signs allowed by the sign section of the land development regulations, motorized non-gasoline powered vehicles are allowed to have both of the signs allowed for taxicabs and any sign on the roof of the vehicle may have sign faces up to five feet in length. A non-motorized vehicle shall have not more than one sign on each side of the vehicle, each not more than two square feet and one sign on the rear of the vehicle not more than four square feet.~~
- (h) Additionally for vessels the following shall be required:
- (1) Each vessel must display a registration number, and be registered as a commercial vessel if required to be so registered by the Florida Department of Highway Safety and Motor Vehicles.
- (2) All operators must be at least 18 years old.
- (3) All vessels shall carry and maintain all safety equipment required by the United States Coast Guard safety requirements.
- (4) All vessels under 26 feet in length shall require all passengers under the age of 6 to wear a Coast Guard approved personal floatation device.

(5)All vessels over 14 feet in length must carry a life ring or other equivalent floatation device.

(6)All vessels are required to have working navigation lighting.

- (i) Non-public sector buses, limousines, and vans shall operate as a pre-arranged service and shall not solicit "walk up" passengers unless operating pursuant to a written agreement with the ownership or management of the location of the solicitation.
- (j) Only a vehicle marked in compliance with this chapter as a taxicab may use the taxi stands.

Sec. 28-15. - Public vehicle certificate requirement.

- (a) It shall be unlawful to operate any public vehicle which picks up a new fare within the City limits without a valid certificate affixed to the public vehicle.
- (b) There shall be a rebuttable presumption that a public vehicle which does not have a valid certificate affixed to the vehicle is violating this provision.
- (c) Each public vehicle shall have permanently affixed to the public vehicle a valid public vehicle certificate prior to each public vehicle beginning a new fare within the City limits. The public vehicle certificate shall be located on the driver's side of the vehicle on the lateral face of the bumper, trunk lid, or rear window and shall be visible from the exterior of the vehicle.
- (d) Each certificate shall expire on September 30 and may be renewed upon payment of the prescribed fee prior to expiration.
- (e) All public vehicle certificates fees for renewals shall be paid on or before September 30 of each fiscal year. If September 30 falls on a weekend or holiday, the renewal fee is due and payable on or before the first business day following September 30.
- (f) For each new public vehicle certificate issued between October 1 and March 31, the full amount of the certificate shall be paid. For each new public vehicle certificate issued on or after April 1, one-half of the total amount of the public vehicle certificate shall be paid. This section does not apply to temporary 14-day certificates as set forth in this chapter.
- (g) Upon the cancellation or lapse of any policy of insurance as required by this article, the certificate issued pursuant to this article shall be immediately revoked unless, before the expiration date of the policy of insurance, another policy of insurance containing all the requirements of the original policy of insurance is obtained. However, any holder of a certificate may make application to the POD for a voluntary suspension of the certificate for a term not to exceed six months and not to extend beyond the certificate term. The POD, in granting a voluntary suspension of a certificate, shall require the holder of the certificate to surrender possession of the certificate to the POD, but the surrender of possession of the certificate shall not be construed to be a cancellation thereof unless the holder of the certificate shall fail to file with the POD a policy of insurance before the expiration date of the suspension period. During the time of the voluntary suspension of the certificate, the operator shall not be required to maintain the policy of insurance as required by this article. A public vehicle certificate may be transferred during the voluntary suspension period.
- (h) The holder of any public vehicle certificate may assign the certificate to any person or any vehicle otherwise qualified under this article, however, a transfer fee of \$25.00 must be paid

to the City and the appropriate transfer application must be filed with the City before each certificate may be transferred. The person or vehicle that the certificate is to be transferred to must meet all the requirements for the issuance of a public vehicle certificate. The holder shall not transfer the certificate to any other vehicle without filing a transfer application and making payment of the transfer fee of \$25.00 per certificate transferred. Each vehicle receiving a transferred certificate must meet all the requirements for the issuance of public vehicle certification.

- (i) The applicant for a certificate required by this section shall make a notarized application therefor to the POD upon application blanks to be furnished by the POD, which application shall contain, but not be limited to, the following information:
 - (1) The owner of the vehicle and, if not owned by the applicant, from whom the vehicle is leased or rented;
 - (2) The make and model of the vehicle and the year of its manufacture, together with the serial number of the vehicle and the seating capacity thereof;
 - (3) The State license plate number of the motor vehicle;
 - (4) If the owner of the vehicle is a corporation, the officers thereof;
 - (5) If the owner of the vehicle is a partnership, the name and residence of each partner;
 - (6) The principal business location of the owner of the vehicle;
 - (7) A detailed rate and fare schedule to be charged for the vehicle, if applicable;
 - (8) Whether the vehicle is to be operated as a taxicab, van, limousine/car service, ~~non-gasoline powered~~ low speed vehicle, vessel or non-motorized vehicle; and
 - (9) If the vehicle is a taxicab, taxicab parent company information:
 - a. Name, address, and phone number;
 - b. Color scheme;
 - c. Insignia design; and
 - d. Cruising light design.
- (j) In addition to the above required application information, the applicant shall:
 - (1) State, declare and agree that the applicant will comply with all of the ~~laws of the City~~ requirements of this chapter and that for a violation of any of the provisions of this chapter, the POD shall be at liberty to cancel and withdraw the certificate and terminate the right of the person to use the streets of the City to operate a public vehicle, upon notice and a reasonable opportunity to be heard regarding such proposed action;
 - (2) Agree to maintain and keep in workable condition one vehicle for each certificate;
 - (3) Include an attached notarized statement from the applicant's mechanic or from a licensed automotive garage or a mechanic accepted by the City, certifying that the vehicle meets the minimum standards contained within this chapter and applicable State law. Low speed vehicles shall provide to the POD a copy of the certificate of title and registration from the State and any other document deemed necessary by the POD to show that the

vehicle is a low speed vehicle including, but not limited to, a State approved inspection sheet;

- (4) State, declare and agree that the applicant and all employees will service all areas of the City. Non-motorized vehicles, ~~vessels,~~ and ~~motorized non-gasoline powered~~ low speed vehicles are not required to comply with this provision; and
 - (5) ~~If a taxicab,~~ include an attached notarized statement from the owner of the taxicab that the owner will provide 24-hour radio dispatch service or an equivalent of radio dispatch.
- (k) Before a certificate required by this article shall be issued by the POD, the applicant for a certificate of the public vehicle shall conform to the following requirements:
- (1) Pay to the City the administrative certificate fee for each public vehicle certificate as set forth in Chapter 12.
 - (2) File with the POD satisfactory evidence of holding a motor vehicle liability insurance policy insuring against loss from liability for bodily injury, death, and property damage, with coverage limits not less than the minimum amounts specified by F.S. § 324.032 or such greater minimum amounts as may be required by other provisions of F.S. ch. 324, applicable to the applicant. Notwithstanding the foregoing, non-motorized vehicles, except for pedal buses, shall be required to obtain general liability insurance in the amount of \$300,000.00 per occurrence, pedal buses shall provide the insurance limits as set forth in this chapter (currently 28-14(f)), and the City shall be named as an additional insured on the insurance certificate. The policy of insurance shall provide that notice for the cancellation thereof shall be given not less than ten days in advance of the effective date of such cancellation to the POD. The insurance policy shall provide that the City shall receive all notices of any kind (termination, cancellation, renewal, nonrenewal, rate increase, etc.) which shall be sent to the POD.
 - a. If the holder of public vehicle certificates has more than one insurance policy for the holder's public vehicles, the policies shall have the same expiration date. Any exceptions must be approved in writing by the POD.
 - b. The holder of a public vehicle certificate shall provide a schedule issued by the insurance carrier of all vehicles covered by the certificate of insurance. A change of the certificate of insurance shall be provided to the POD from the authorized insurance representative when public vehicles are added or deleted from the policy. The City shall be named as a certificate holder on the insurance certificate of all insurance policies maintained to satisfy the requirements of this section.
 - (3) Provide evidence that the operator shall have at least three public vehicle certificates to operate three taxicabs for public transportation in the City as part of his taxicab business. This provision shall only apply to taxicabs.
- (l) Non-motorized vehicles and ~~motorized non-gasoline powered~~ low speed vehicles are required to comply with this section unless otherwise specifically exempted from a particular provision. All exempt vehicles are not required to comply with this section.
- (m) A person who makes application for a public vehicle certificate shall be issued such a certificate upon a showing to the City, in the manner prescribed in this chapter of the Code that the person has met all the requirements for issuance of such a certificate.

- (n) The public vehicle certificate is delinquent if not renewed by September 30 of each year. Any public vehicle certificate not renewed is deemed ~~revoked~~expired. Delinquent fees are subject to a delinquency penalty of ten percent for the month of October plus an additional five percent penalty for each month or portion thereof of delinquency thereafter until paid. The total delinquency penalty shall not exceed 25 percent of the fee due. The payment of this delinquency penalty is not in lieu of other penalties provided by this article. It is no defense of nonpayment of any public vehicle certificate that the business or person was not notified that payment was due to the City. Any holder of a public vehicle certificate for a previous year who does not renew by September 30 of the current year is subject to the delinquency penalty as set forth in this paragraph regardless of the subtraction or addition of new vehicles to their fleet. If a delinquent certificate holder adds or subtracts new vehicles to their fleet, a delinquency penalty shall be assessed on the total vehicles within their fleet at the time of reinstatement.
- (o) The holder of any public vehicle certificate may purchase a temporary 14-day certificate for a replacement vehicle should an event occur rendering a vehicle assigned a public vehicle certificate to be disabled. A temporary 14-day certificate fee of \$15.00 shall be paid to the POD. The temporary public vehicle certificate application must be filed with the City before a certificate may be issued. The person and/or vehicle that the certificate is to be issued to must meet all the requirements for the issuance of a public vehicle certificate. Proof of the disabled vehicle is required to be provided to the POD. Failure to obtain a public vehicle certificate for the replacement vehicle after the expiration of the 14 days, or failure to obtain an additional temporary certificate, or failure to reinstate the original vehicle assigned a public vehicle certificate shall be a violation of this article. No more than two consecutive, temporary 14-day certificates may be issued for any single public vehicle.
- (p) Any holder of a revoked public vehicle certificate must file a new application and pay all applicable fees for reinstatement of the public vehicle certificate.

ARTICLE III. - PUBLIC VEHICLE DRIVER REQUIREMENTS

Sec. 28-27. - Prohibited conduct of public vehicle drivers.

- (a) It shall be unlawful for any driver of a public vehicle to:
 - (1) Violate any of the terms, provisions or directions of this article;
 - (2) Fail to keep a written or digital manifest of all trips, which documents information as to the time of each trip, the starting and ending point of each trip, together with the number of persons carried. Every driver shall maintain a daily manifest upon which they shall promptly and legibly record the following information: name of driver, vehicle number, year, month, date, and the starting time, place of origin and destination of each trip during a driver's operating period. All manifests shall be subject to inspection by the POD and law enforcement officials. The manifest shall be available for inspection at all times and shall be kept available for a period of not less than six months.

- (3) Fail to report promptly all accidents to the Police Department;
- ~~(4) Fail to report to the Mayor or his designee any change of residence within five working days;~~
- ~~(45)~~ Operate any public vehicle when the individual's driver's permit required by this article or Sstate driver's license required by State law has been revoked or during the time when the individual's driver's permit or Sstate driver's license is suspended;
- ~~(56)~~ Fail to give a written or digital receipt for fares when requested by passengers. Such digital receipts must be provided within 24 hours of the end of the fare; or
- ~~(67)~~ Operate a vehicle for more than 12 hours of any continuous 24-hour period.
- ~~(78)~~ It shall be unlawful for a driver of a public vehicle as defined herein to have located within the interior of that public vehicle any:
 - a. Two-way or similar scanners;
 - b. Two-way radio frequency monitors; or
 - c. A radar detector.
- (b) It shall be unlawful for any person to drive or operate a public vehicle for hire within the City unless that person has a valid, current public vehicle driver's permit. It shall be unlawful for any ~~taxicab~~ vehicle for hire parent company to allow a person to drive or operate a public vehicle for hire within the City, which is owned, ~~or leased, or contracted~~ by the ~~taxicab~~ parent company, ~~within the City~~ unless that person has a valid, current public vehicle driver's permit.
- (c) It shall be unlawful for any person to drive a handicap, a ~~motorized non-gasoline powered~~ low speed vehicle or non-motorized vehicle for hire within the City unless that individual has obtained from the City a public vehicle driver's permit.
- (d) If ~~the~~ a taxicab parent company fails to provide 24-hour ~~radio~~ dispatch service, or the equivalent thereof, or to keep a minimum of three certificates to operate three taxicabs for public transportation in the City, then all certificates issued under that parent company will be revoked.
- (e) All public vehicle trips dispatched by the public vehicle dispatch service holder shall be immediately recorded on a dispatch ticket indicating the time, date and origin of each trip dispatched. All dispatch tickets shall be maintained by the public vehicle certificate holder for at least 30 days from the date of the dispatch ticket and shall be available for inspection at all times within that period. All dispatch tickets shall be subject to inspection by the POD and law enforcement officials. Such dispatch tickets may be kept and provided as digital records.
- (f) All public vehicle drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.
- (g) All public vehicle drivers shall comply with all applicable laws relating to accommodation of service animals.
- (h) There shall be no additional charges for providing services to persons with disabilities because of those disabilities.

- (i) Public vehicle drivers shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a driver cannot arrange a wheelchair-accessible service, it shall direct the passenger to an alternate provider of wheelchair-accessible public vehicle services.

Sec. 28-28. - Public vehicle driver's permit.

- (a) Application for the public vehicle driver's permit shall be made in person to the Police Department.
- (1) Required information under oath. Applications shall provide the required information under oath, on forms supplied by the Police Department and shall include the following:
- a. Copies of drivers licenses. A copy of a valid State driver's license, and a list of every state where the applicant held a driver's license during the preceding three years and including, if available, the driver's license number;
 - b. Addresses of residence. The addresses of each and every place of residence or domicile of the applicant during the preceding three years, including the current residence address;
 - c. Traffic record for three years previous to the application. Only pleas of nolo contendere, convictions and forfeitures of collateral need be reported. Parking citations need not be reported;
 - d. Criminal record. Only pleas of nolo contendere, convictions, or forfeitures of collateral need be reported.
- (2) Fingerprinting. The Police Department shall make a record of the applicant's fingerprints.
- (3) Permit fee. Each applicant shall submit the public vehicle driver's permit fee as set forth in Chapter 12 along with the application.
- (4) Release and consent form. A completed release and consent form in which the applicant designates and allows the Chief of Police to contact and obtain from the FBI, FDLE and/or department of motor vehicles, for every state in which the applicant has lived for the past three years, all records regarding the applicant.
- (5) Required to furnish all information. Each applicant shall furnish all the information required by the application. However, if evidence of a background check having been performed in the prior six weeks to the date of application is provided to the Police Department and such background check covered Florida Department of Law Enforcement, department of motor vehicle records and a sex offender registry search, the prior background check may substitute for a check provided through the Police Department and such costs shall be deducted from the cost of the permit.
- (b) The City Police Department shall conduct an investigation made of the facts stated in the application for a public vehicle driver's permit and other relevant data. The file shall be available to the applicant or his agent upon request.
- ~~(c) The Police Department shall conduct an investigation made of the facts stated in the application for the permit and other relevant data. The file shall be available to the applicant or his agent upon request.~~

- (~~cd~~) If the Police Department finds that the applicant meets the requirements of this chapter, it shall issue a permit to the applicant. The Police Department shall refuse to issue or may revoke a permit to an applicant or permittee for any of the following reasons:
- (1) The applicant or permittee ~~has repeated and persistent violations of the motor vehicle laws more than three moving violations in the prior three-year period.~~
 - (2) The applicant or permittee has been convicted of any offense involving commission of a felony within the past five years or a misdemeanor within the last three years. Date of conviction means the date of adjudication and imposition of sentence.
 - (3) The applicant's or permittee is on parole or probation for a felony or misdemeanor, is covered by diplomatic immunity, has less than six months driving experience, does not have a valid ~~S~~state driver's license or is less than 18 years of age.
 - (4) The applicant or permittee has been designated as a sexual predator.
 - (5) The applicant or permittee has submitted false or materially misleading statements in the application.
 - (6) If an applicant or permittee has been arrested prior to or subsequent to the submission of his initial application or application for renewal, said application or permit shall be held in abeyance until a prosecutorial decision or a judicial determination has been rendered.
 - (7) ~~For the purpose of the investigation of the applicant for a public vehicle driver's permit, the Police Department may require the applicant to submit to an examination as to the applicant's knowledge of the traffic regulations, the geography of the City and the applicant's skill and ability to drive a public vehicle. If the results of this stated examination are unsatisfactory, the application may be denied.~~
- (~~de~~) The permit shall be valid until the end of the fiscal year of the City and shall expire on September 30 following the issuance; however, permits issued or renewed during the months of August and September shall expire on the last day of September of the year next following their issuance or renewal. The permit must be renewed each year.
- (~~ef~~) A public vehicle driver's employer or the public vehicle driver or owner of the public vehicle shall obtain and file a surety bond or evidence of insurance as required by this chapter.
- (~~fg~~) Upon the issuance of the permit, the public vehicle driver shall obtain a photo identification permit card from the Police Department. It shall be unlawful for a driver of a public vehicle who begins a new fare in the City limits to operate any public vehicle unless that driver has at all times, in full and plain view of the fare, the photo identification permit card.
- (~~gh~~) Permits may be renewed for a one-year period, provided that the Police Department's authorized investigation of the driver's traffic and criminal record reveals no criminal or traffic violations during the period of his expiring permit. If the investigation reveals such violations, the permit shall not be valid.
- (~~hi~~) The permit is the property of the City and is not transferable to any other driver. It shall be surrendered to the Police Department by the driver upon such driver's ceasing to drive a public vehicle.

- (ij) A license holder shall make application for a renewal of the permit at least 30 days but not more than 60 days prior to the expiration of the permit.
- (jk) The applicant or the permittee shall have a right to appeal a decision to deny or revoke a permit. The appeal shall be on a form provided by the City Clerk and must be filed with the City Clerk within ten days of the decision. The appeal shall be heard by the City Administrator or by a Department Director or other Senior Management Official who has been designated by the City Administrator for the purpose of conducting the hearing. The hearing shall be conducted at a reasonable time and place, following notice of the hearing to the appellant. The hearing shall be informal and the strict rules of evidence shall not be applicable, but the minimal requirements of due process shall be observed. The objective of the hearing shall be to determine whether the denial or revocation complies with the requirements of the Code. At the hearing, the POD and the applicant may introduce such evidence as is deemed necessary. The decision of the City Administrator or the City Administrator's designee shall be final and the applicant shall be deemed to have exhausted all administrative remedies.

Section 2. 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 3. 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 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 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 or Designee

CITY COUNCIL AGENDA REPORT ITEM

November 16, 2015

TO: The Honorable Members of City Council

SUBJECT: Central Avenue Council Report/Update

PRESENTER: Jeff Danner, Central Avenue Council

SCHEDULE FOR COUNCIL ON:
Agenda of January 7, 2016

Amy Foster, Vice Chair
District 8

**COUNCIL AGENDA
NEW BUSINESS ITEM**

TO: **Members of City Council**

DATE: **December 17, 2015**

COUNCIL DATE: **January 7, 2016**

RE: **Divestment of Fossil Fuels from the City's Pension Funds**

ACTION DESIRED:

Respectfully requesting a referral to the Budget, Finance and Taxation Committee for consideration of the request below:

The Council BFT Committee needs to amend Chapter 22-133 Method of Financing, (f) Management of Funds of our code of ordinances to add direction to the Pension Board to recognize the risky nature of fossil fuel investments and require a plan to divest of them. The section in question currently reads:

(f) Management of Funds.

(1) The board shall be the trustees of the retirement fund created by this division and shall have the full power to invest and reinvest such funds, subject to all terms and conditions, limitations and restrictions imposed by the State for the investment of trust funds; and subject to like terms, conditions, limitations and restrictions, the board shall have the full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds created by the division shall have been invested, as well as the proceeds of such investments and any monies belonging to such funds.

THE REQUEST IS THE ADDITION OF LANGUAGE ALONG THE LINES OF: **The board shall recognize the growing risk of fossil fuel investments both to our pensioners and to our low lying community. It shall develop and implement a plan to divest the pension plans of fossil fuel investments by the end of 2018.**

RATIONALE:

The Mayor has committed to divesting from fossil fuel bonds within the City's general, short term investments. We currently have about \$6 million of \$450 million in fossil fuel investments

in the general, short term investments. The larger investments of approximately \$1 billion are in the City's three pension plans. These plans are largely invested in the equity (stock) market. The City likely has many times as much in the fossil fuel industry within these funds. The fossil fuel industry carries larger social risks because it increases our air and water pollution and contributes to rising sea levels. As an investment, they are becoming more risky as 196 countries begin to transition away from fossil fuels. Already, many of the largest coal companies in the US have entered bankruptcy protection. Traditional oil companies are experiencing serious cash flow issues caused by the 60% drop in the price of oil, heavy debt load and investments in the most expensive drilling locations such as the artic.

Attached is a report entitled, "*Fossil Fuel Divestment Report for the Seattle City Employees' Retirement System*" which lays out both the risks of continuing with fossil fuel investments and alternative investment paths. A rapidly growing number of governments, pension funds and private sector funds are moving away from the high risk, fossil fuel investment model.

Karl Nurse
Council Member



Fossil Fuel Divestment Report for the Seattle City Employees' Retirement System



Lead Author: Alex Lenferna
On Behalf of 350Seattle & Divest UW
October 2014
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alexlenferna.wordpress.com

Executive Summary

For institutional investors concerned with both the financial performance of their investments and their environmental and social impacts, it is becoming increasingly clear that divesting from fossil fuels is a prudent and sound decision to address the risk associated with carbon intensive industries. As this report highlights, due to a rapidly changing socio-economic and environmental landscape, the fossil fuel industry is becoming a high risk investment with tens of trillions of dollars of potential near term losses at stake. Furthermore, the industry represents an ethically dubious investment, given that if its business model is carried out, the world will experience catastrophic runaway climate change far surpassing internationally agreed upon targets and threatening the global economy, human civilization and life as we know it. Recognizing this, a growing number of institutions representing over \$50 billion of investments have committed to divest from fossil fuels citing both financial and ethical reasons.



The Carbon Bubble: Jointly the fossil fuel industry owns up to five times more carbon than can be burnt if the world is to keep to the internationally agreed upon target of keeping climate change below two degrees Celsius. This means that up to **80% of their reserves could become stranded assets**, which translates into **potential losses for the fossil fuel industry estimated to be as high as \$28 trillion** in just the next two decades (Lewis, 2014a).

Hoping for High Fossil Fuel Demand: The fossil fuel industry is gambling trillions of dollars on new investments in high-capital low-return projects, which depend on high oil prices to remain financially viable. However, the fossil fuel industry's bullish projections of high prices and increased demand are not materializing due to a combination of economic factors, including the rapid decrease of alternative energy costs, increasing costs of fossil fuel extraction, increases in energy efficiency, changing social norms, increased environmental regulation, and suppressed growth in key economies. The fossil fuel industry's rosy demand projections are also counter to a growing number of investment analyst reports that indicate deteriorating fundamentals for the industry.

Financial Underperformance: The fossil fuel industry is already underperforming relative to the market despite weak and limited climate regulation and awareness of the carbon bubble only just being realized. For instance, analysis by Standard & Poors showed that **if a \$1 billion endowment had divested 10 years ago their endowment would have grown by an extra \$0.12 billion when compared to if it had not divested**.

Doubly-Wise Investing: Divesting from fossil fuels is one important means SCERS has to protect itself from the risks associated with the fossil fuel industry, and uphold its fiduciary duty to participants. By divesting, SCERS can also make a strong moral, political and financial statement that fossil fuels are an irresponsible and financially risky investment. Divesting may thus be a doubly-wise decision representing both financially sound decision-making and environmentally and socially responsible investment.

Pathways to Divestment: SCERS is well-positioned to join **over 180 institutions - including philanthropies, religious organizations, pension funds and local governments - as well as hundreds of wealthy individual investors** who have already committed to divest. Various different tools and pathways exist which SCERS can use to divest from fossil fuels. While SCERS may want to determine its own path forward, 350 Seattle and Divest UW recommend the following steps forward.

1. **Determine Portfolio's Carbon Risk. Instruct** financial advisors to assess direct holdings & commingled funds
2. **Commit to divest and at what level.** The typical target for divestment involves removing direct holdings in the Carbon Underground 200 (CU 200), which consists of the top 100 public coal companies globally and the largest 100 public oil and gas companies globally, ranked by the potential carbon emissions content of their reported reserves. Many pension funds are also focusing on the fossil fuels that are most capital and carbon-intensive such as coal and tar sands, as they are both the most environmentally harmful and the most financially risky fossil fuel 'assets'. We also recommend re-investing in fossil free indexes and cleantech mutual funds, as appropriate for your portfolio risk tolerance and goals. There is an increase of available indexes, including Seattle-based Parametric, which manages over \$100 billion, and offers an index free of the CU 200. Black Rock has also launched a similar index in partnership with the FTSE Group and the NRDC. It is also possible to develop custom-made fossil-free products from a number of providers. It is also possible to take a deeper approach to carbon risk by screening out greenhouse gas intensive companies other than fossil fuel companies, and include different levels of re-investment in low-carbon investments more broadly (cf. Humphreys, 2013).
3. **Make a plan to divest, instruct advisors to do so and determine a timeline.** Following the example of other institutions, **we recommend a five year timeline, which allows for a flexible and manageable approach that does not incur penalties, and can minimized any transaction costs.** It is quite straightforward to instruct asset managers to **stop making new direct investments in fossil fuel companies** and then to **gradually shift existing fossil fuel holdings out of the** portfolios through regular reallocation, portfolio rebalancing and fund procurement. For example, the Rockefeller Brothers Fund began by selling off holdings in coal and oil sands and is gradually expanding to the broader fossil fuel industry.

As this report examines, **divesting from fossil fuels** does not necessarily involve taking a return penalty and **has provided equal if not better returns when compared to portfolios invested in fossil fuels.** Furthermore, as increased regulation responsive to climate change is enacted, which restricts the business of fossil fuel industry and carbon intensive companies, then fossil free investing may well continue to bring about better returns in the future. **Fossil fuel divestment thus represents an opportunity to possibly achieve improved financial results while addressing climate change.** During the housing bubble the SCER's portfolio lost roughly one third of its value. By divesting, SCER's can potentially protect itself from the increasing financial risks associated with fossil fuel investments, fulfill its fiduciary responsibility, keep its investments clear of this ethically problematic industry, and help to galvanize a meaningful response to the intertwined carbon bubble and climate crisis.



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Disclaimer: The author is not an investment adviser, and makes no representation regarding the advisability of investing in any particular company or investment fund or other vehicle. The aim of this report is merely to inform the SCERS board about some of the ethical and financial aspects of continued investment in fossil fuels, so that they may come to their own independent conclusion regarding fossil fuel divestment. Thus, a decision to invest in any investment fund or other entity should not be made solely in reliance on any of the statements set forth in this publication. While the author has obtained information believed to be reliable, he shall not be liable for any claims or losses of any nature in connection with information contained in this document, including but not limited to, lost profits or punitive or consequential damages. **Acknowledgments:** Thanks to the many individuals who provided feedback and input to this report – including but not limited to members of 350.org, the Mayor’s Innovation Project, & a number of financial advisers whose useful input and wording I have borrowed at times.



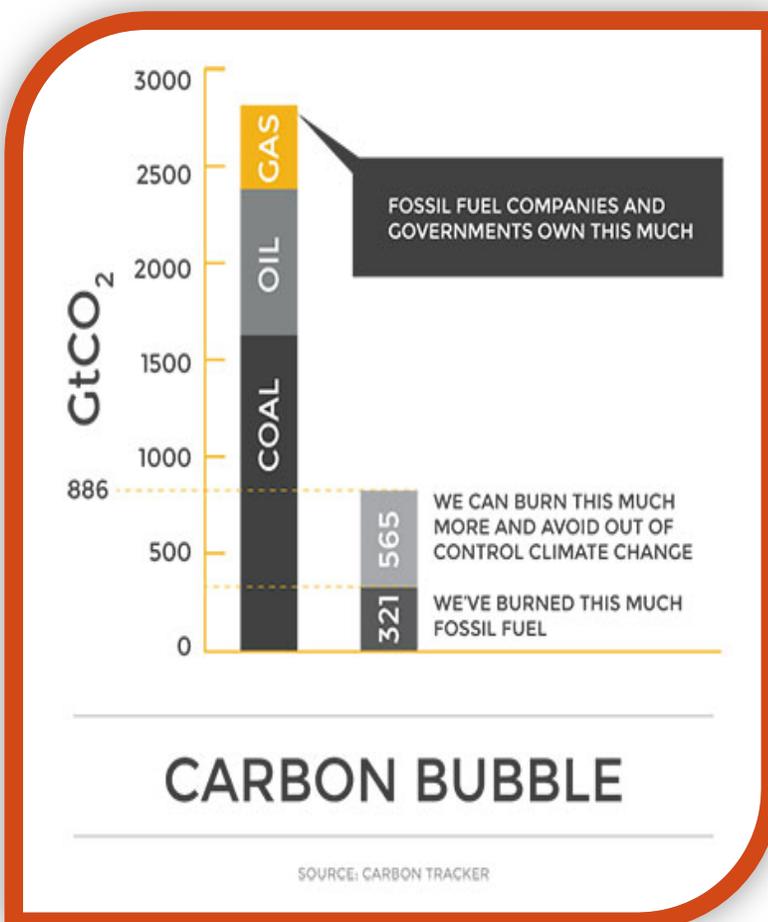
The Carbon Bubble & the Decline of Fossil Fuels

The pioneering work of the Carbon Tracker Initiative (CTI), the Oxford University Stranded Assets Programme (OUSAP), and other institutions, have identified and defined the concept of carbon asset risk, colloquially referred to as the 'carbon bubble'. This concept refers to the fact that fossil fuel reserves reported by listed companies and those held by governments are jointly much greater than can be burnt if people are to limit global warming below the internationally agreed upon 2°C target. If all the listed fossil fuel reserves are burnt, we will be unable to maintain a 2°C limit and instead will be on a path to a catastrophic climate change scenario of 5-6°C. Contrary to fossil fuel companies' business models, governments will, and have begun, to regulate fossil fuels in response to climate change. Thus many of the reserves that fossil fuel companies count as assets on their balance sheet will potentially not be monetized. The reserves that will not be able to be burned are called potentially "stranded assets" (or toxic assets, for those of us that recall the 2007-8 recession).

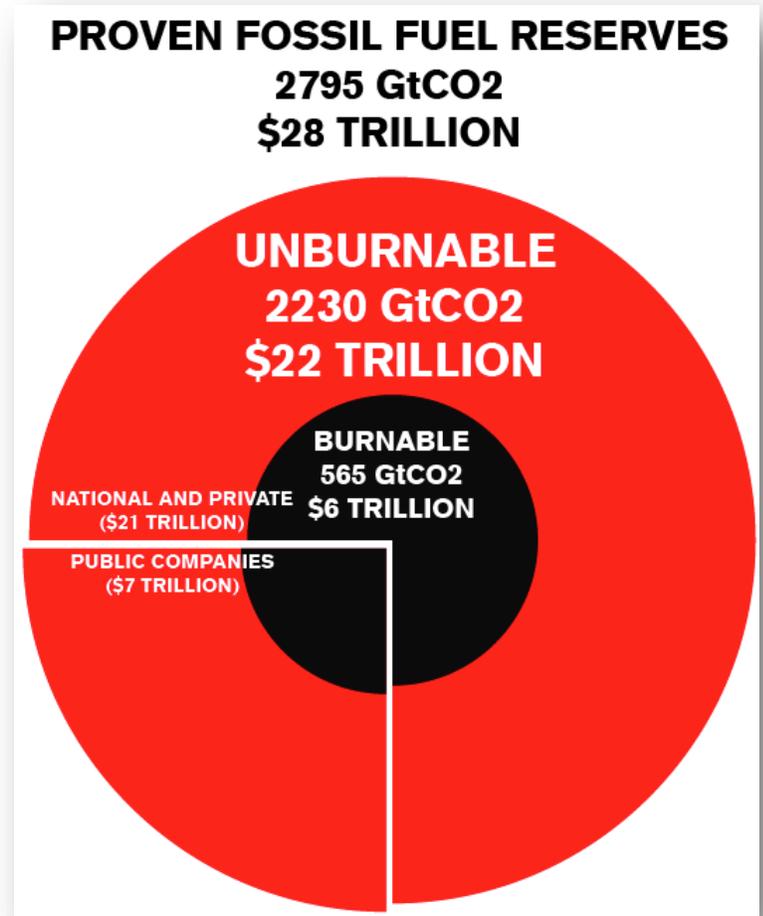
As Carbon Tracker calculates, "**60 - 80% of coal, oil and gas reserves of listed firms are unburnable** [to stand a 50% and 80% chance of adhering to the 2°C target]." (CTI, 2013, p. 4). Furthermore, not only are fossil fuel companies valued based on their current reserves which may not all be burnable, they are also **expending great amounts of capital, approximately 1% of global GDP, on developing new reserves – ironically about the same percentage of global GDP that the International Energy Agency (2014a) concluded is required to invest in the**

clean economy in order to stay below the 2°C target. If the fossil fuel industry continues as such, and if the assumption of stranded assets holds true, then through investing in capital expenditure (CAPEX) for new reserves over \$6 trillion could be wasted on new potentially stranded fossil fuel investments over the next decade alone, with around \$670 billion being spent to develop new yet potentially unburnable reserves in 2012 alone (2013).

While the potential for stranded assets are a regular and necessary feature of dynamic economic systems, in the case of the fossil fuel industry the potential for stranded assets represents a significant, deep threat to global markets. Indeed, the contradiction between the 2°C target and fossil free industry growth assumptions is "so large it represents a systemic global financial risk", which dwarfs previous bubbles (Gilding, 2013).



While estimates vary, according to John Fullerton's calculations **the current market value of the fossil fuel reserves that stand to be potentially stranded represents \$22 trillion**, as illustrated in the adjacent diagram. More recently and comprehensively, Kepler-Chevereux's renowned energy analyst Mark Lewis (2014a), estimated \$28 trillion in potential lost revenue in the next two decades, with the oil industry accounting for USD19.3trn, gas USD4trn, and coal USD4.9trn. Loss in revenues may cause many fossil fuel investments to decline in value, posing significant risk for those still invested in the fossil fuel industry. As Nathaniel Bullard highlights in Bloomberg New Energy Finance's Report *Fossil Fuel divestment: A \$5 Trillion Challenge*, "oil, gas and coal companies make up one of the world's largest liquid asset classes, with a combined stock market valuation of nearly \$5trn. The current value of the 1,469 listed oil and gas firms is \$4.65trn; 275 coal firms are worth \$233bn" (Bullard, 2014, p. 7). For comparison, the debt overhang from the recent housing bubble has been estimated to be around \$4 trillion (cf. Russell Sage Foundation, 2012).



Like the deterioration of the coal market, which many investors have incidentally divested from based on poor performance alone, the oil industry is showing distressing signs of market weakness. The oil industry is in a quandary; they are paying more to extract oil in increasingly remote locations, as 'easy to find oil' has peaked. Oil is now being extracted in remote, dangerous, locations; war zones; deepwater sites. Further, the oil that is extracted was not only more expensive to get out of the ground, but also lower quality, like tar sands, and requires more processing to be commercial, again increasing costs. So while costs of extraction are increasing, demand is flat and falling in developed nations, counter to oil company projections. Finally, oil companies are finding that they cannot sell this more expensive oil to consumers at high prices without driving their customers to the many existing alternatives that currently exist, such as hybrids, EVs, and other alternatives. As a result of higher supply side costs & lower returns, oil companies are experiencing missed revenue targets, widespread cash shortfalls, and are taking out massive, landmark levels of debt to cover the difference.

"The world's leading oil and gas companies are taking on debt and selling assets on an unprecedented scale to cover a shortfall in cash, calling into question the long-term viability of large parts of the industry" (Evans-Pritchard, 2014). Despite this cash shortfall, oil and gas companies are still paying dividends, maintaining the illusion of normalcy for investors. The illusion is thin, for as the US Energy Information Agency recently highlighted, oil and gas companies took on \$110 billion more in debt than they received in revenue returned during the last financial year (Barron, 2014). This trend may not slow, as rather than taking steps to respond to

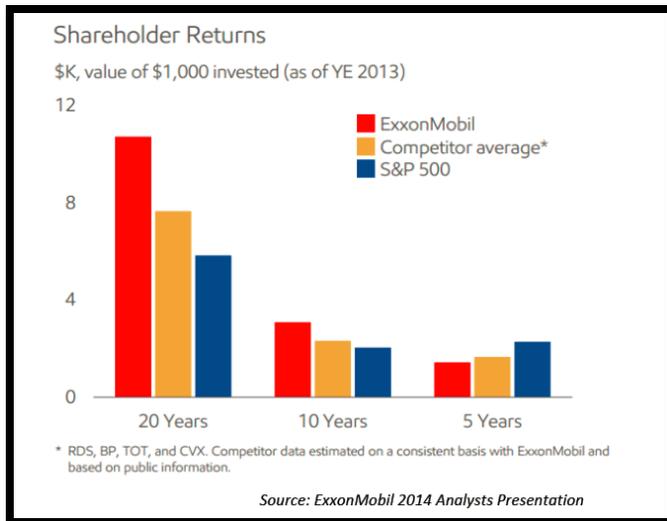
the problems with their business model and secure their companies' futures, fossil fuel companies are instead 'throwing good money after bad', investing capital into more high cost, low return projects, such as oil sands and Arctic oil; bets made on potentially phantom future demand. According to Carbon Tracker analysis oil companies will be set to spend approximately \$1.1 trillion dollars of CAPEX into projects that won't see a return if oil prices drop below \$95 in the next decade (CTI, 2014a). At the same time, the International Energy Agency, which tends to be bullish on oil and gas forecasts, predicts that the oil industry will reach global peak in demand by 2020, resulting in lower future demand and possibly stranding the current CAPEX exploration investments (IEA, 2014b). Similarly, a recent report by Carbon Tracker (2014b) shows that much of the already beleaguered coal industry is "gambling on survival in the hope that prices will somehow recover". However, as the report highlights, such a gamble will potentially prove a bad one, as it is likely that "future demand and price levels may not meet current industry expectations".

In response the argument is made that carbon asset risk is not a real problem because laws won't come about to regulate climate change. People making this argument ignore history and the broader risk facing the fossil fuel industry. It's in this volatile, deteriorating market environment that regulatory risk is a true threat. With poor market performance, bizarre managerial decision making, and extensive industry denial of existential threats to its own business, it will arguably require little regulatory pressure to potentially destabilize the oil industry. We have seen this in the coal industry which --- crushed by natural gas and renewable alternatives--- arguably has little hope of recovery now that the EPA has passed a weak rule. Furthermore, as the figure below from Caldecott and Robins (2014) points out, the risks for fossil fuel companies are numerous and not limited to increasingly forthcoming climate regulation. The fossil fuel industry is already vulnerable and the risks posed to it are multiple; however, in failing to respond to the changing realities of their own industry, and continuing to double down on business as usual despite significant evidence to change course, fossil fuel companies may have effectively stranded their own assets.

SET	SUBSET
Environmental change	Climate change; natural capital depletion and degradation; biodiversity loss and decreasing species richness; air, land, and water contamination; habitat loss; and freshwater availability.
Resource landscapes	Price and availability of different resources such as oil, gas, coal and other minerals and metals. E.g. shale gas revolution, phosphate availability, and rare earth metals.
Government regulations	Carbon pricing (via taxes and trading schemes); subsidy regimes (e.g. for fossil fuels and renewables); air pollution regulation; voluntary and compulsory disclosure requirements; changing liability regimes and stricter license conditions for operation; the 'carbon bubble' and international climate policy.
Technological change	Falling clean technology costs (e.g. solar PV, onshore wind); disruptive technologies; GMO; and electric vehicles.
Social norms and consumer behaviour	Fossil fuel divestment campaign; product labelling and certification schemes; and changing consumer preferences.
Litigation and statutory interpretations	Carbon liability; litigation; damages; and changes in the way existing laws are applied or interpreted.

Underestimating Risk: The Case of Exxon

While the understanding of how individual fossil fuel companies are vulnerable to risk from carbon asset and other environmental risks is still in its infancy, a few reports have been released which attempt to understand how they might be affected. This case study examines the latest analysis available, provided by a Carbon Tracker analysis of Exxon Mobil (CTI, 2014d). According to the report, Exxon is “significantly underestimating the risks to its business model from investments in higher cost, higher carbon reserves; increasing national and subnational climate regulation; competition from renewables; and demand stagnation.” What’s more, the risks to Exxon’s business are not a distant worry; rather they are already playing out.



Exxon Mobil and the fossil fuel industry in general, are beginning to significantly underperform relative to the broader stock market and have seen a decline in return on their investments. Drawing on Exxon’s own analysis, if you invested in Exxon stock in 2009, your returns would be just 60 percent what you could’ve earned by investing in the S&P Index. This decrease in performance is arguably a potent omen of the unfurling carbon bubble and an incredible sign of the times. Carbon Tracker argues that Exxon’s underperformance is partly a result of Exxon taking on more and more high cost and low return projects such as oil sands, Arctic oil, and heavy oil. This represents an on-going trend whereby Exxon and other oil companies have been steadily replacing low cost high return production with

high cost, low return and generally high carbon production. However, instead of internalizing the risk that oil prices may not be as high, Exxon is putting increasingly more capital investments into oil projects which rely on a high price to break even. As the Carbon Tracker report highlights, out of Exxon’s \$286 billion in potential upstream oil capex from 2014---2025, \$103 billion (36%) is for projects requiring a market price above \$95/bbl.

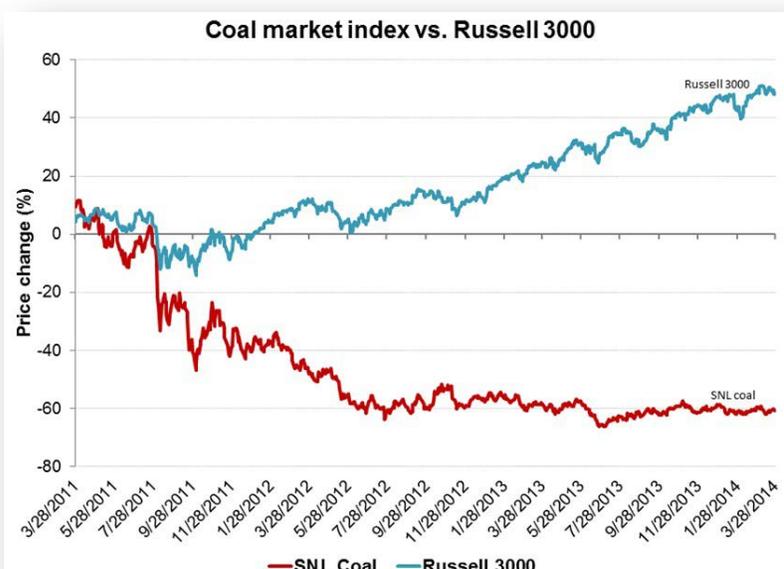
Another worrying sign is that for a number of problematic reasons Exxon does not really consider serious action on climate change and goes so far as to base its plans and projections on an International Energy Agency scenario that assumes no new climate policy. Not only would such a path lead us to disastrous climate change of 3.7 – 4.8°C rise (IPCC, 2013). Furthermore, betting on such a future seems an incredibly bad bet, given a surge in new local climate policies as well as a global climate change deal due in 2015, which is set to see a suite of new and more ambitious climate commitments come into place (cf. Jacoby & Chen, 2014). What’s more, as opposed to projections by companies like Exxon who are betting on the world providing 4% of its energy from wind and solar by 2040 (cf. Muttitt, 2014), 80% of global energy industry experts believe that the electricity system can be 70% renewable by 2050, and almost half of them believe that we can achieve 70% in just 15 years (Hill, 2015).

The Carbon Tracker report highlights that Exxon’s future plans are based on their own highly favourable assumptions and definitions, along with quite ‘creative’ use of data. While Exxon’s projections paint a business-as-usual picture that shows them continuing profitably into the future, the likelihood of that picture turning out to be true is increasingly slim given the rapidly changing market and regulatory landscape. Thus, as Carbon Tracker’s latest analysis of one of the fossil fuel industry’s titan’s makes clear, the times are rapidly changing, and the continued profitability of investing in fossil fuels is no longer a given.

IMPAX Asset Management (2013) also analysed the potential benefits of fossil fuel divestment using the MSCI index from 2008-2013 to compare four different fossil free investment strategies with varying aggressiveness towards investing in clean energy and environmental opportunities. Each one of the strategies did better than the fossil fuelled portfolio, showing that “**removing the fossil fuel sector in its entirety** & replacing it with ‘fossil free’ portfolios of energy efficiency, renewable energy, and other alternative energy stocks, either on a passively managed or actively managed basis **would have improved returns** with limited tracking error” (2013, p. 4).

Likewise, MSCI performed a study to determine the effects of fossil fuel divestment. Over 1-, 3- and 5-year periods, the fossil fuel screened portfolio they constructed slightly outperformed the unscreened portfolio” (MSCI, 2013, p. 6). The 10-year period did involve an under-performance of the fossil fuel screened portfolio. However, as the report highlights the ten-year performance was the result of unusually high oil prices at the beginning of the period. Thus the ten-year trend is not necessarily an indication that investing in fossil fuels is a sound investment strategy because there is good reason to think that either we shouldn’t expect high oil prices looking forward, or that if we do receive high oil prices that renewable energy will undercut fossil fuel performance. The fossil fuel industry is caught in a bind: if fossil fuel prices go up they are increasingly undercut by competition from cheap renewable energy prices; alternatively if fossil fuel prices go down the industry cannot adequately recoup costs, and even with low fossil fuel prices, renewable energy is still cheaper and undercutting their market share (cf. Lewis, 2014b). (Since initially publishing this report, oil prices have tumbled causing 100s of billions of losses for investors, illustrating the latter worry (cf. Loder, 2015)).

Current trends are already indicating declining fossil fuel industry dominance, and under-performance relative to the broader stock market. For example, **if you invested in Exxon in 2009, your returns would be just 60 percent what you could have earned by investing in the S&P Index** (CTI, 2014d). Likewise, coal, which is the canary in the coal mine for the carbon bubble, is having a rather dismal time as the graph below suggests. Showing similar trends the Market Vector Coal ETF, a coal index fund, has performed horribly during the last 5 years and has reduced in value by -44.35% while the S&P 500 has increased by 74.57% (Google Finance, 2014). More broadly speaking a rough analysis done by Standard & Poors showed that if an institution with a \$1 billion endowment had divested from fossil fuels 10 years ago their endowment would have grown by an extra \$0.12 billion compared to if they had not divested (Begos & Loviglio, 2013). Similarly analysis shows (as graphed above), that the S&P 500 screened against the CU200 outperforms the standard S&P 500 (the gold standard of benchmarks) by approximately 30 basis points over the previous 10 years (Fossil Free Indexes, 2014).



Some might still argue that divestment restricts the ‘investment universe’. Arguments about restricting the investment universe are often associated with a financial theory called Modern Portfolio Theory (MPT), which argues that the best way to reduce risk is by spreading one’s investments across a range of asset classes, so as to have a more diversified portfolio. On this line of thinking removing investments in fossil fuels increases risk by reducing diversity, and thus should not be done. However, MPT is just one financial

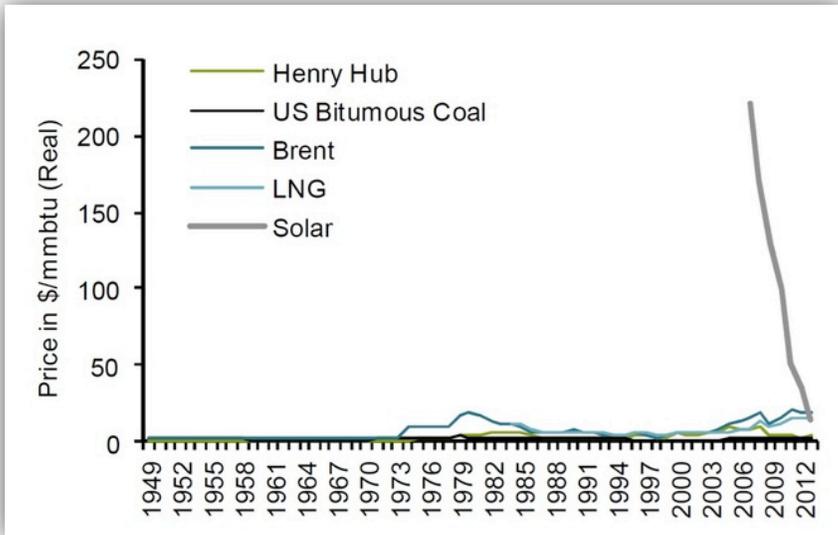
theory which might seem strong in theory, is more complex in practice. What appeals to MPT overlook is, firstly, the empirical studies illustrating that fossil fuel divestment does not significantly increase risk. It also overlooks that the risk associated with staying invested in fossil fuels might outweigh the risk of excluding fossil fuels. Thirdly, as Herbert and Lenferna (2015) point out, “the entire process of investment management is one of narrowing one’s investment universe and deciding (through the methodical application of various and sundry criteria) not to invest in certain companies or asset categories”. No one takes MPT to its extreme by owning every security in the marketplace in order to diversify; rather tools like asset substitution and portfolio optimization are routinely used to create a viable portfolio allocation and to avoid prohibitively risky investments. Managers constantly restrict the investment universe by theme- small cap, large cap, emerging markets. Fossil fuel divestment is arguably no more significant than the usual screens managers apply to funds every day, and is an increasingly financially sound screen given the risks associated with the fossil fuel industry.

Related to MPT is the claim that because fossil fuels have done well in past times of high inflation we should **hedge against high inflation by staying invested in fossil fuels**. While a prudent financial manager arguably needs to employ a strategy for dealing with high inflation periods, it's not clear that staying invested in fossil fuels and incurring the potential losses they may well feel (and currently are feeling) is the best way to hedge against inflation. Perhaps a sounder strategy might involve investing in other industries that have historically done well in times of inflation, such as construction and engineering, aerospace, and machinery, or, as Yale’s David Swensen suggests, one can invest in inflation protected Treasuries (Wee, 2009). Ignoring the increasingly **real risks of stranded carbon assets** and instead organizing an investment strategy around the fact that fossil fuels did well in times of high inflation in the 1980's when energy markets were much different than today seems like **a risky strategy**. Furthermore, times of high inflation are rare and thus to use fossil fuels as a hedge against a relatively low probability occurrence when the same assets face significant risk from a potentially higher probability and more devastating eventuality seems like a risky investment strategy when other inflation hedges are available.



Recent history shows that the fossil fuel industry is already underperforming relative to the broader market and growing evidence suggests that underperformance will deepen moving forward. In the words of Paul Humphreys of the Teller Institute, “analysts and investors are beginning to grapple with the prospect that **the historical outperformance of fossil-fuel companies may be as illusory as the tech boom of the 1990s and the housing bubble at the beginning of this century**” (2013, p. 3). The examples highlighted above are examples of the growing evidence that remaining invested in fossil fuels is risky, and will likely result in foreseeable, near- and long-term, negative consequences. A

corollary of that point is that divesting from fossil fuels is not the risky endeavour the fossil fuel industry has attempted to paint it as. What’s more, these studies were done in a time when the carbon bubble is a concept that is only just coming to the fore, and the implications of which are only beginning to ripple through the financial industry and thus the underperformance may well deepen moving forward. The carbon bubble and associated risks are in many ways unprecedented forward looking risk factors, and as such past performance may not be a very good guide to future performance, especially as we are entering a potentially radically different future with renewable energy costs rapidly declining while fossil fuel costs continue to rise.



When the entire fossil fuel industry has been underperforming the market for years and the National Bank of Abu Dhabi commissions studies arguing that **renewables are the future** for the Middle East as they are already **cheaper and more reliable than oil**, then we are arguably already living in a **fundamentally different world, even if the fossil fuel industry may not have realized it yet** (University of Cambridge & PwC, 2015). It is for this reason that studies, such as Daniel

Fischel's (2015) Independent Petroleum Association of America funded study, that claims divesting fossil fuels is a bad investment strategy because fossil fuels performed well over the past fifty and even twenty years, are akin to thinking that **Blockbuster is the future of home entertainment**. Both claims simply don't recognize that the world has changed as the above graph from Mitchel (2015) powerfully illustrates. As Cleveland and Reibstein (2015, p. 32) point out, "multiple independent studies and the observation of actual investment patterns are unequivocal [on] one point: the cost of onshore wind power in many regions of the world is now in a competitive range with base load electricity generation from coal, natural gas, and nuclear sources, even when subsidies are excluded". Similarly, as a Deutsche Bank analysis has shown, solar energy is set to be cost-competitive with coal power in 80% of the world by 2017. The world is changing and while the costs of renewables continue to plummet the cost of fossil fuel extraction continues to rise as we move increasingly to unconventional and expensive extraction methods.

Before closing this section it is worth considering another problematic assumption often employed by financial consultants to claim that fossil fuel stocks are not overvalued because the market has already priced in stranded assets. This argument is often associated with reliance on a financial theory called **efficient market theory** (cf. Lenferna, 2014). Efficient market theory assumes that market participants have all the necessary information about the market, information which is supposed used efficiently, such that all shares are properly valued. **Financial bubbles**, however, form because **shares are erroneously over-valued** which means that markets do not always act in accordance with efficient market theory. The reasons for this are many, but two predominant reasons are important to consider. Firstly, markets do not always have access to the requisite information to act upon. Secondly, markets may not act very efficiently on information either, thus they have often been described as weakly efficient. In some cases, particularly in the case of bubbles, markets do not work very efficiently at all, as "investors are prone to over-optimism, systematic biases and 'timid choices and bold forecasts'" (Ansar, Caldecott, & Tilbury, 2013, p. 21).

When markets are betting on a future where we burn up to five times more fossil fuels than the governments of the world have agreed to burn, and are continuing to pour 100s of billions of dollars into developing even more new unburnable and arguably prohibitively expensive reserves, we may wonder how collectively rational they are. Apart from the obvious contradiction posed by the carbon bubble there are a few other good reasons to think efficient market theory does not hold, and that it is thus irresponsible to dismiss the carbon bubble by way of appeal to it. Consider that the Asset Owners Disclosure Project's (2014) Global Climate Index Report found that just under 80% of asset-owners are failing to properly manage climate risks, making them vulnerable to the

risks of the carbon bubble among other climate risks. Compounding this, a recent CTI (2014c) report revealed that the 'wisdom' of the collective market is limited by the fact that only 7% of coal, oil and gas companies have checked their projects are consistent with limiting dangerous global warming, and many companies who have are simply betting on a 4 degree (or worse) world (cf. Exxon and Shell). Because markets can only be efficient if they have access to the relevant information, such studies should warn against assuming efficiency. If the market pays more attention and it becomes clearer that the fossil fuel industry will not be able to capitalize on all of their reserves this could lead to a significant loss in value for fossil fuel companies. A scenario made more likely by the fact that major players like the Bank of England and the G20 are beginning to recognize, analyze and act on the carbon bubble (cf. Carrington, 2014).

For long term investors it is important to keep in mind, as the Carbon Tracker team points out, that “in the context of a declining carbon budget, [current] valuation models provide an inadequate guide for investors and need to be recalibrated... [as] the markets appear unable to factor in the long-term shift to a low carbon economy into valuations and capital allocation” (CTI, 2013, p. 5). In the long-term the likelihood of the carbon bubble causing significant revaluations of fossil fuel assets poses considerable risks to those who continue to invest in the fossil fuel industry, especially in those industries that are most capital- and carbon-intensive, such as coal and tar sands. What’s more is that “although we cannot, and should not, abandon the world’s current energy infrastructure overnight, investors who equate the transition with drawn-out, incremental change do so at their own peril as the stranding of carbon assets may occur at unforeseen rates and at an unpredictable scale” (Generation Foundation, 2013, p. 20). Coupled with the broader risks to the fossil fuel industry and deepening trends of underperformance, concerns about the carbon bubble make it increasingly clear that divesting from fossil fuels is an increasingly sound investment strategy. Of course, direct investments which are actively and skilfully managed could still make some profit riding the ups and downs as the fossil fuel market fluctuates. However, the volatility of fossil fuels makes such a strategy quite risky as illustrated by the recent oil price crash which wiped out 100s of billions for investors (cf. Loder, 2015). When it comes to passively managed investments, such as index funds, it seems the case for excluding fossil fuels is quite strong given their deepening underperformance and potentially bleak future.



Fiduciary Duty

If the purpose of an endowment or fund is to provide long-term returns then it is becoming increasingly clear that fossil fuel divestment is at least consistent with fiduciary duty and the duty of care, if not a requirement thereof. As former SEC Commissioner Bevis Longstreth points out, fiduciaries of endowments are charged with a *duty of care*, which is outlined in the American Law Institute's 1991 Restatement of Trusts, Third, Section 227 as such: "This standard requires the exercise of reasonable care, skill and caution, and is applied to investments not in isolation but in the context of the ...portfolio and as a part of an overall investment strategy, which should incorporate risk and return objectives reasonably suitable to the [purposes of the endowment]" (Longstreth, 2013). “An understanding of the standard of care generally applicable to fiduciaries leads easily to the conclusion that divestment of fossil fuel companies on the basis of the financial considerations outlined above is a permissible option.” As Longstreth went on to argue “betting against the stranding risk [of the carbon bubble] materializing is arguably an irresponsible, hard-to-defend, position for a fiduciary, who will have to demonstrate a sound basis for doing so, something that seems hard to do”.



Far from climate change and environmental concerns being extraneous to fiduciary duty, a report by the UN Principles of Responsible Investment and United Nations Environmental Programme Financial Initiative demonstrated that it is in the financial interest of fund beneficiaries that large diversified institutional investors such as pension funds, mutual funds and insurance companies address the environmental impacts of investments to reduce exposure to externalities (UN PRI, 2010). Likewise researchers from Oxford University's Stranded Assets Programme point out that: "The lack of a mandate for companies to integrate ESG factors in decision-making, undertake materiality assessments or disclose environment-related risks hinders both consistent understanding of the issues and the ability to mitigate

risks... The interpretation of fiduciary duty has evolved significantly over time and must continue to evolve to adjust to changing social and economic realities. Fiduciary duty is often cited as an obstacle to incorporating ESG factors into the investment process. The argument that ESG-inclusive investing is inconsistent with fiduciary duty is based on the premise that including ESG factors in investment decision-making would compromise returns to achieve extraneous social or environmental objectives" (Caldecott & McDaniels, 2014, p. 7). As we've seen though, that premise is turning out to be increasingly false, especially when it comes to the fossil fuel industry. Thus incorporating ESG factors into investment decisions is no longer just an ethical obligation, but increasingly a fiduciary duty, especially when it comes to the fossil fuel industry.

Similarly, a report by Mercer concluded that "given the risks and opportunities presented by climate change and the rapid introduction of carbon pricing regimes across multiple jurisdictions, trustees have a clear duty to consider climate change risks and relevant laws and policies in making investment decisions when such matters prove to be material" (Mercer, 2013a, p. 4). The report lists two reasons divestment fits within the obligations of fiduciary responsibility. First, it cites a report entitled *A Legal Framework For The Integration of Environmental, Social and Governance Issues Into Institutional Investment*, which concluded that "integrating ESG considerations into an investment analysis so as to more reliably predict financial performance is clearly permissible and is arguably required in all jurisdictions" (Freshfields Bruckhaus Deringer, 2005). Secondly it cites that many investors already consider it their fiduciary duty to incorporate climate change concerns into their investment decisions. Australian law firm, Baker & McKenzie's reported that "most surveys have shown that the majority of Australian trustees now believe that addressing climate change risk is part of their fiduciary duty." Similarly, the perception around investments in fossil fuel stocks in the U.S. is starting to shift. Already in 2013, First Affirmative Financial Network surveyed **500 industry professionals, and the findings of the survey showed that 77% see growing risks associated with fossil-fuel company holdings and 67% thought that 2013 was the time for investors to reconsider investing in traditional energy companies** (Financial Advisor Staff, 2013). Likewise Mercer (2013b) conducted a survey of the investment practices of 37 asset owners and 47 asset managers which found that 53% of asset managers have decided to divest or not invest based on climate change concerns.

However, despite the importance of incorporating environmental risks into investment decisions, “asset owners have so far failed to systematically integrate environmental externalities and risks into their mandates” (Caldecott, Derricks, & McDaniels, 2014, p. 5). That was the conclusion of the recently concluded inaugural forum on Stranded Assets, organized by the Oxford University Smith School of Business and the Environment’s Stranded Assets Programme (SAP), which brought together sixty global leaders and experts to discuss the disruptive impacts of the shift to a low-carbon economy. Thus given that environmental related risk considerations have not been systematically integrated into asset management, even though they pose significant financial risks to asset managers, fossil fuel divestment represents one pathway to address the shortfall of systematic integration of carbon risk and in doing so fulfill fiduciary duty. In summary, it seems clear that divesting from fossil fuels is consistent with fiduciary duty and can be seen as a proper fulfillment thereof. Indeed, as this report highlights, the carbon bubble and related environmental risks pose a systemic financial risk, and it would entail serious neglect of fiduciary duty not to address those risks.

The Fossil Fuel Divestment Movement

The increasing numbers of people trying to get investments out of the fossil fuel industry represents the fastest growing movement of its kind in history, the fossil fuel divestment movement (cf. Ansar et al., 2013). The movement was inspired by students calling for their institutional endowment investment decisions to match their institutional values. This movement is modelled after the successful movement to divest from South Africa in response to Apartheid. In the last two years, the movement has rapidly expanded with growing concerns about the climate crisis and the risk of a



Map of Active Fossil Fuel Divestment Campaigns

carbon bubble. The common demand is to freeze any new investment in the 200 publically traded fossil-fuel companies with highest amount of reported carbon reserves, and to remove their current investments in the fossil fuel industry through divesting from direct ownership of fossil fuel stocks and any commingled funds that include fossil-fuel public equities and corporate bonds.

Beginning in 2011 with just a few campuses the movement now consists of 100’s of different active campaigns. Over 400 colleges have active campaigns, and in recent years, **180 institutions - including philanthropies, religious organizations, pension funds and local governments - as well as hundreds of wealthy individual investors have pledged to sell assets tied to fossil fuel companies from their portfolios and to invest in cleaner alternatives.** On Monday the 22nd of September over 700 investors representing \$50 billion committed to divest from fossil fuels. Stanford University has committed to divest from coal and 14 other universities have committed to divest from fossil fuels. 29 cities, 2 counties, and over 30 churches, have all divested. Hesta Australia, a health care industry retirement fund worth \$26 billion, announced in September 2014 that it would get out of coal. Norwegian pension fund, Storebrand divested from companies with high exposure to coal and oil

sands in 2013. The growth and rate of divestment is growing, and not only is the fossil fuel divestment movement leading on this important issue, but furthermore, it is exposing the carbon bubble and the unsustainable nature of fossil fuel investments, arguably making it wise to get out of fossil fuel investments before the recognition of the carbon bubble becomes more widely known, and devaluations of fossil fuel companies becomes more commonplace in the market.

Case Study: The Rockefeller Brothers Fund

The Rockefeller Brothers Fund representing \$800 million of investment committed to divesting completely from fossil fuels on Monday the 22nd of September. It has already sold off all of its direct holding in oil sands and coal, and is increasing investments in alternative energy. It is now working gradually to divest its broader holdings from fossil fuels. It also allows itself to hold small investments in fossil fuel companies in order to engage in shareholder advocacy. Should SCERS also be interested in doing so they could retain \$2,000 worth of stock in such companies, which enables them to introduce resolutions (Collins, 2013). The Rockefeller Brothers Fund in its moves to divest cited both economic and moral grounds for their divesting: they see it as a good investment move both financially and morally speaking.



Case Study: Storebrand Pension Fund

Already pension funds are starting to react to both the carbon bubble and concerns about the decline of fossil fuels. In 2013, Storebrand, a Norwegian pension fund, began divesting from companies with a high exposure to coal and oil sands. In 2014 they expanded their divestment even further to include even more coal companies. The reasoning behind the divestment was both financial and sustainability oriented. In the words of their head of sustainable investment Christine Tøklep Meisingset: **as “climate goals become reality, these resources are worthless financially, but it is also true that they do not contribute to sustainable development in the extent and the pace we want”**. Meisingset later went on to say that as *“a savings and pension provider our goal is to ensure long-term positive return for our customers. Part of that goal is achieved by reducing the risk in our portfolios, and climate change is the most comprehensive risk to sustainability”* (in Malone, 2014).

When other pension funds are already beginning to divest and a global movement is drawing attention to the financial risks associated with the carbon bubble and the decline of fossil fuels, then ignorance or inability is no longer an excuse available to pension fund managers. SCERS retirees have already suffered enough from financial losses associated with irresponsible industries and it would be sad to see history repeat itself when the warning signs are becoming increasingly clear that the fossil fuels industry is an ethically and financially irresponsible investment.

The Positive Effects of Fossil Fuel Divestment and Reinvestment

“Divesting from fossil fuels is an integral piece to aligning the financial sector with a 2 degree climate scenario. The [International Energy Agency] estimates in their 2 degree scenario reductions in fossil fuel investments of \$4.9 trillion (~26% of total estimated investment) and additional divestment away from power transmission and distribution of \$1.2 trillion (~7%)” (2° Investing Initiative, 2013, p. 9). Likewise the latest Intergovernmental Panel on Climate Change (IPCC, 2013) report highlights the need to reduce annual investment in fossil fuels by at least \$30 billion dollars per year over the coming decades, and for annual investment in low carbon electricity supply to grow \$147 billion a year if we are to achieve the internationally agreed upon two degree target.

Impacts of fossil fuels held by pension funds are not insignificant. A recent study done by Fossil Free Indexes on the investments held by CalPERS, the California Public Employees Retirement system with \$300 billion dollars invested, 7.3% of which was in the Carbon Underground Top 200 in 2013 (Connolly, Francis, Griep, & Palmieri, 2014). The report showed that the financed emissions supported by CalPERS’ oil and gas holdings would be equivalent to the emissions embedded in reserves held by 55th largest oil and gas company, and the 88th largest coal company. While not all pension funds are as large as CalPERS, the more funds that divest the closer we get to the needed reductions in fossil fuel investments. SCERS leadership on divestment would demonstrate to other municipalities that divestment is both feasible and necessary. **When a growing number of investors begin to align their investments with a 2 degree world, collectively they can shift the capital required.**

Apart from divestment’s direct impacts, perhaps more importantly, are many of the indirect impacts. Divestment campaigns are triggering a process of stigmatization of fossil fuel companies. As Oxford University’s Stranded Assets Programme researchers argue, “we find that even if the direct impacts of divestment outflows are limited in the short term, the campaigns will cause neutral equity and/or debt investors to lower their expectations of fossil fuel companies’ net cash flows in the long term. The process by which uncertainty surrounding the future of fossil fuel industry will increase is **through stigmatization**. In particular, **the fossil fuel divestment campaign will increase legislative uncertainty and potentially also lead to multiples’ compression causing more permanent damage to the companies’ enterprise values...** Indirectly, by triggering a process of stigmatisation, the divestment campaign is likely to make the operating and legislative environment more challenging. Greater uncertainty over future cash flows can permanently depress the valuation of fossil fuel companies, e.g. by compressing the price/earnings multiples.” (Ansar et al, 2013).

As Nobel Prize-winning economists Robert Shiller and George Akerlof (2009) argue, our economies and financial systems are significantly driven by our emotions and psychology which determines market sentiment. The importance of divestment in this context is that it shifts market sentiment and perceptions and in doing so drives investments out of fossil fuels and increasingly into clean energy. Combined with the other direct and indirect effects, divestment is beginning to deflate the carbon bubble, and drive some of the capital reallocation needed to bring our investments in line with a two degree world. Apart from financial impacts, divestment also has much broader societal impacts and helps to shift the moral and social discourse around fossil fuels by bringing to the fore the deeply problematic nature of the fossil fuel industry’s business model alongside its stranglehold on political and social solutions to the crisis we jointly face (cf. Douglass, 2014; Lenferna, 2015; Supran & Achakulwisut, 2014). Thus, by divesting SCERS can protect itself against the increasing financial risks associated with fossil fuel investments, keep its investments clear of this ethically problematic industry, and help to galvanize a meaningful societal response to the carbon bubble.

Conclusion

As this report outlines, divestment from fossil fuels is a decision that is supported by a number of reinforcing motivations. It is not merely an ethically laudable decision which could help to tackle the climate crisis and deflate the carbon bubble. It may also be a financially prudent decision which can help SCERS to protect its stakeholders from potentially devastating financial losses associated with an industry that is arguably in decline yet remains for the large part unwilling to countenance the steps needed to responsibly manage that decline.

Not only is the fossil fuel industry failing to adequately countenance what climate change means for its bottom-line, and in doing so ignoring tens of trillions of dollar worth of risk. Furthermore, it is not recognizing broader economic trends which spell significant danger for its business model. Coupled with other trends, the rapid decline in the costs of renewable energy is undercutting the business model of the fossil fuel industry. The costs of fossil fuels, on the other hand, are rising as fossil fuel reserves become more remote, difficult to access, expensive, carbon-intensive and financially risky. The fossil fuel industry is already underperforming and the broad array of risks that it faces leaves it particularly vulnerable to increasing climate legislation, which may prove to be a crippling blow for an industry that may already be in decline.

The continuing decline of the coal industry serves as an important omen of times to come for the broader fossil fuel industry as coal is largely recognized to be the canary in the coal mine for the carbon bubble. Following the canary, even the broader fossil fuel industry is underperforming, and yet it continues to take on high cost, lower return investments, which are adding to a rapidly growing amount of debt. Both the near and long-term future of the fossil fuel industry holds worrying signs, with the industry set to potentially take on tens of trillions of dollars in losses in just the next two decades.

As a long-term investor SCERS has a financial and fiduciary duty to protect itself from the financial losses and risks associated with fossil fuel industry; risks and losses which are already taking hold, and which have arguably already translated into significant losses for SCERS. By divesting from fossil fuels or thoroughly incorporating carbon risk into its investment approach SCERS can show itself to be a responsible asset manager, while helping to galvanize a meaningful response to the intertwined climate crisis and carbon bubble. In this report we have highlighted why we believe that fossil fuel divestment is a sound decision, and we hope that SCERS will heed the warning signs and appropriately respond. The alternative involves SCERS continuing to expose itself to massive potential risks and financial losses so that it can continue to invest in an industry committed to devastating climate change.

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**ST. PETERSBURG CITY COUNCIL
BUDGET, FINANCE & TAXATION COMMITTEE**

Committee Report

**December 17, 2015
8:00 a.m. - City Hall Room 100**

Present: Chair James R. "Jim" Kennedy, Jr., Vice-Chair Karl Nurse, Councilmembers Charles Gerdes, William Dudley and Darden Rice (Alternate).

Also: Chief Assistant City Attorney, Jeannine Williams; City Administrator, Gary Cornwell; City Auditor, Bradley Scott; , Finance Director, Anne Fritz; Budget Director, Tom Green; Grants Coordinator, Shrimatee Ojah- Maharaj and Senior Deputy Clerk, Cathy E. Davis.

Absent: None.

Support Staff: Robert Coats, Risk Management Analyst, Human Resources
Linda Seufert, Manager Parks and Recreation

A. Call to Order

Chair Kennedy called the meeting to order at 8:01 a.m. with the above persons present.

B. Approval of Agenda

In connection with the approval of the meeting agenda Councilmember Gerdes motioned that the agenda be approved as written. All were in favor of the motion. Ayes: Kennedy, Nurse, Dudley, Gerdes. Nays: None. Absent: None.

C. Approval of Minutes

In connection with the approval of the December 10th meeting minutes Councilmember Nurse motioned that the minutes be approved as written. All were in favor of the motion. Ayes. Kennedy, Gerdes, Nurse, Dudley. Nays. None. Absent. None.

D. New/Deferred Business

1. December 17, 2015

a. RFP Approval for External Audit and Assurance Services (Scott)

City Auditor, Brad Scott presented for the approval of an RFP for External Auditing and Assurance Services. The proposal provides for an annual audit of the City's accounting books and records beginning with the fiscal year ending September 30, 2016. The RFP is to result in a three year agreement with a two, one year renewal options. The RFP is expected to be released on January 5, 2016 with proposals due by February 2, 2016. The proposals will then be forwarded to City Council for evaluation and short listing. A copy of the resolution is attached.

b. Quarterly Grant Reports (Ojah-Maharaj)

Grants Officer, Shrimatee Ojah- Maharaj presented the 2015 Quarter 4 Grants Report. She reported that grants for that period of fiscal year 2015 totaled \$3,072,986 and the total amount of grants received in fiscal year 2015 was \$13,297,421. Major upcoming grant opportunities include Promise Zone, Choice Neighborhoods, EPA and other Sustainable Opportunities. Art (Art Place in America), and Youth Related Grants. Ms. Ojah Maharaj reported on the progress made on each of the five point grant strategies

with a focus on #s 2 and 3 which are to develop systems that will facilitate/enhance grant submission and awards, and enhance grant search. Ms Ojah-Maharaj updated the committee on the status of the RQU for Grant Writers and described the framework for developing a city wide grant sourcing/tracking model template. Chair Kennedy suggested holding discussions with Mr. Alan DesIsle regarding sources for innovative grants for cities such as St Petersburg, and Councilmember Nurse suggested we focus on grants that pertain to areas in which the city is making investments. He also suggested working with John Hopkins Research in St Petersburg for partnerships on the NIH health care/research grants. Ms. Ojah Maharaj indicated the city has a working relationship with John Hopkins Research and will continue to pursue grant opportunities with John Hopkins Research.

E. Continued Business

F. Upcoming Meetings Agenda Tentative Issues

1. January 14, 2016

a. Banking RFP recommendation-JP Morgan Chase (Fritz)

H. New Business Item Referrals

The meeting was adjourned at 8:43 am.

A RESOLUTION PROVIDING FOR THE APPROVAL OF THE RELEASE OF A REQUEST FOR PROPOSALS FOR FINANCIAL; EXTERNAL AUDIT & ASSURANCE SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 17, 2015 the Budget, Finance & Taxation Committee approved a Request for Proposals ("RFP") for financial; external audit & assurance services and is recommending its approval to City Council; and

WHEREAS, this Council agrees with the recommendation of the Budget, Finance & Taxation Committee.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the RFP recommended to Council by the Budget, Finance & Taxation Committee for financial; external audit & assurance services is hereby approved.

BE IT FURTHER RESOLVED that the approved RFP shall be released as soon as possible and the release shall be in the usual manner of distribution by the Procurement and Supply Management Department.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

Approved as to form and content:



City Attorney (designee)
Document # 131978

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of December 17, 2015 - 9:15 a.m.
City Hall, Room 100

Members and Alternates: Chair Bill Dudley, Vice-Chair Steve Kornell, Councilmembers Jim Kennedy, Darden Rice.

Others present: Councilmembers Charlie Gerdes and Karl Nurse; Support Staff: Mike Vineyard, Park Operations Manager and primary; John Norris, Stormwater & Traffic Operations Director and backup; Jeannine Williams, Assistant City Attorney, Doug Linder, Police Athletic League, Bruce Grimes, Property Management & Realty Services Director and Mike Jefferis, Parks & Recreation Director.

- 1) Call to Order 9:15 A.M.
- 2) Approval of Agenda
 - a) Motion for approval by CM Gerdes. Unanimously Passed: 4-0.
- 3) Approval of Minutes from November 24, 2015 meeting
 - a) Minutes not available
- 4) New Business
 - a) Police Athletic League Building:
 - i. Bruce Grimes, Real Estate, gave a brief overview of the Police Athletic League (PAL) lease with the City. This included cost sharing on certain items such as roofing and HVAC. Lessee bears full cost of all other maintenance, repairs and operating costs. This lease is as consistent as possible with similar leases the City maintains with other non-profit organizations. CM Gerdes questioned if it was typical that our leases include the lessee paying for property and liability insurance which Mr. Grimes confirmed.
 - ii. Mike Jefferis, Parks & Recreation, presented a recap of repairs to the PAL building since 1995 and how they were funded. He continued that the repairs were not the only support the City provides, as P&R conducts ongoing minor repairs, pressure cleaning, landscaping, grounds and parking lot maintenance.
 - iii. Doug Linder, Police Athletic League, told the Committee that property insurance is one of the largest hurdles for his organization due to the age of the building. With such an old building, insurers require packaging property and liability insurance. He requested the City provide the property insurance and relieve the deductible. He could then obtain liability insurance from National Association of Police Athletic/Activities League for a considerably smaller amount thus freeing up funding for programming. CM Gerdes asked Mr. Linder exactly what he was requesting of the City. He responded property insurance would help their programs considerably.
 - iv. Discussion from Committee members included tying any monetary support to program impact, consistency across City leases with non-profit entities, solution should be based on all leases not individual ones and impact on the City's current insurance premiums. A time frame of April- May was discussed as it coincided with both the City's and PAL's renewals.
 - v. Councilmember Kennedy made a motion to have Administration review and return to Committee with its findings on: 1) adding the PAL building to the City's existing property insurance, 2) relieve PAL of the \$100,000 deductible and 3) the City would

retain the right to determine if building should be rebuilt or demolished based on severity of damage.

- vi. **Action Item:** Administration will return to the Committee with follow-up to CM Kennedy's motion.

5) Upcoming Meetings

- a) Calendar unavailable

6) Adjournment 10:21 A.M.

CITY OF ST. PETERSBURG

Energy, Natural Resources and Sustainability Committee

Thursday, December 17, 2015 1:00 p.m.

PRESENT: Chair Darden Rice and Councilmembers Karl Nurse, William Dudley, Steve Kornell, and Charles Gerdes (alt).

ABSENT: None

ALSO: Michael Dema, Assistant City Attorney, Sharon Wright, Sustainability Coordinator, Linda Seufert, Park Operations Manager, Pat Beneby, Deputy City Clerk

Chair Rice called the meeting to order and the following topics were discussed:

Approval of Agenda: Passed 4-0

Approval of November 23, 2015 Minutes: Passed 4-0.

Tree Canopy Road Program (Council Member Kennedy Referral)

Council Member Rice asked that the City Beautiful Commission be recognized for their great and long-standing work in the City related to trees.

Sharon Wright provided an overview of three other programs stating that each was defined differently and each had varying criteria for becoming a Tree Canopy Road. Other programs also include additional requirements for maintenance and placement as well as additional review for removal of trees on public or private property. Other programs reviewed to date all include a tree advisory board of some type. Benefits of Tree Canopy Roads were summarized including shade, health, energy conservation, water quality, air quality, and economic benefits. Recent city programs and activities were summarized including Mayor Dave Fischer's work and Mayor Fischer's proposal to kick off a full Urban Forest Program by planting 1,000 trees along an identified plantable corridor in each city council district. **Additional summary information available in attached presentation.**

Council Member Nurse mentioned that because of utility wires in the right-of-way, it would be worthwhile to look into being able to plant trees on private property.

Council Member Dudley suggested looking at the City of Warner Park Road Canopy Program.

Council Member Nurse asked how many trees the Parks & Recreation Dept. can plant in a year. Linda Seufert replied that it depends on size and other factors, but that historically it has been possible to plant 2,000 – 3,000 trees in a year.

Karl Nurse motioned that Parks & Recreation share what would be a manageable number of trees to plant per year assuming the preferred species to start are Live Oaks with input from the growers.

It was discussed that, ideally, an overall Urban Forest Program be in place in the City that includes a full tree inventory, goals, and tracking as well as the Tree Canopy Road Program referred by Council Member Kennedy and the tree planting work proposed by Mayor Dave Fischer. The Parks &

Recreation Department has conducted a lot of activities historically that would fall under an Urban Forest Program and has completed tree inventories within City parks as part of the requirement to continue to be a Tree City USA. Rather than staff develop an Urban Forest Program template, Sharon suggested a working group or tree advisory body conduct research to develop a program as a next step forward.

ENRS Committee request that Sharon coordinate with the City Beautiful Commission, stakeholders and community members to determine how the City could best utilize/assign a tree advisory board type body. The body may be the City Beautiful Commission.

STAR Communities Update

Sharon Wright provided progress on STAR Communities certification. Staff are approximately 10% complete on data collection for the over 500 metrics (not all of which are being documented).

St. Petersburg Sustainability Council is working on a Civic Engagement portion of STAR. Council Member Rice stated that the League of Women Voters is interested in participating in the Civic Engagement piece including increasing voter turnout.

Upcoming outreach includes additional one-on-one meetings with City Council members, work on the City Office of Sustainability website, an unconfirmed CONA presentation, and an early 2016 public announcement/event.

An aggressive action plan was shown for getting to STAR certification that included working groups starting toward February 2016. Working groups would begin evaluating policy revisions and potential project proposals that result from initial reviews of STAR metrics in all categories. Toward April 2016, a certification level strategy will be evaluated (go for 3, 4, or 5 stars).

Sharon stated that working toward implementing new policies, even broadly supported policies, seems infeasible in the current certification timeline. It would not allow the community input and policy review process that would likely be best to move forward together as a community.

Council Member Rice reinforced that the idea is to use the process to further engage the community, not to chase points, and that better understanding expectations of what can and will be accomplished as we continue the STAR process is appreciated.

Next ENRS Committee meeting is scheduled for **February 18, 2016 AT 1:00 p.m.**

NO ENRS COMMITTEE MEETING IN JANUARY 2016.

ENRS Committee December 17, 2015



Tree Canopy Road Program – Referral



- Council Member Kennedy referral:

Tree Canopy Road Program with the potential of funding program by directing revenue from the Tree Ordinance be used to cover the cost of planting, caring, and inventory of trees as well as tracking the program

Referral Research

Definitions (abbrev.)



- Roadway with canopy trees that border each side of the road while providing significant amount of canopy over or directly adjacent to roadway (Bradenton)
- County-owned and maintained street where preservation and maintenance of oaks and other species will maintain their historic, aesthetic, economic, cultural and environmental value (Sarasota County)
- Canopy road or canopy road tree protection zones shall include all lands within the unincorporated county within 100 feet of the centerlines of the following roads hereby declared to be canopy road tree protection zones:
 - Meridian Road from its intersection with Seventh Avenue to the state line. (plus more) (Leon County)

Referral Research Criteria Examples



- Min length of one-eighth mile and a min of 50% overhead coverage (excluding invasive species), per section of Travelway as measured by branching, Drip Line, shadows...
- Min length of one-quarter mile and overhead coverage contributing to a point-based evaluation requiring a minimum 50 points. Evaluation shall be based on Tree canopy coverage as a percentage of overall Travelway length, on canopy condition and composition; and
- Shall consist of a minimum of 75 percent Native Plant species and Naturalized Plant species; and
- May be composed of more than one segment of differently named roads providing they are contiguous and the combined length meets the minimum requirement.
- Shall have appropriate signage to delineate the limits of the Canopy Road.

Referral Research Criteria Examples



- All structures shall be set back a minimum of 100 feet from the centerline of the canopy road ...
- Any structure which exceeds 40 feet in height must be set back an additional one foot for every one foot in excess of 40 feet
- No clearing may occur in the canopy road overlay, (100 feet from centerline) unless authorized for health, safety or welfare of the public.
- Any part of the canopy road overlay that is cleared or has trees removed must be widened in some other location by the same amount that was removed.
- A full analysis of the impact of a development on the affected canopy road shall be submitted by the applicant at the time of development review.
- Joint access to canopy roads shall be required unless there is no alternative. New curb cuts on canopy roads shall be designed to serve more than one development.
- If the site is accessible by roads other than the canopy road, it shall not have direct access to the canopy road.

Referral Research



- **Benefits of Tree Canopy Road Program**
 - Neighborhood pride
 - Additional protections from removal and trimming specifications (public and private property)
 - Incentive to increase/maintain tree canopy
 - ✦ Shade
 - ✦ Health
 - ✦ Energy conservation
 - ✦ Water quality
 - ✦ Air quality
 - ✦ Economic benefits

Background/Considerations



- **Recent or Existing City Tree Programs/Activities**
 - City Beautiful Commission Gift Tree Program 1997- 2015 & Gizella Kopsick Aboretum
 - Mayor's Flowering Tree Program 2002-2009
 - Mayor's Interstate Flowering Tree Program 2007 – 2009
 - Poinciana Tree Planting Program 2009
 - Memorial Tree Program
 - Tree inventory, 2012 for parks and public right-of-ways
 - Recent plantings (1st St N/62nd Ave; 30th Ave near 58th St)
 - 2014 – 2015 Tree & Landscape code working group
- **Tree Advisory Councils/Working Groups**
- **Projected removal fees = \$28,000 for FY2016**

Mayor Fischer, “Tree Czar”



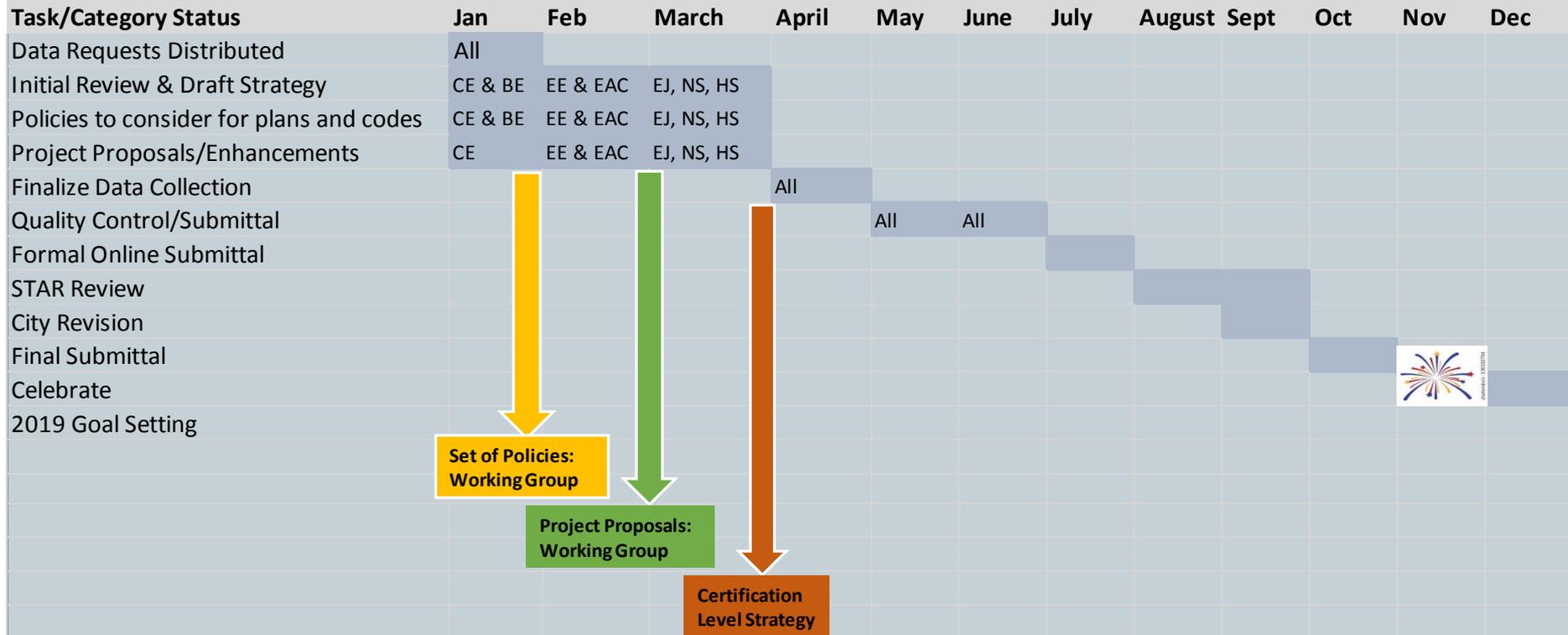
- Long history of working to increase/improve trees and landscape in St. Petersburg
- Current recommendation to create an Urban Forest Program
 - Funding source potential from BP Settlement & Weeki Wachi fund
 - Start with 1,000 trees (\$500/tree initial estimate)
 - Plantable streets (no sidewalks, no wires)
 - ✦ Through informal surveys throughout City has identified corridors in each City Council District
 - Kick off approach geared toward more access, visibility, and need

STAR Communities Update



- Approx. 30% through initial review (Yes/No/Maybe)
- Approx. 10% through data collection
- 3 Star seems reasonably achievable so far
- Citizen-led St. Petersburg Sustainability Council working on a Civic Engagement Piece
- February 2016 – Outreach Goals
 - City Council outreach round 1 complete
 - Website
 - CONA Presentation
 - Public Announcement/Event

STAR Communities DRAFT Action Plan



Discussion



Back Pocket Slides

Table of STAR Goals and Objectives

Built Environment	Climate & Energy	Economy & Jobs	Education, Arts & Community	Equity & Empowerment	Health & Safety	Natural Systems
Ambient Noise & Light	Climate Adaptation	Business Retention & Development	Arts & Culture	Civic Engagement	Active Living	Green Infrastructure
Community Water Systems	Greenhouse Gas Mitigation	Green Market Development	Community Cohesion	Civil & Human Rights	Community Health & Health System	Invasive Species
Compact & Complete Communities	Greening the Energy Supply	Local Economy	Educational Opportunity & Attainment	Environmental Justice	Emergency Prevention & Response	Natural Resource Protection
Housing Affordability	Industrial Sector Resource Efficiency	Quality Jobs & Living Wages	Historic Preservation	Equitable Services & Access	Food Access & Nutrition	Outdoor Air Quality
Infill & Redevelopment	Resource Efficient Buildings	Targeted Industry Development	Social & Cultural Diversity	Human Services	Indoor Air Quality	Water in the Environment
Public Spaces	Resource Efficient Public Infrastructure	Workforce Readiness		Poverty Prevention & Alleviation	Natural & Human Hazards	Working Lands
Transportation Choices	Waste Minimization				Safe Communities	

Who is STAR Certified?



5-STAR Community

- Baltimore, MD
- Northampton, MA
- Seattle, WA

4-STAR Community

- Austin, TX
- Broward County, FL
- Burlington, VT
- Davenport, IA
- Dubuque, IA
- Evanston, IL
- Louisville, KY
- Memphis, TN
- Plano, TX
- Portland, OR
- Raleigh, NC
- Tacoma, WA
- Tucson, AZ
- Washington, DC

3-STAR Community

- Albany, NY
- Atlanta, GA
- Birmingham, AL
- Chandler, AZ
- Cleveland, OH
- Des Moines, IA
- El Cerrito, CA
- Fayetteville, AR
- Fort Collins, CO
- Houston, TX
- Indianapolis, IN
- Lee County, FL
- Palm Bay, FL
- Park Forest, IL
- Reading, PA
- Rosemount, MN
- Woodbridge, NJ

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of January 7, 2016

To: The Honorable Amy Foster, Chair, and Members of City Council

Subject: Approving an increase to the allocation for temporary staffing services with Infinity Staffing of NJ, LLC dba Lyneer Staffing Solutions in the amount of \$350,000 which increases the total contract amount to \$3,474,000.

Explanation: On May 19, 2011, City Council approved a two-year agreement for temporary staffing services through May 31, 2013, at an amount of \$1,212,000. On December 6, 2012 and February 6, 2014 City Council approved one-year renewal options, in the amount of \$631,000 each. On April 16, 2015, City Council approved the third renewal option in the amount of \$650,000, through May 31, 2016. Services required for the remainder of the contract term are expected to exceed the original forecasted amount due to an increase in the volume of infrastructure repairs, capital projects and unforeseen storm repairs. Therefore an increase in allocation is requested.

The vendor provides personnel, administration, recruitment, testing, screening and training for general labor, clerical, and other entry level temporary staffing positions. The primary users are Water Resources, Sanitation, Stormwater, Pavement and Traffic Operations, and Downtown Facilities Enterprise departments.

The Procurement Department recommends approval:

Original Contract Sum	\$3,124,000
Allocation Increase	<u>350,000</u>
Revised Contract Sum	\$3,474,000

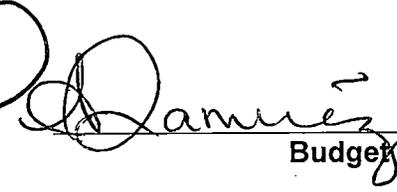
Amounts paid to the vendor pursuant to the allocation increase shall not exceed a total of \$3,474,000 during the contract term and shall be binding only for actual services rendered.

Cost/Funding/Assessment Information: Cost/Funding/Assessment Information: Funds have been appropriated in the Water Resources Operating Fund (4001) [\$125,000] Cosme WTP Operations & Maintenance account (4202077), Water Reclamation Facility accounts (4202177), (4202181) and (4202173) and Facilities Maintenance (4202229); Sanitation Operating Fund (4021) [\$100,000] Commercial Support (4502265), Residential Support (4502277), Washrack (4502313), Lot Clearing (4502253); and General Fund (0001) [\$65,000], Stormwater, Pavement & Traffic Operation, Traffic Support (4001265), Traffic Markings (4001277).

Attachments: Resolution

Approvals:


Administrative


Budget

A RESOLUTION APPROVING AN INCREASE TO THE ALLOCATION FOR TEMPORARY STAFFING WITH INFINITY STAFFING OF NJ, LLC dba LYNEER STAFFING SOLUTIONS IN THE AMOUNT OF \$350,000, WHICH INCREASES THE TOTAL CONTRACT AMOUNT TO \$3,474,000, AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 19, 2011, City Council approved a two-year blanket purchase agreement ("Agreement") to Infinity Staffing of NJ, LLC dba Lyneer Staffing Solutions with renewals for temporary staffing services through May 31, 2013 in the amount of \$1,212,000; and

WHEREAS, on December 6, 2012 and February 6, 2014, City Council approved one-year renewal options to the Agreement in the amount of \$631,000, respectively; and

WHEREAS, on April 16, 2015, City Council approved the third renewal option in the amount of \$650,000, through May 31, 2016; and

WHEREAS, an increase in infrastructure and unforeseen storm repairs beyond the original forecasted amount of an additional \$350,000 through the balance of the term of the Agreement will cause the Agreement amount to exceed the \$3,124,000 purchasing threshold for City Council approval; and

WHEREAS, the Procurement Department in cooperation with the Water Resources, Sanitation, Stormwater, Pavement and Operations, and Downtown Facilities Enterprise Departments recommend this increase in the Agreement amount.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that an increase to the allocation for temporary staffing with Infinity Staffing of NJ, LLC dba Lyneer Staffing Solutions in the amount of \$350,000, which increases the total contract amount to \$3,474,000, authorizing the Mayor or Mayor's designee to execute all documents necessary to effectuate this transaction; and providing an effective date.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Received
DEC 22 15
Mayor's
Office

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of January 7, 2016

To: The Honorable Amy Foster, Chair, and Members of City Council

Subject: Renewing an agreement with UnitedHealthcare Insurance Company for group health program administrative services at an estimated annual cost of \$1,432,700; authorizing the Mayor or his designee to pay claims and fund health reimbursement accounts associated with the self-funded program, estimated at \$43,476,582; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.

Explanation: On January 9, 2014 City Council approved a one-year agreement for group health program administration effective through March 31, 2015 with three renewal options. This is the second renewal.

UnitedHealthcare provides administrative services for group medical and pharmacy benefits. These services include claims administration, access to United's network of contracted providers, communication services and web access for the City and members. Also included are the services of a full-time, onsite UnitedHealthcare representative and an annual \$50,000 Wellness activity budget.

Claims for the 2016 – 2017 plan year are expected to increase, although at a lower rate than national trend rates. The expected increase is due to general cost inflation and a higher number of large dollar claims (claims over \$100,000) among the member population.

In order to alleviate the amount of the increase in claims and to encourage member consumerism the annual deductible for the Choice, Choice Plus and Choice Plus Base plans will increase to \$750/\$1500, primary and specialist copays in these plans will increase \$5 and the reimbursement rate for out of network services will be based on Medicare allowable charges.

The group health program is self-funded; revenues are received via monthly premiums charged to the City, employees and retirees and from other income. Premium rates for plan year 2016-2017 have been set based on the total projected cost of the program which includes projected claims, the estimated cost of stop loss insurance, administrative costs, fees for the Health & Wellness center, an adjustment for reserve funding and fees required under the Affordable Care Act.

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

UnitedHealthcare Insurance Company	\$1,432,700
Administrative Services (\$34.24 per member per month)*	\$1,389,920**
Flexible Spending Account Administration (\$5.33 per participant per month)	\$ 37,289**
Health Reimbursement Account Administration (\$3.25 per participant per month)	\$ 5,491**
Total projected cost of group health program	\$43,476,582

*Includes \$1.00 per member per month for stop loss reporting to a third party carrier.
**Dependent upon enrollment

Cost/Funding/Assessment Information: Funds are available in the Health Insurance Fund (5121), Human Resources Group Benefits (0901177).

Attachments: Group Health Insurance – Estimated Expenses and Revenues
Group Health Insurance – Rate History
Group Health Insurance Rates – Employees
Group Health Insurance Rates – Retirees
Proposed Plan Changes
Resolution

Approvals:



Administrative



Budget

City of St. Petersburg

April 1, 2016- March 31, 2017 Group Health Program *

Estimated Expenses and Revenues

Estimated Expenses

1.	Projected Claims April 1, 2016 – March 31, 2017	\$39,804,457
2.	Administrative Service Fees – UnitedHealthcare	\$ 1,389,920
3.	Onsite Clinic Expense	\$ 950,000
4.	Estimated Stop Loss Insurance Premiums **	\$ 706,191
5.	Estimated Internal Administration	\$ 370,656
6.	PCORI Fee and HCR Reinsurance Tax***	\$ 154,078
7.	Health Reimbursement Account Funding	\$ 58,500
8.	Flexible Spending Account Administration - UnitedHealthcare	\$ 37,289
9.	Health Reimbursement Account Administration – UnitedHealthcare	\$ 5,491
	Total Estimated Group Health Program Cost	\$43,476,582

Estimated Revenues****

1.	Revenues from City	\$30,983,315
2.	Revenues from Employees	\$ 8,621,090
3.	Revenues from Retirees	\$ 4,229,688
4.	Medicare Part D Reimbursement	\$ 300,000
	Total Estimated Group Health Program Revenue	\$44,134,093

*Not including cost for Humana Medicare Plans for retirees.

**Cost of Stop Loss Insurance to be submitted for approval as a separate Consent Agenda item.

***Required by Affordable Care Act

****Dependent upon actual enrollments and actual Medicare Part D Reimbursement

City of St. Petersburg

Group Health Insurance Rate History

	2012	2013	2014	2015	2016
Choice (EPO)					
Single	466.79	553.17	581.07	613.24	643.90
Two Person	1,003.62	1,189.34	1,249.32	1,318.49	1,384.41
Family	1,321.04	1,565.49	1,644.44	1,735.48	1,822.25
Choice Plus (PPO)					
Single	560.24	645.11	677.64	678.78	712.72
Two Person	1,131.72	1,303.16	1,368.88	1,371.18	1,439.74
Family	1,568.73	1,806.38	1,897.48	1,900.67	1,995.71
Choice Plus - Base Option (Retirees) (PPO)					
Single	272.98	314.33	330.18	361.49	379.56
Two Person	551.40	634.93	666.95	730.19	766.70
Family	764.31	880.09	924.48	1,012.13	1,062.74
Choice HDP (High Deductible)					
Single		467.93	491.53	528.16	554.57
Two Person		1,006.08	1,056.82	1,135.57	1,192.35
Family		1,324.28	1,391.07	1,494.73	1,569.47
HDP Basic (High Deductible)					
Single				419.34	440.31
Two Person				901.61	946.69
Family				1,186.76	1,246.10

City of St. Petersburg
Group Health Insurance Rates - Employees
Effective April 1, 2016

	TOTAL COST	CITY CONTRIBUTION	EMPLOYEE COST
Benefit Plan	Monthly	Monthly	Monthly
CHOICE (EPO)			
Single	\$643.90	\$482.93	\$160.97
Two person	\$1,384.41	\$1,038.31	\$346.10
Family	\$1,822.25	\$1,366.69	\$455.56
CHOICE PLUS (PPO)			
Single	\$712.72	\$534.54	\$178.18
Two person	\$1,439.74	\$1,079.81	\$359.93
Family	\$1,995.71	\$1,496.78	\$498.93
CHOICE HDP (HIGH DEDUCTIBLE)			
Single	\$554.57	\$415.93	\$138.64
Two person	\$1,192.35	\$894.26	\$298.09
Family	\$1,569.47	\$1,177.10	\$392.37
HDP BASIC (HIGH DEDUCTIBLE)			
Single	\$440.31	\$330.23	\$110.08
Two person	\$946.69	\$710.02	\$236.67
Family	\$1,246.10	\$934.58	\$311.52

City of St. Petersburg

Group Health Insurance Rates - Retirees

Effective April 1, 2016

	TOTAL COST	CITY CONTRIBUTIO N	RETIREE COST
Benefit Plan	Monthly	Monthly	Monthly
CHOICE PLUS - BASE OPTION (PPO)			
Single	\$379.56	\$284.67	\$94.89
Two person	\$766.70	\$575.03	\$191.67
Family	\$1,062.74	\$797.06	\$265.68
CHOICE (EPO)			
Single	\$643.90	\$284.67	\$359.23
Two person	\$1,384.41	\$575.03	\$809.38
Family	\$1,822.25	\$797.06	\$1,025.19
CHOICE PLUS (PPO)			
Single	\$712.72	\$284.67	\$428.05
Two person	\$1,439.74	\$575.03	\$864.71
Family	\$1,995.71	\$797.06	\$1,198.65
CHOICE HDP (HIGH DEDUCTIBLE)			
Single	\$554.57	\$284.67	\$269.90
Two person	\$1,192.35	\$575.03	\$617.32
Family	\$1,569.47	\$797.06	\$772.41
HDP BASIC (HIGH DEDUCTIBLE)			
Single	\$440.31	\$284.67	\$155.64
Two person	\$946.69	\$575.03	\$371.66
Family	\$1,246.10	\$797.06	\$449.04

CITY OF ST. PETERSBURG
 GROUP HEALTH PROGRAM

2016 - 2017

PROPOSED PLAN CHANGES

	CURRENT CHOICE (EPO)	CURRENT CHOICE PLUS (PPO)	CURRENT CHOICE PLUS BASE - (RETIRES ONLY)	PROPOSED CHOICE (EPO)	PROPOSED CHOICE PLUS (PPO)	CURRENT CHOICE PLUS BASE - (RETIRES ONLY)
Deductible	\$500 Individual \$1,000 Family	\$500 Individual \$1,000 Family (x 2 out of network)	\$500 Individual \$1,000 Family (x 2 out of network)	\$750 Individual \$1,500 Family	\$750 Individual \$1,500 Family (x 2 out of network)	\$750 Individual \$1,500 Family (x 2 out of network)
Primary Copay	\$20	\$25	\$25	\$30	\$30	\$30
Specialist Copay/ Premium/Non-Premium	\$30/\$40	\$35/\$45	\$35/\$45	\$35/\$50	\$35/\$50	\$35/\$50
Out of Network Benefits	N/A	Out of Network claims are paid based on negotiated charges	Out of Network claims are paid based on negotiated charges	N/A	Out of Network claims paid based on Medicare Allowable Charges; balance billing to member	Out of Network claims paid based on Medicare Allowable Charges; balance billing to member

A RESOLUTION APPROVING THE SECOND ONE-YEAR RENEWAL OPTION TO THE AGREEMENT WITH UNITEDHEALTHCARE INSURANCE COMPANY FOR GROUP HEALTH PLAN ADMINISTRATIVE SERVICES AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$1,432,700; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO PAY CLAIMS AND FUND HEALTH REIMBURSEMENT ACCOUNTS ASSOCIATED WITH THE SELF-FUNDED PROGRAM AT AN ESTIMATED COST NOT TO EXCEED \$43,476,582 AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 9, 2014 City Council approved a one-year agreement with three one-year renewal options for group health plan administration services to UnitedHealthcare Insurance Company pursuant to Bid No. 7546 dated August 16, 2013; and

WHEREAS, on January 8, 2015 City Council approved the first one-year renewal option to the Agreement; and

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

WHEREAS, the group health program is self-funded with revenues received through monthly premiums charged to the City, employees, retirees and from other income; and

WHEREAS the total projected cost of the group health program to be paid to UnitedHealthcare Insurance Company is estimated to be \$43,476,582 for the 2016 – 2017 Plan year; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Human Resources Department, recommends approval of the second one-year renewal option of the Agreement with UnitedHealthcare Insurance Company and authorization for the Mayor or Mayor's designee to pay claims and fund health reimbursement accounts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the second one-year renewal option of the Agreement with UnitedHealthcare Insurance Company for group health program administrative services at an estimated annual cost not to exceed \$1,432,700 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the Mayor or Mayor's Designee is hereby authorized to pay claims and fund health reimbursement accounts associated with the self-funded program at an estimated cost not to exceed \$43,476,582.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

R/SB

City Attorney (Designee)

Received
DEC 22 15
Mayor's Office

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of January 7, 2016

To: The Honorable Amy Foster, Chair, and Members of City Council

Subject: Renewing an agreement with Metropolitan Life Insurance Company ('MetLife') for voluntary dental DHMO and PPO insurance at an estimated annual premium of \$1,182,405.

Explanation: On January 10, 2013 City Council approved a one- year agreement for voluntary dental insurance for employees, retirees and their dependents through March 31, 2014 with four one-year renewal options. This is the third renewal option.

Since the inception of the agreement with MetLife enrollment in the PPO plan has increased 30.3% and paid claims in both plans have exceed the amount expected by MetLife. These factors resulted in a 10% increase in rates for the 2016 -2017 plan year.

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

Metropolitan Life Insurance Company.....	\$1,182,405
MetLife DHMO	
940 employees	\$341,430
168 retirees	\$ 51,681
MetLife PPO	
1,036 employees	\$677,290
211 retirees	\$112,004

These plans are paid for by employees and retirees, therefore, there is no cost to the City. For Plan Year April, 2016 – March, 2017, the projected cost of these plans will be \$1,182,405. The employees' portion is projected to be \$1,018,720 and the retirees' portion \$163,685, depending on enrollment. The renewal will be effective through March 31, 2017.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Health Insurance Fund (5121), Human Resources Group Benefits (0901177).

Attachments: Group Dental Insurance Rate History
Resolution

Approvals:


Administrative


Budget

City of St. Petersburg

Group Dental Insurance Monthly Rate History

	Plan Years				
	2012	2013	2014	2015	2016
DHMO					
Single	\$15.25	\$13.29	\$13.29	\$15.62	\$17.18
Two Person	26.59	23.25	23.25	27.32	30.05
Family	37.11	36.55	36.55	42.95	47.25
PPO					
Single	22.31	20.95	20.95	24.62	\$27.08
Two Person	47.30	44.41	44.41	52.18	57.40
Family	73.01	68.56	68.56	80.56	88.62

A RESOLUTION APPROVING THE THIRD ONE-YEAR RENEWAL OPTION OF THE AGREEMENT WITH METROPOLITAN LIFE INSURANCE COMPANY FOR VOLUNTARY DENTAL DHMO AND PPO INSURANCE AT AN ESTIMATED ANNUAL PREMIUM NOT TO EXCEED \$1,182,405; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2013 City Council approved the award of a one-year agreement with four one-year renewal options to Metropolitan Life Insurance Company for voluntary dental DHMO and PPO insurance pursuant to IFB No. 6915A dated January 19, 2010; and

WHEREAS, on November 25, 2013 City Council approved the first one-year renewal option to the Agreement; and

WHEREAS, on January 8, 2015 City Council approved the second one-year renewal option to the Agreement; and

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

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the second one-year renewal option of the Agreement with Metropolitan Life Insurance Company for Voluntary Dental DHMO and PPO insurance at an estimated annual premium not to exceed \$1,182,405 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective through March 31, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of January 7, 2016

To: The Honorable Amy Foster, Chair, and Members of City Council

Subject: Approving the purchase of replacement off-road utility vehicles from GHC Motorsports, for the Fleet Department at a total cost of \$448,696.

Explanation: This purchase is being made from the Florida Sheriffs Association Contract No. 15-13-0904. The vendor will furnish and deliver 21 Polaris 570 model off-road utility vehicles equipped with four-wheel hydraulic disc brakes, dump beds, rack and pinion steering, powered with four-wheel drive, and 44 horse power gasoline engines. These vehicles have seating for two passengers. The equipment will be assigned to the Police Department to be used by the special events and downtown deployment staff to maneuver through streets, alleys, sidewalks, downtown parks, and Tropicana Field. The vehicles will also be used by School Resource Officers at high schools for campus response as needed.

The new off-road utility vehicles, with a life expectancy of five years are replacing 21 units that are 10 years old. The old vehicles will be sold at public auction.

The Procurement Department, recommends for award utilizing the Florida Sheriffs Association Contract No. 15-13-0904 Specification #2.

GHC Motorsports.....\$448,696.00

<u>DESCRIPTION</u>	<u>QTY</u>	<u>Unit Price</u>	<u>Extended Price</u>
2016 Polaris Ranger 570	5	\$19,992.00	\$99,960
2015 Polaris Ranger 570 Mid-Size Crew Upgrade	16	21,796.00	348,736

The vendor has met the specifications, terms and conditions of the Florida Sheriffs Association Contract No. 15-13-0904 effective through September 30, 2016. 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.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Equipment Replacement Fund (5002), Fleet Management Department, Fleet Mechanical Costs (8002527).

Attachments: Resolution

Approvals:


Administrative


Budget

A RESOLUTION APPROVING THE PURCHASE OF 21 REPLACEMENT OFF-ROAD UTILITY VEHICLES FROM GHC MOTORSPORTS, FOR THE FLEET DEPARTMENT AT A TOTAL COST NOT TO EXCEED \$448,696 FOR THE FLEET MANAGEMENT DEPARTMENT UTILIZING FLORIDA SHERIFFS ASSOCIATION CONTRACT NO. 15-13-0904 SPECIFICATION #2; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to replace 21 off-road utility vehicles that have reached the end of their economic useful life; and

WHEREAS, pursuant to Section 2-256(2) of the City Code the City is permitted to purchase automotive equipment from the Sheriffs Association and Florida Association of Counties negotiated purchase programs for vehicles; and

WHEREAS, GHC Motorsports has met the specifications, terms and conditions of Florida Sheriffs Association Contract No. 15-13-0904 Specification #2; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the purchase of 21 off-road utility vehicles from GHC Motorsports, at a total cost not to exceed \$448,696 for the Fleet Management Department utilizing Florida Sheriffs Association Contract No. 15-13-0904 Specification #2 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of January 7, 2016

To: The Honorable Amy Foster, Chair, and Members of City Council

Subject: Awarding a contract to Air Mechanical & Service Corp. in the amount of \$227,847.00 for Fire Station No. 4 HVAC Replacement Project; rescinding unencumbered appropriations from the following projects in the City Facilities Capital Improvement Fund (3031); \$54,500 from the Infrastructure TBD FY16 Project (15118) and \$20,000 from Fire Station Major Improvements FY16 Project (15060) to provide funding for Engineering services to the project; approving a supplemental appropriation in the amount of \$74,500 from the unappropriated balance of the City Facilities Capital Improvement Fund (3031), resulting from these rescissions, to the Fire Station #4 HVAC Project (15061); and providing an effective date (Engineering Project No. 14222-019; Oracle Project No. 15061).

Explanation: The Procurement Department received one (1) bid for Fire Station No. 4 HVAC Replacement (see below). The proposed work is located at 2501 4th Street North and consists of furnishing all labor, materials, equipment and services necessary to remove and legally dispose of the existing split system air conditioning system, all variable volume terminal units and the entire air distribution duct system; and replace (furnish and install) with two new packaged rooftop air conditioners, plus one new packaged dedicated rooftop outdoor air conditioner and related new air distribution duct work system. The work also includes removal, legal disposal and replacement of existing hung ceiling impacted by the work, electrical work, installation of new smoke detectors integrated with existing fire alarm, HVAC direct digital controls, operation and maintenance manuals as well as testing and balancing. The existing HVAC system is over fifteen (15) years old and is in need of replacement.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within one hundred twenty (120) consecutive calendar days thereafter. The bid which opened on December 3, 2015, is as follows:

<u>Bidder</u>	<u>Contract Total Bid</u>
Air Mechanical & Service Corp. (Tampa, FL)	\$227,847.00

Air Mechanical & Service Corp, the lowest responsible and responsive bidder, has met the specifications, terms and conditions of IFB No. 5934 dated November 5, 2015. They have satisfactorily performed similar work for the School Board of Polk County and for several the city facilities. Air Mechanical & Service Corp. has listed Falcon Electric, a certified SBE contractor, to perform electrical sub-contracting work for this project thereby exceeding the 5% SBE goal. The Principal of the firm is Lindsey W. Byers, President.

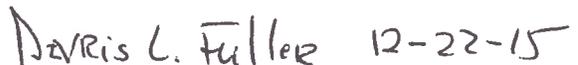
Recommendation: Administration recommends awarding this contract to Air Mechanical & Service Corp in the amount of \$227,847.00 for the Fire Station No. 4 HVAC Replacement Project (15061); rescinding unencumbered appropriations from the following projects in the City Facilities Capital Improvement Fund (3031); \$54,500 from the Infrastructure TBD FY16 Project (15118) and \$20,000 from the Fire Station Major Improvements FY16 Project (15060) to provide funding for Engineering services to the project; approving a supplemental appropriation in the amount of \$74,500 from the unappropriated balance of the City Facilities Capital Improvement Fund (3031), resulting from these rescissions, to the Fire Station No 4 HVAC Replacement Project (15061); and providing an effective date.

Cost/Funding/Assessment Information: Funds will be available after the rescission of unencumbered appropriations from the following projects in the City Facilities Capital Improvement Fund (3031); \$54,500 from the Infrastructure TBD FY16 (15118) and \$20,000 from the Fire Station Major Improvements FY16 Project (15060) and a supplemental appropriation in the amount of \$74,500 from the unappropriated balance of the City Facilities Capital Improvement Fund (3031), resulting from this rescission, to the Fire Station No 4 HVAC Replacement Project (15061).

Attachments: Resolution

Approvals:


Administrative


DARRIS L. FULLER 12-22-15
Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO AIR MECHANICAL & SERVICE CORP. FOR FIRE STATION NO. 4 HVAC REPLACEMENT PROJECT AT A TOTAL COST NOT TO EXCEED \$227,847.00; RESCINDING UNENCUMBERED APPROPRIATIONS IN THE CITY FACILITIES CAPITAL IMPROVEMENT FUND (3031) IN THE AMOUNT OF \$54,500 FROM THE INFRASTRUCTURE TBD FY16 PROJECT (15118) AND \$20,000 FROM FIRE STATION MAJOR IMPROVEMENTS FY16 PROJECT (15060); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$74,500 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE CITY FACILITIES CAPITAL IMPROVEMENT FUND (3031) RESULTING FROM THESE RESCISSIONS, TO THE FIRE STATION #4 HVAC PROJECT (15061); AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received one bid for the Fire Station No. 4 HVAC Replacement Project (Project No. 14222-019) pursuant to Bid No. 5934 dated November 5, 2015; and

WHEREAS, Air Mechanical & Service Corp. has met the requirements of Bid No. 5934; and

WHEREAS, the Administration recommends approval of this award; and

WHEREAS, a rescission of two unencumbered appropriations is required (“Rescission”); and

WHEREAS, a supplemental appropriation from the increase in the unappropriated balance of the City Facilities Capital Improvement Fund (3031) resulting from the Rescission is required.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the bid is accepted and the award of an agreement to Air Mechanical & Service Corp. for completion of the Fire Station No. 4 HVAC Replacement Project (Project No.

14222-019) at a total cost not to exceed \$227,847 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that the unencumbered appropriations in the City Facilities Capital Improvement Fund (3031) in the amount of \$74,500; \$54,500 from the Infrastructure TBD FY 16 Project (15118) and \$20,000 from Fire Station Major Improvements FY16 Project (15050) are hereby rescinded; and

BE IT FURTHER RESOLVED that the following supplemental appropriation from the increase in the unappropriated balance of the City Facilities Capital Improvement Fund (3031) resulting from these rescissions is hereby approved for FY 2016:

<u>City Facilities Capital Improvement Fund (3031)</u>	
Fire Station #4 HVAC Project (15061)	\$74,500

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)



Budget

Received
DEC 22 15
Mayor's
Office

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of January 7, 2016

To: The Honorable Amy Foster, Chair, and Members of City Council

Subject: Renewing an agreement with CompBenefits Company for voluntary vision insurance at an estimated annual premium of \$186,522.

Explanation: On January 10, 2013 City Council approved a one-year agreement for voluntary vision insurance for employees, retirees and their dependents through March 31, 2014 with four one-year renewal options. This is the third renewal option.

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

CompBenefits Company	\$186,522
CompBenefits High Option	
1,098 employees	\$140,206
289 retirees	\$ 31,977
CompBenefits Low Option	
653 employees	\$ 11,666
172 retirees	\$ 2,673

Rates for the Vision plans have not increased since the 2008 -2009 plan year. These plans are paid for by employees and retirees, therefore, there is no cost to the City. For Plan Year April, 2016 – March, 2017, the projected cost of these plans will be \$186,522. The employees' portion is projected to be \$151,872 and the retirees' portion \$34,650 depending on enrollment. The renewal will be effective through March 31, 2017.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the Health Insurance Fund (5121), Human Resources Group Benefits (0901177).

Attachments: Vision Plan Rate History
Resolution

Approvals:



Administrative



Budget

City of St. Petersburg

Group Vision Insurance Monthly Rate History

Plan Years

	2012	2013	2014	2015	2016
High Option					
Single	\$5.92	\$5.92	\$5.92	\$5.92	\$5.92
Two Person	11.80	11.80	11.80	11.80	11.80
Family	15.78	15.78	15.78	15.78	15.78
Low Option					
Single	\$.95	\$.95	\$.95	\$.95	\$.95
Two Person	1.43	1.43	1.43	1.43	1.43
Family	2.38	2.38	2.38	2.38	2.38

A RESOLUTION APPROVING THE THIRD ONE-YEAR RENEWAL OPTION OF AN AGREEMENT WITH COMPBENEFITS COMPANY FOR VOLUNTARY VISION INSURANCE AT AN ESTIMATED ANNUAL PREMIUM NOT TO EXCEED \$186,522; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2013 City Council approved the award of a one-year agreement with four one-year renewal options to CompBenefits Company ("CompBenefits") for voluntary vision insurance pursuant to RFP No. 7343 dated July 26, 2012; and

WHEREAS, on November 25, 2013 City Council approved the first one-year renewal option of the Agreement with CompBenefits; and

WHEREAS, on January 8, 2015 City Council approved the second one-year renewal option of the Agreement with CompBenefits; and

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

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the third one-year renewal option of the Agreement with CompBenefits Company for voluntary vision insurance at an estimated annual premium not to exceed \$186,522 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective through March 31, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Item CB-4 backup will be provided at a later date.

Approving the purchase of radio frequency identification (RFID) data collection systems from Sonrai Systems LLC for the Sanitation department at a total cost of \$157,750.

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of January 7, 2016

To: The Honorable Amy Foster, Chair, and Members of City Council

Subject: Approving the donation of two passenger vans valued at approximately \$9,000 to the Pinellas Ex Offender Re-Entry Coalition, Inc.

Explanation: It is recommended that one 2003 Ford E350 van and one 2006 Ford E350 van be donated to the Pinellas Ex Offender Re-Entry Coalition, Inc., Evening Reporting Center program. This program is located at the Dr. David T. Welch Center for Progress and Community Development at 1601 16th Street South and serves at risk and high-risk youth who live in South St. Petersburg zip codes. These two vans will be used in facilitating programs designed to reduce recidivism and incarceration of local youth participants.

The 2006 Ford E350 15 passenger van was purchased in September of 2005 at a cost of \$18,597. The retired vehicle has an odometer reading of 75,721 miles, is in fair condition, and is valued between \$4,000 and \$5,000.

The 2003 Ford E350 15 passenger van was purchased in April of 2003 at a cost of \$19,994. The retired vehicle has an odometer reading of 67,845, is in fair condition, and is valued between \$4,000 and \$5,000.

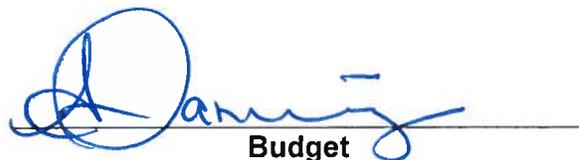
The Fleet Department will transfer the title of the vehicle and all liability and maintenance responsibility to The Pinellas Ex Offender Re-Entry Coalition, Inc. The Pinellas Ex Offender Re-Entry Coalition, Inc., is a certified non-profit 501(c)3 organization and is partnered with Pinellas County and the Juvenile Detention Alternatives Initiative.

Cost/Funding/Assessment Information: The 2006 van (VN: 1FBSS31L66HA47044; Asset #: K934) has an approximate value of \$4,500. The 2003 van (VN: 1FBSS31L43HA96416; Asset #: K927) has an approximate value of \$4,500.

Attachments: Donation Letter
Resolution

Approvals:


Administrative


Budget

PERC

Phone: (855) 505-7372
Fax: (727) 600-8096
St. Petersburg: (727) 954-3993
Email: mjalazo@exoffender.org
FEIN: 59-3643636; 501c3 Tax Exempt Designation
Florida Solicitation of Contributions #CH21771



11/12/2015

Gary Cornwell, City Manager
City of St. Petersburg
PO Box 2842
St. Petersburg, FL 33731

The purpose of this letter is to request the donation of used passenger vans that the City of St. Petersburg may have in its retiring fleet. The Pinellas Ex Offender Coalition in partnership with Pinellas County and the team that makes up the Juvenile Detention Alternatives Initiative will be creating an Evening Reporting Center targeting at-risk, high-risk youth with programming and oversight in an effort to reduce recidivism and keep more kids out of confinement if successful

This program will target high risk kids, but non violent, no sexual offenses, and not eligible with some other specific charges. The program will take place at the Dr. David T. Welch Center for Progress and Community Development, located at 1601 16th Street South in St. Petersburg- targeting kids who live in South St. Petersburg zip codes. In order to accomplish the goals of the program, we ultimately need two ten passenger vans, and are searching multiple avenues to make this happen, including talking to Council Member Karl Nurse who directed me to make this request.

The Pinellas Ex Offender Re Entry Coalition is a 501c3 non profit organization, which has and continues to partner with the City of St. Petersburg on multiple initiatives in the spirit of community and economic development. Any consideration to this request is appreciated. I can be reached at (727) 954-3993 or (727) 656-4989 with any questions.

Sincerely,

Michael Jalazo
CEO/Executive Director
Pinellas Ex Offender Re Entry Coalition

A RESOLUTION APPROVING THE DONATION OF TWO PASSENGER VANS VALUED AT APPROXIMATELY \$9,000 TO THE PINELLAS EX OFFENDER RE-ENTRY COALITION, INC. FOR DONATION TO SERVE AT-RISK AND HIGH RISK YOUTH PROGRAMS; 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 donate two passenger vans to the Pinellas Ex Offender Re-Entry Coalition, Inc. ("Agency") to serve the Agency's Evening Reporting Center Program for at-risk and high-risk youths; and

WHEREAS, the vans to be donated are between ten and thirteen years old and have reached end of life for continuous use; and

WHEREAS, the Agency is a 501(c)(3) private non-profit agency serving at-risk and high-risk youths in South St. Petersburg zip codes; and

WHEREAS, the vans will be delivered to The Pinellas Ex Offender Re-Entry Coalition's office for use in their Evening Reporting Center program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the donation of two passenger vans to the Pinellas Ex-Offender Re-Entry Coalition, Inc. Evening Reporting Center Program to serve at-risk and high-risk youths is hereby approved; and the Mayor or Mayor's designee is authorized to execute all documents necessary to effectuate this transaction.

This resolution shall take effect immediately upon its adoption.

Approved as to form and content:



City Attorney (designee)

St. Petersburg City Council

Consent Agenda

Meeting of January 7, 2016

TO: The Honorable Amy Foster, Chair, and Members of City Council

SUBJECT: A resolution approving the agreement between the Society of St. Vincent de Paul South Pinellas, Inc. ("Agency"), and the City of St. Petersburg, Florida dated October 1, 2015 to provide funding for the St. Vincent de Paul CARE Center for the period of October 1, 2015 through September 30, 2016; authorizing the Mayor or his designee to execute the agreement; and providing an effective date.

EXPLANATION: The City has expressed a desire to utilize a portion of its available funds to assist organizations that provide community services within Pinellas County. The Society of St. Vincent de Paul South Pinellas, Inc. ("Agency") is a voluntary, non-profit corporation which is open to the public and dedicated to a valid public purpose. This resolution authorizes funding in the amount of \$148,633 for the St. Vincent de Paul CARE Center for the period of October 1, 2015 through September 30, 2016. The St. Vincent de Paul CARE Center is a 24/7 program that provides night shelter for up to 70 people per night, a day services program that provides case management, showers, restrooms, computers, clothing, assistance in applying for benefits, and other supportive services to assist the homeless in working towards self-sufficiency. The Agency projects serving 3,800 clients at the CARE Center in FY 2016.

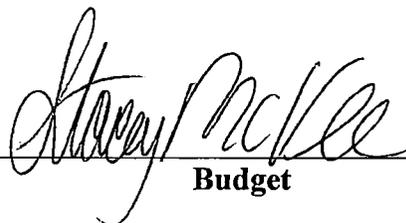
In Fiscal Year 2015, the City approved funding of \$132,629 for the CARE Center. The additional \$16,004 in this year's budget will provide funding for the services of an Intake Specialist position to assist with registering guests and monitoring the shelter and courtyard areas. The \$148,633 in funding will be utilized by the Agency for salaries/fringe benefits and operational costs of the program.

COST/FUNDING/ASSESSMENT INFORMATION: Funding for the St. Vincent de Paul CARE Center was appropriated and is available in the Veterans, Social and Homeless Services Budget (0001-080-2327).

ATTACHMENTS: Resolution

APPROVALS:

Administrative



Budget

Resolution No. 2016-_____

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE SOCIETY OF ST. VINCENT DE PAUL, SOUTH PINELLAS, INC. ("AGENCY"), AND THE CITY OF ST. PETERSBURG, FLORIDA FOR THE OPERATION OF THE ST. VINCENT DE PAUL CARE CENTER IN AN AMOUNT NOT TO EXCEED \$148,633 FOR THE PERIOD COMMENCING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to utilize a portion of its available funds to assist organizations that provide community services within Pinellas County; and

WHEREAS, the Society of St. Vincent de Paul, South Pinellas, Inc. ("Agency") is a voluntary, non-profit corporation which is open to the public and dedicated to a valid public purpose; and

WHEREAS, the St. Vincent de Paul CARE Center is a 24/7 program that provides night shelter for up to 70 people per night, and a day services program that provides case management, rest rooms and showers, and supportive services to assist the homeless in achieving self-sufficiency; and

WHEREAS, the City has previously supported the St. Vincent de Paul CARE Center and desires to continue supporting the CARE Center; and

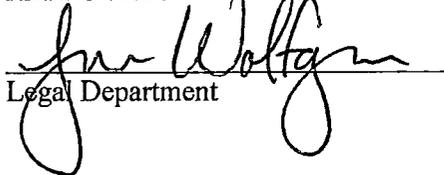
WHEREAS, funding in the amount of \$148,633 for the CARE Center is available in the Fiscal Year 2016, Veterans, Social and Homeless Services Department budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, an agreement between the Society of St. Vincent de Paul, South Pinellas, Inc. and the City of St. Petersburg, Florida for the operation of the St. Vincent de Paul CARE Center in an amount not to exceed \$148,633 for the period commencing October 1, 2015 and ending September 30, 2016 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.

APPROVED:


Legal Department



MEMORANDUM

Council Meeting January 2, 2016

TO: The Honorable Chair & Members of City Council

FROM: Chan Srinivasa, City Clerk

RE: Council Meeting Schedule – February 2016 through January 2017

The Attached February 2016 through January 2017 calendar is submitted for your approval and reflects the recommended changes from the December 17, 2015, City Council Workshop-Scheduling the of the 2016 Calendar

Attachments

A RESOLUTION APPROVING THE CITY OF
ST. PETERSBURG FEBRUARY 2016
THROUGH JANUARY 2017 CITY COUNCIL
MEETING SCHEDULE; AND PROVIDING AN
EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida,
that the February 2016 through January 2017 City Council Meeting Schedule is hereby approved

This resolution shall become effective immediately upon its adoption.

Approved as to form and content

City Attorney or (Designee)

Item CB-8 backup will be provided at a later date.

Authorizing the Mayor or his designee to execute an agreement between the City of St. Petersburg, Florida, and Tom Pitzen, artist, for artist to design, fabricate and install a work of art at Riviera Bay Park and to execute all documents necessary to effectuate this agreement.

RESOLUTION AUTHORIZING THE USE OF FINAL JUDGMENTS TO
BID ON FORECLOSED PROPERTIES AT JUDICIAL SALES;
APPROVING THE PAYMENT OF TAXES AND CLOSING COSTS FOR
SUCH PURCHASES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has identified many properties within the City that are abandoned, vacant, and a blight to the City or have a large number of City liens recorded against them; and

WHEREAS, the City has been exploring potential remedies for these properties; and

WHEREAS, one remedy is the foreclosure of the City's liens on these properties, which liens include special assessment, code, utility and judgment liens, and any other lien on the properties; and

WHEREAS, the foreclosure results in a final judgment that provides for the judicial sale of the foreclosed property(ies); and

WHEREAS, the judicial sale of the foreclosed property(ies) usually occurs between 30 and 45 days after the entry of the final judgment; and

WHEREAS, the City, as the judgment holder, is given the right to use the final judgment amount as a credit to bid on the property(ies) at the judicial sale without having to pay cash to purchase the property(ies) ('credit bid'); and

WHEREAS, if the City is the highest bidder, the final judgment amount is reduced by the amount bid; and

WHEREAS, if the City is the highest bidder, the City will receive title to the property(ies); and

WHEREAS, if the City receives title to the property(ies) the City will be required to pay past due real estate taxes; and

WHEREAS, these final judgments are generally difficult or impossible to collect; and

WHEREAS, persons or entities purchasing properties at foreclosure sales are often doing so for investment purposes and sometimes this results in a continued deterioration of the property and lack of maintenance; and

WHEREAS, in some situations it may be better for the City to acquire these properties to control their disposition.

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 credit bid on each property or properties that the City has been granted a Final Judgment for, up to the just market value of the property as determined by the Pinellas County Property Appraiser; and

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to pay real estate taxes due not to exceed \$5,000 per property and to pay a presale fee and closing costs not to exceed \$1,000 per property and to execute all documents necessary to effectuate same.

This resolution shall be effective immediately upon adoption.

Approved as to form and content:

Approved:

City Attorney (designee)

Administration

City Attorney's Office

M E M O R A N D U M

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

FROM: Mark A. Winn, Assistant City Attorney

DATE: January 6, 2016

RE: Authorization to credit bid judgments at judicial sales of property

The attached resolution authorizes the Mayor or his designee to 'credit bid' at a judicial sale, any judgment amount that the City has been granted in a final judgment up to \$5,000, and if successful, then pay the outstanding taxes and closing costs to acquire a property.

Discussion: When the City files a lawsuit to foreclose the lien(s) on a property, this results in a final judgment in favor of the City for money damages. When the final judgment is entered, the court sets a date for the judicial sale of the property. At the judicial sale, anyone can bid and the highest bidder purchases the property for cash. As a judgment holder, the City can bid but is not required to pay cash, the City can bid any portion of the dollar value of its judgment in what's called a 'credit bid'.

In some situations, it may be preferable for the City to acquire a property that the City has a final judgment against. Examples include, to rehabilitate a structure for residential use, lot consolidation to make larger lots for residential redevelopment, acquisition of lots on corridors, to insure that the lots are appropriately maintained in the future, etc.

The resolution limits the approval so that the credit bid does not exceed the just market value of the property as determined by the Pinellas County Property Appraiser and authorizes the payment of outstanding taxes up to \$5,000 and related closing costs up to \$1,000 if the City has the highest bid.

This item is added to your agenda because the City may wish to bid at a judicial sale (scheduled for January 21) of 13 properties upon which the City has a final judgment for foreclosed liens.

If you have any questions, please feel free to contact me.

Mark A. Winn