

# COUNCIL MEETING

Municipal Building  
175-5<sup>th</sup> Street North  
Second Floor Council Chamber

CITY OF ST. PETERSBURG

February 4, 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, 1<sup>st</sup> 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](http://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 David Crawford - February 21, 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 214-H approving City-initiated amendments to the St. Petersburg City Code, Chapter 16, Land Development Regulations \(LDRs\), Section 16.03 Concurrency Management and related language in Section 16.70 Rules of Interpretation and Definitions. \(City File LDR-2015-08\)](#)

**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 - (Vice-Chair Rice)
  - (f) Requesting the Florida Department of Transportation to fund the improvements identified in the I-275 PD&E Study; requesting the Florida Department of Transportation to implement additional measures to reduce congestion on I-275 within the City of St. Petersburg; and instructing the City Clerk to transmit a copy of this resolution to certain entities and people.
2. [Resolution approving ten \(10\) tax increment financing programs for the South St. Petersburg Community Redevelopment Area.](#)
  3. [Resolution approving the FY 2016-2020 budget for the Redevelopment Trust Fund of the South St. Petersburg Community Redevelopment Area.](#)
  4. City of Opportunity Progress Report. [DEFERRED TO MARCH 3, 2016 MEETING]
  5. Public Art Commission - (Oral) (Councilmember Kornell)
  6. [Rescinding Resolution No. 2016-15 and 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 for a Guaranteed Maximum Price not to exceed \\$64,868,267 for the work; Authorizing the Mayor or his designee to execute the Second Amendment \(which Amendment provides that the initial Notice to Proceed for construction phase services shall be limited to \\$54,984,018 until additional funds in the amount of \\$9,884,249 are appropriated\) after execution of a State Revolving Fund \(SRF\) loan agreement for funding from FDEP in the amount of \\$40,000,000; Rescinding an unencumbered appropriation in the Water Resources Capital Project Fund \(4003\), the WRF SW RW Storage FY14/15 project 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 \(15291\).](#)
  7. [Approving a form Site Access Agreement with the Florida Department of Environmental Protection \(FDEP\) for petroleum contamination site assessment; authorizing the Mayor or his designee to execute Site Access Agreements in substantial compliance with the form Site Access Agreement attached to this resolution, including Exhibit B which requires a separate agreement for the removal or remediation of contamination and further subject to approval by the City Attorney or the City Attorney’s designee; and authorizing the Mayor or his designee to execute all other documents necessary to effectuate this resolution and the terms of any Site Access Agreements entered into with FDEP.](#)

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

Setting February 18, 2016 as the public hearing date for the following proposed Ordinance(s):

1. [Ordinance approving a Second Amendment to the Development Agreement associated with approximately 18 acres of vacant land generally located on the northeast corner of 9th Avenue North and 66th Street North.](#)
2. [Ordinance approving the vacation of one \(1\) three-foot north/south public right-of-way and utility easement at the rear of lots 14, 15, 16 and 17, and two \(2\) three-foot east/west public right-of-way and utility easements at the rear of lots 12, 13, 18, and 19 of Grady Swopes Harris School Subdivision No. 2, Block 1, generally located at 4344 21st Street North. \(City File 15-33000014\)](#)
3. [Ordinance approving the vacation of a 20-foot east/west alley in the block bounded by 2nd Avenue South and 3rd Avenue South, between 3rd Street South and 4th Street South. \(City File 15-33000023\)](#)
4. [Ordinance approving the vacation of a portion of an east/west 10-foot alley, located south of 2931 – 11th Street North and north of 2921 – 11th Street North. \(City File 15-33000024\)](#)

**G. New Business**

1. [Referral to the Energy, Natural Resources & Sustainability Committee for an explanation of Mayor's Sustainability Executive Order vs. purchasing Chevy Tahoes. \(Councilmember Nurse\)](#)
2. [Requesting City Council support a resolution to restore local control of smoke-free air and other tobacco-related laws in the state of Florida. \(Councilmember Nurse\)](#)
3. [Requesting a referral to the February 25, 2016 Public Services & Infrastructure Committee \(PS&I\) to continue the discussion on the Bike Share program. \(Councilmember Kennedy\)](#)
  - (a) Approving the referral of continued discussion regarding a bike share program to the Public Services and Infrastructure Committee for the meeting to be held on February 25, 2016.

**H. Council Committee Reports**

1. [Budget, Finance and Taxation Committee \(1/28/16\)](#)
  - (a) A Resolution establishing the Commercial Revitalization Program; transferring an appropriation of \$167,466 from the General CIP Fund (3001) award 81038 and Project 15006 to Planning & Economic Development (3702609); transferring an appropriation of \$50,000 from the South St. Petersburg Redevelopment District (1104) to Planning & Economic Development (3702609); approving a supplemental appropriation of \$217,466 from the transfers to Planning & Economic Development (3702609); establishing the Commercial Revitalization Program in the Planning & Economic Development Department; and authorizing the Mayor or his designee to execute all documents to effectuate this resolution.

2. [Public Services & Infrastructure Committee. \(1/28/16\)](#)

- (a) Ordinance amending the St. Petersburg City Code; prohibiting outdoor speakers in the right of way at buildings without a sidewalk café permit; requiring outdoor speakers to be permanently mounted; generally requiring speakers to be oriented away from doorways, residences and rights of way; correcting numbering inconsistencies; adding requirements for sidewalk café permits to show speakers on plans.

3. [Housing Services Committee. \(1/28/16\)](#)

- (a) A Resolution encouraging the transformation of vacant and abandoned homes into occupied housing in St. Petersburg.

**I. Legal**

- 1. Announcement of an Attorney-Client Session, pursuant to Florida Statute 286.011(8), to be held on Thursday, February 11, 2016 at 4:30 p.m. or as soon thereafter as the same may be heard, in conjunction with the lawsuit styled Quade Everett, etc. v. City of St. Petersburg, etc., Case No. 8:14-cv-2508-T-36AEP.

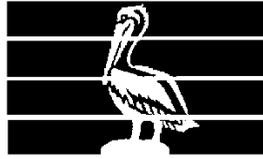
**J. Open Forum**

**K. Adjournment**

**St. Petersburg**  
**Community Redevelopment Agency (CRA)**  
**February 4, 2016**

1. City Council Convenes as Community Redevelopment Agency.
2. [Resolution by the St. Petersburg Community Redevelopment Agency recommending that City Council approve ten \(10\) tax increment financing programs for the South St. Petersburg Community Redevelopment Area.](#)
3. [Resolution by the St. Petersburg Community Redevelopment Agency recommending that City Council approve the FY 2016-2020 budget for the Redevelopment Trust Fund of the South St. Petersburg Community Redevelopment Area.](#)
4. Adjourn Community Redevelopment Agency.

# CONSENT



# AGENDA

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COUNCIL MEETING

CITY OF ST. PETERSBURG

**Consent Agenda A  
February 4, 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.

# CONSENT



# AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

## Consent Agenda B February 4, 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.

### (Procurement)

1. [Approving an increase to the allocation for industrial maintenance and repair service agreements with Mader Electric, Inc. and Apollo Construction & Engineering Services, Inc. for the Water Resources Department in the amount of \\$210,000, which increases the total contract amount to \\$300,000.](#)
2. [Renewing a blanket purchase agreement with Resource Efficiency Solutions, Inc. for induction and LED lighting replacement parts at an estimated annual amount of \\$50,000.](#)

### (Public Works)

3. [Acknowledging the selection of American Infrastructure Development, Inc. and Michael Baker International, Inc. to provide miscellaneous professional engineering services for the Albert Whitted Airport Projects for the City of St. Petersburg \(“City”\); authorizing the Mayor or his designee to execute the City’s standard form architect/engineering agreement.](#)
4. Approving a form site access agreement with the Florida Department of Environmental Protection (FDEP) for petroleum contamination site assessment; authorizing the Mayor or his designee to execute site access agreements in substantial compliance with the approved form; and authorizing the Mayor or his designee to execute all other documents necessary to effectuate this resolution and the terms of any site access agreements entered into with FDEP. [MOVED TO REPORTS AS E-7]

### (Miscellaneous)

5. [Approving the City Council minutes of November 12, November 16, and November 23, 2015 City Council meetings.](#)
6. [Correcting a Scrivener's Error in a Resolution approving the third one-year renewal option of an agreement with CompBenefits Company for voluntary vision insurance.](#)
7. [Confirming the appointment of Ann Marie Cash Levasseur to the International Relations Committee.](#)

8. Deferring the public hearing for proposed Ordinance 211-H and approval of the Comprehensive Plan Text Amendments to March 3, 2016.
9. Approval of the removal of Mayor Rick Kriseman as the appointee to the Tampa Bay Area Regional Transportation Authority (TBARTA) Board; providing for the approval of the appointment of Councilmember Darden Rice to the TBARTA Board.

# MEETING AGENDA

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CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

**Budget, Finance & Taxation Committee**

*Thursday, January 28, 2016, 8:00 a.m., Room 100*

**Public Services & Infrastructure Committee**

*Thursday, January 28, 2016, 9:15 a.m., Room 100*

**Housing Services Committee**

*Thursday, January 28, 2016, 10:30 a.m., Room 100*

**CRA/Agenda Review and Administrative Update**

**Council Workshop - Downtown Parking Study**

*Thursday, January 28, 2016, 2:30 p.m. or immediately following Agenda Review, Room 100*

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# CITY OF ST. PETERSBURG

## Board and Commission Vacancies

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**Civil Service Board**

1 Alternate Member  
(Term expires 6/30/17)

**Nuisance Abatement Board**

2 Alternate Members  
(Terms expire 8/31/16 and 11/30/16)

**City Beautiful Commission**

2 Regular Members  
(Terms expire 12/31/17 and 12/31/18)

**Commission on Aging**

1 Regular Member  
(Term expires 12/31/17)

# ST. PETERSBURG CITY COUNCIL

Meeting of February 4, 2016

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- TO:** The Honorable Amy Foster, Chair, and Members of City Council
- SUBJECT:** **City File LDR-2015-08:** City-initiated application amending the St. Petersburg City Code, Chapter 16, Land Development Regulations (“LDRs”) pertaining to Concurrency Management.
- REQUEST:** Amend the St. Petersburg City Code, Chapter 16, Land Development Regulations (“LDRs”), Section 16.03 “Concurrency Management” and related language in Section 16.70 “Applications and Procedures” and Section 16.90.020 “Rules of Interpretation and Definitions.”
- ANALYSIS:** Since 1985 concurrency has been required by Florida Statutes. Concurrency means that the public facilities and services necessary to maintain the adopted level of service standards are available when the impacts of development occur. The City has adopted LOS standards for public facilities and services including: potable water, sanitary sewer, solid waste, drainage, *roadways*, *mass transit*, and recreation and open space.

On December 17, 2015, the City Council considered City File LGCP 2016-01 amending various elements of the City’s Comprehensive Plan, including transportation concurrency. This companion application proposes related text amendments to the City’s LDRs regarding transportation concurrency, and deletes outdated regulatory language regarding school concurrency. A complete description is included in the attached DRC Staff Report and Ordinance.

## RECOMMENDATION:

### Administration:

The Administration recommends APPROVAL.

### Development Review Commission:

On December 2, 2015, the DRC reviewed the proposed amendments and voted unanimously to make a finding of consistency with the City’s Comprehensive Plan.

### Citizen Input:

As of this writing, no comments have been received.

Recommended City Council Action:

1. CONDUCT the second reading and final public hearing of the proposed ordinance; and
2. ADOPT the Ordinance.

Attachments: Ordinance  
DRC Staff Report

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF ST. PETERSBURG PROVIDING FOR THE AMENDMENT OF THE CITY CODE LAND DEVELOPMENT REGULATIONS; AMENDING CONCURRENCY MANAGEMENT FOR TRANSPORTATION AND SCHOOLS; AMENDING STANDARDS FOR REVIEW OF AMENDMENTS TO COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS, SITE PLAN REVIEW, AND SPECIAL EXCEPTIONS; AMENDING DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

**Section 1.** Section 16.03 of the St. Petersburg City Code is hereby amended to read as follows:

SECTION 16.03. - CONCURRENCY MANAGEMENT

16.03.010. - Purpose and declaration of public policy.

- A. The City Council declares as a matter of public policy that the concurrency requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq.) are a public necessity, and are important in the protection and enhancement of the quality of life in the City as well as the county and the state.
- B. The purpose of this section is to ensure the availability of public facilities and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact of a development permit application upon the adopted minimum acceptable level of services, as provided in the capital improvements element of the plan.
- ~~C. In compliance with the requirements of F.S. § 163.3180, the City Council has adopted a proportionate fair share program. The purpose of the proportionate fair share program is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.~~
- ~~D. The City Council has provided for a transportation concurrency exception area (TCEA) which is exempt from transportation concurrency requirements, as authorized by F.S. § 163.3180, in order to reduce the adverse impact that transportation concurrency may have on urban infill development and redevelopment and to promote the achievement of other goals and policies of the state Comprehensive Plan, such as promoting the development of public transportation.~~

16.03.020. - Definitions.

Shall be as set forth in the definitions section.

16.03.030. - Levels of service adopted by reference.

The adopted levels of service standards, as stated in the plan, for public facilities and services are hereby adopted by reference.

16.03.040. - General requirements.

A certificate of concurrency is required prior to the issuance of any development permit. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial permit. Upon request by applicants, a preliminary concurrency review shall be performed and a conditional certificate of concurrency may be issued. This conditional certificate shall not be binding upon the City and shall only be effective for the year in which the annual concurrency monitoring report was issued. Only those certificates of concurrency issued for development permits shall be binding. Applicants will be charged a fee for certificates of concurrency.

1. Application for development. The property owner, or authorized representative, shall provide a complete application for development containing the required documentation for the specific development order or permit. The POD shall review the application for completeness in a timely manner to ensure that the required information is sufficient to accept the application and continue its review.
2. Development review. When the application for development has been accepted, it shall be processed and reviewed for impacts of the development on the public facilities and services identified in this article.
3. Concurrency review. The concurrency review shall compare the available and reserved capacity of the facility or service to the demand projected for the proposed development. The available capacity shall be determined by adding the total of the existing excess capacity and the total future capacity of any proposed construction or expansion that meets the requirements of this section. The levels of service of all facilities and services must be sufficient before a development permit can be issued.
  - a. ~~Traffic restriction and traffic concern areas. Traffic restriction and concern areas shall be designated on an annual basis at the time the annual concurrency monitoring report is issued. These areas will be designated based on the criteria defined in this section. Applications for development permits within these areas may require detailed traffic studies.~~
    - (1) ~~If the development is found to be in a traffic restriction area, a traffic study shall be required. If the traffic study indicates that the affected roadway is not significantly degraded, the project will be found concurrent for traffic.~~
    - (2) ~~If the development is found to be in a traffic concern area, a traffic study may be required. If the traffic study indicates that the affected roadway LOS may be lowered below the adopted LOS, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the reduction of the LOS.~~

~~(3) If the development is found to be in a traffic restriction or traffic concern area and the traffic study indicates that the affected roadway is significantly degraded, the project will be found concurrent for traffic only if provisions and measures are attached as conditions to prevent the significant degradation of the affected roadway.~~

~~(4) If the development is not found to be in a traffic restriction or traffic concern area but the estimated traffic volumes resulting from the development degrade the peak-hour LOS below the adopted LOS standard, the project will be found concurrent for traffic only if mitigation provisions are attached as conditions to prevent the degradation of the affected roadway below the adopted LOS standard.~~

4. Certificate of concurrency.

a. The certificate of concurrency shall indicate the date of issuance and shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event the development permit does not have an expiration date, the certificate of concurrency shall expire one year from the date of the issuance of the development permit. In the event that a time extension is requested prior to the expiration of the development permit, then the accompanying certificate of concurrency may be renewed upon determination by the POD that the conditions of concurrency will still be met.

b. Any development order or permit that is issued within the effective period of a validly issued certificate of concurrency shall be vested for the purposes of concurrency until the expiration of that development order or permit, provided that development commences within the validity period of the development order or permit and continues in good faith.

~~e. School concurrency certificates may be subject to other expiration time periods as set forth in the public school facilities element or Land Development Regulations.~~

5. Development order or development permit compliance.

a. Any development orders and development permits approved and issued shall be based upon and in compliance with the certificate of concurrency issued for that application.

b. The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The POD may require whatever documentation is necessary to make a determination.

16.03.050. - Minimum requirements for concurrency.

An application for a development order shall comply with the following minimum concurrency requirements for each of the following public facilities and services:

1. For potable water, sanitary sewer, solid waste, and drainage (stormwater) one of the following is the minimum standard that must be met to satisfy the concurrency requirement:

- a. The necessary facilities, including distribution and collection mains and pipes, and services are in place at the time a development permit or order is issued;
  - b. A development permit or order is issued subject to the condition that the necessary facilities, including distribution and collection mains and pipes, and services will be in place when the impacts of the development occur;
  - c. The necessary facilities, including distribution and collection mains and pipes and related appurtenances are under construction at the time a permit or order is issued;
  - d. The necessary facilities, including distribution and collection mains and pipes and related appurtenances, and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to the Florida Local Government Development Agreement Act (F.S. § 163.3220 et seq.), or an agreement or development order issued pursuant to F.S. ch. 380.
2. For recreation and open space, one of the following is the minimum standard that must be met to satisfy the concurrency requirement:
- a. Compliance with the standards in subsection 1 of this section;
  - b. At the time the development permit or order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities, or the provision of services within one year of the issuance of the development permit or order;
  - c. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of facilities or the provision of services within one year of the issuance of the applicable permit or order. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220 et seq. or an agreement or development order issued pursuant to F.S. ch. 380.
- ~~3. For roads and mass transit, where the City has committed to provide the necessary public facilities and services in accordance with the six year schedule of capital improvements, the City will satisfy the concurrency requirement by complying with the standards in subsections 1 and 2b of this section and by ensuring that the following provisions are met:~~
- ~~a. The capital improvements element and schedule of capital improvements, in addition to meeting all of the other statutory and rule requirements, is financially feasible. The schedule of capital improvements may include those projects included in the county capital improvement element or in the first three years of the adopted state department of transportation five year work program.~~
  - ~~b. The six year schedule of capital improvements which includes both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities and services required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the six year period.~~

~~e.—A financially feasible funding system based on currently available revenue sources which is adequate to fund the public facilities and services required to serve the development authorized by the development order and development permit and which are included in the six-year schedule of capital improvements.~~

~~d.—The six-year schedule of capital improvements includes the estimated date of commencement of actual construction and the estimated date of completion of the public facility or services.~~

~~e.—Actual construction of the road or mass transit facilities and the provision of services must be scheduled to commence in or before the third year of the six-year schedule of capital improvements.~~

~~4.—For schools, the requirements in the public schools facilities element of the plan shall be met to satisfy the requirements for concurrency.~~

16.03.060. - Action upon failure to show available capacity.

Where available capacity cannot be shown, the following methods may be used to maintain the adopted level of service:

1. A plan amendment which limits the adopted level of service standard for the affected facilities and/or services.
2. A binding executed contract between the City and the applicant to provide the necessary improvements.
3. An enforceable development agreement, which may include, but is not limited to, development agreements pursuant to F.S. § 163.3220 et seq.
4. A change in the funding source.
5. A reduction in the scale or impact of the proposed development.
6. Phasing of the proposed project.
- ~~7.—Transportation management or restriction programs that reduce the traffic impact of the development by mandating the use of mass transit, increasing effective roadway capacity, shifting the effects on peak hour, etc.~~

16.03.070. - Concurrency annual monitoring report.

- A. By February 1 of each year, the POD shall prepare a concurrency annual monitoring report. The POD shall convey such annual report to the City Council.
- B. The POD shall establish and maintain a concurrency monitoring system for the purpose of monitoring the status of public facilities and services, to be used in establishing the concurrency annual monitoring report.
- C. The concurrency annual report shall be issued every year and will be effective for one year. Nothing herein precludes the issuance and effectiveness of more frequent concurrency reports, if updating or correction is deemed necessary, including but not limited to circumstances where: errors are noted; the impact of issued development orders, as monitored by the POD,

indicates a degradation to the adopted level of service; or where changes in the status of capital improvement projects changes the underlying assumptions of the concurrency annual report.

- D. A concurrency report shall not divest those rights acquired by a preceding concurrency annual report, except where a known danger exists to the health, safety or welfare of the general public.
- E. The concurrency annual report shall include, at a minimum, a review of the levels of service and capacity for all the adopted levels of service standards included in the plan.

16.03.080. - Providing for intergovernmental coordination.

- A. The City as the provider of public facilities or services to other government entities.
  - 1. The City shall provide services to other local government entities within the county in accordance with the policies included in the plan. The City shall administer this section such that the development in those areas shall be consistent with the plan.
  - 2. All proposed development within these other local government entities which requires City services shall be submitted to the POD to disseminate to the appropriate review personnel. A certificate of concurrency from the City shall be required for any public facility or services provided by the City to any local government in which a permit or order is proposed to be issued.
- B. The City as the recipient of public facilities or services from other government entities.
  - 1. The City shall recognize the level of service provided by other governmental entities that provide services or facilities to the City in accordance with the policies of the plan. The City shall ensure that all development within its area shall be in accordance with such policies as identified in the plan.
  - 2. The City shall coordinate with other governmental entities to ensure appropriate intergovernmental coordination. Appropriate methodology for tracking concurrency will be coordinated with these other governmental entities.

16.03.090. - Providing for adequate funding.

The capital improvement element of the plan was designed to meet requirements of the State law mandating that local governments provide sufficient capacity of public facilities concurrent with development. The capital improvement element contains all capital improvement needs identified in the individual elements of the plan, and demonstrates the fiscal feasibility of the plan. Through annual monitoring, the capital improvement element is corrected, updated, and modified to ensure adequate sources of funding. If it is determined that a level of service standard is reduced because a project is not completed, or if projects not previously identified are added, then an amendment to the plan will be required.

~~16.03.100. - Proportionate fair share program.~~

~~A. - General requirements.~~

- ~~1. An applicant may satisfy the transportation concurrency requirements by making a proportionate fair share contribution if:~~

- a. ~~The proposed development is consistent with the Comprehensive Plan and applicable Land Development Regulations; and~~
  - b. ~~The five-year schedule of capital improvements in the City capital improvement element includes transportation improvements that, upon completion, will mitigate the transportation impacts of the proposed development in accordance with the requirements of this subsection.~~
2. ~~The applicant may satisfy transportation concurrency requirements by contributing to an improvement that, upon completion, will satisfy the requirements of this subsection, but that is not contained in the capital improvement element if the following apply:~~
    - a. ~~The City Council adopts, by resolution or ordinance, a commitment to add the improvement to the capital improvement element no later than the next regularly scheduled update. To qualify for consideration under this subsection, the proposed improvement must be determined to be financially feasible, consistent with the Comprehensive Plan, and in compliance with the provisions of this subsection.~~
    - b. ~~If the funds allocated for the capital improvement element are insufficient to fully fund construction of a transportation improvement required for the applicant to comply with the terms of this subsection, the City and the applicant may enter into a proportionate fair share agreement authorizing the applicant to construct that amount of development on which the proportionate fair share is calculated if the proportionate fair share amount in such agreement is sufficient to pay for one or more improvements which will significantly benefit the impacted transportation system.~~
    - c. ~~The improvement or improvements funded by the proportionate fair share component must be adopted into the CIE.~~
    - d. ~~Any improvement proposed to meet the applicant's fair share obligation shall meet the design standards of the City and FDOT as applicable.~~
- B. ~~Proportionate fair share mitigation agreement.~~
1. ~~Upon notification that a proposed development is subject to transportation concurrency requirements and is eligible to participate in the proportionate fair share program, the POD shall notify the applicant in writing during the site plan review process.~~
  2. ~~If the applicant chooses to enter into an agreement, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, then the FDOT will be notified and invited to participate in the meeting.~~
  3. ~~Proposed proportionate fair share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. Therefore, agreements involving improvements to SIS facilities will require approval by FDOT.~~
  4. ~~After a mitigation project is identified and agreed upon by the City, the applicant and FDOT (if the project affects an SIS facility), a proposed proportionate fair share mitigation agreement will be prepared. The final agreement will become a part of the site plan submittal for review. The Mayor may approve such agreements. The site plan shall~~

~~be subject to review and approval in accordance with the provisions of the Land Development Regulations which apply to the project.~~

~~C. Determining proportionate fair share obligation:~~

- ~~1. The proportionate fair share obligation shall be based on the impact a development has on a transportation facility as determined by a traffic impact analysis that assesses the distribution and volume of traffic generated by the proposed development.~~
- ~~2. A facility shall be considered impacted when the net trips generated by the proposed development meets or exceeds five percent of the facility's peak hour capacity.~~
- ~~3. Should the impacted facility be operating at a LOS that meets the adopted LOS standard, the development will not be subject to the proportionate fair share provisions.~~
- ~~4. Should the impacted facility be operating at a LOS that is below the adopted LOS standard based on existing conditions or as a result of the impacts of a proposed development, the facility would be subject to the proportionate fair share provisions and the applicant would be notified.~~
- ~~5. Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.~~
- ~~6. A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.~~
- ~~7. The methodology used to calculate an applicant's proportionate fair share obligation shall be as provided for in F.S. § 163.3180, as follows:~~

~~The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the completed build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS; or~~

$$\text{Proportionate Fair Share} = \Sigma \{[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i\}$$

~~Where:~~

<del>Development Trips<sub>i</sub> =</del>	<del>Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system (the "CMS");</del>
<del>SV Increase<sub>i</sub> =</del>	<del>Service volume increase provided by the eligible improvement to roadway segment "I";</del>

Cost: =	Adjusted cost of the improvement to segment "i". Cost shall include the cost of all project phases (preliminary engineering or alignment study, design, rights-of-way acquisition and construction) in the years said phases will occur with all associated costs.
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~~8. For the purposes of determining proportionate fair share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the capital improvement element of the MPO transportation improvement program. Where such information is not available, improvement cost shall be determined using one of the methods described below.~~

~~a. An analysis by the City of construction costs that incorporates data from recent projects and is updated annually; or~~

~~b. The most recent issue of FDOT transportation costs, as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs, and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.~~

~~9. The value of a proportionate fair share mitigation project proposed shall be determined using one of the methods provided in this subsection.~~

~~10. The City may accept right of way dedication for the proportionate fair share payment. Credit for the dedication shall be based on fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply, at no expense to the City, a survey and legal description of the land and evidence of marketable title subject only to such encumbrances as the City may find acceptable. If the estimated value of the right of way dedication proposed by the applicant is less than the estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference.~~

~~D. Impact fee credit for proportionate fair share mitigation.~~

~~1. Proportionate fair share contributions shall be applied as a credit against impact fees consistent with the terms of the impact fee section of the Pinellas County Land Development Code.~~

~~2. Impact fee credits for the proportionate fair share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced in accordance with the proportionate fair share mitigation agreement as they become due in accordance with the impact fee section of the county land development code. If the applicant's proportionate fair share obligation is less than the development's anticipated road impact fee for the specific stage~~

or phase of development under review, then the applicant or its successor shall pay the remaining impact fee amount to the City.

~~E. Effect of proportionate fair share mitigation agreements.~~

- ~~1. Upon execution of a proportionate fair share mitigation agreement, the applicant shall receive transportation concurrency approval or functional equivalent. Should the applicant fail to obtain a development order, then the agreement shall be deemed null and void.~~
- ~~2. Payment of the proportionate fair share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, and adjusted accordingly.~~
- ~~3. All proportionate fair share mitigation improvements shall be completed prior to issuance of a certificate of occupancy, or as otherwise established in an agreement providing for the completion of such improvements that is accompanied by a security instrument sufficient to ensure the completion of all required improvements.~~
- ~~4. Dedication of necessary rights-of-way for facility improvements shall be completed prior to issuance of the development order or recording of the final plat.~~
- ~~5. Any requested change to a development subsequent to the issuance of a development order may be subject to additional proportionate fair share contributions to the extent that the change will generate additional traffic that would require mitigation.~~
- ~~6. An applicant may submit a letter declining to enter into a proportionate fair share mitigation agreement at any time prior to the execution of the agreement by the applicant.~~
- ~~7. The City may enter into proportionate fair share mitigation agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.~~

~~F. Appropriation of fair share revenues.~~

- ~~1. Proportionate fair share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the capital improvements element, or as otherwise established in the terms of the proportionate fair share mitigation agreement. Proportionate fair share revenues may be used for improvements prior to construction of the project from which such revenues were derived. Proportionate fair share revenues may also be used as the 50 percent local match for funding under the FDOT transportation regional incentive program (TRIP).~~
- ~~2. If a scheduled proportionate fair share improvement is removed from the capital improvement element, then the revenues collected for its construction may be applied toward the construction of another improvement within the same corridor or planning sector that would mitigate the impacts of development.~~
- ~~3. If an impacted facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, the City~~

~~may coordinate with other impacted jurisdictions and agencies to apply proportionate fair share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be through an interlocal agreement that establishes a procedure for earmarking the developer contributions for this process.~~

- ~~4. If an applicant constructs a transportation facility, the cost of which exceeds the proportionate fair share obligation and the cost was borne by the applicant, the City may consider reimbursing the applicant for the excess contribution using one or more of the following methods:
  - ~~a. An impact fee credit account may be established for the applicant in the amount of the excess contribution.~~
  - ~~b. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair share payments from future applicants on the facility.~~
  - ~~c. The City may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the City and the applicant.~~
  - ~~d. A right to reimbursement may be assigned and reassigned, in whole or in part, under terms and conditions acceptable to and approved by the City, provided that a payment by the City to an assignee shall relieve the City of any obligation to reimburse the applicant or any assignor to the extent of such payment.~~~~

~~G. Cross-jurisdictional impacts.~~

- ~~1. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the City may enter into an agreement with one or more adjacent local governments to address cross-jurisdictional impacts of development on multi-jurisdictional transportation facilities. The agreement shall provide for application of the methodology in this subsection to address the cross-jurisdictional transportation impacts of such development.~~
- ~~2. An application for a development that is subject to transportation concurrency requirements and that meets all of the criteria listed below shall be subject to this subsection.
  - ~~a. All or part of the proposed development is located within an area or corridor designated by an adjacent local government where development projects are subject to transportation concurrency requirements in accordance with their respective Land Development Regulations.~~
  - ~~b. The additional traffic from the proposed development would use five percent or more of the adopted peak hour LOS maximum service volume of a multi-jurisdictional transportation facility within the concurrency jurisdiction of the adjacent local government.~~
  - ~~c. The impacted multi-jurisdictional transportation facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.~~~~

- ~~3. Upon identification of an impacted multi-jurisdictional transportation facility, the City shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair share contribution, based on the projected impacts of the proposed development on the impacted facility.~~
- ~~4. The adjacent local government shall have up to 90 days in which to notify the City of a proposed specific proportionate fair share obligation, and the intended use of the funds when received. The adjacent local government shall provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of F.S. § 163.3180. Should the adjacent local government decline proportionate fair share mitigation, then the provisions of this subsection shall not apply and the applicant shall be subject only to the proportionate fair share requirements of the City.~~
- ~~5. If the development is approved by the City, the approval shall include a condition that the applicant shall provide, prior to the issuance of any development order covered by that application, evidence that the proportionate fair share obligation to the adjacent local government has been satisfied.~~

~~16.03.110. Transportation concurrency exception area:~~

- ~~A. The area shown in map 30 of the Comprehensive Plan is exempt from transportation concurrency requirements to promote urban infill development and urban redevelopment, the preservation of historic resources and the restoration of existing buildings, and encourage the use of public transportation. This area shall be referred to as the transportation concurrency exception area (TCEA).~~
- ~~B. A proposed development that is projected to generate more than 50 new p.m. peak hour trips, and is located in the TCEA on a major street that is operating at an LOS that is lower than the City's peak hour standard of LOS "D," as determined by the most recent concurrency annual monitoring report, must be reviewed as a special exception. Review of such developments shall include consideration of compliance with the following criteria:~~
  - ~~1. On site or off site road capacity enhancements shall be incorporated into the proposed development, such as, but not limited to:~~
    - ~~a. Acceleration/deceleration lanes;~~
    - ~~b. Reduction of curb cuts;~~
    - ~~c. Shared curb cuts/cross access easements; and~~
    - ~~d. Intersection capacity improvements, such as, but not limited to, signal timing and turn lane storage capacity.~~
  - ~~2. Provision of transit accommodations developed in coordination with the PSTA, such as, but not limited to:~~
    - ~~a. New or enhanced transit stops or shelters;~~
    - ~~b. Walkways connecting transit stops to the principle buildings;~~
    - ~~c. Bus pull-off areas; and~~
    - ~~d. Dedication of park and ride parking spaces.~~

- ~~3. Provision of pedestrian accommodations, such as, but not limited to:
  - ~~a. Sidewalks along all street frontages; and~~
  - ~~b. Other sidewalks connecting to adjacent neighborhoods.~~~~
- ~~4. Provision of bicycle accommodations, such as, but not limited to:
  - ~~a. Bicycle racks; and~~
  - ~~b. Bicycle lanes.~~~~
- ~~5. Implementation of transportation demand management strategies, such as, but not limited to:
  - ~~a. Ridesharing programs;~~
  - ~~b. Flexible work hours; and~~
  - ~~c. Telecommuting.~~~~
- ~~6. Provision of traditional design features, such as, but not limited to:
  - ~~a. Locate building adjacently to street sidewalk;~~
  - ~~b. Building entry on street; and~~
  - ~~c. Pedestrian protection devices such as, but not limited to, awnings over sidewalks and other outdoor walkways.~~~~
- ~~7. Site design minimizes cut through traffic on neighborhood streets by encouraging vehicular traffic to utilize the major road network to travel to or from the site, utilizing local roads only for immediate site access.~~

~~16.03.120. Public school facilities concurrency.~~

~~A. Purpose and intent.~~

- ~~1. The purpose of school concurrency is to ensure that there is available capacity for the anticipated students in each concurrency service area where residential units are created at the time those students need to go to school.~~
- ~~2. F.S. § 163.3177(12) requires all nonexempt counties and each non-exempt municipality within those counties to adopt and implement a public school facilities element and a school concurrency program. The county and all other non-exempt municipalities within the county and the school board have entered into a public schools interlocal agreement which sets forth matters required by F.S. ch. 163, related to school concurrency, and which is intended to achieve a uniform, countywide, public school concurrency system. The City adopted amendments to the Comprehensive Plan on February 21, 2008, to establish concurrency for public school facilities.~~

~~B. Definitions. For the purposes of public school facilities concurrency, the following words shall have the following definitions:~~

~~Available Capacity means school facilities that will be in place or under actual construction within three years based on the Five Year Work Program, and which shall be calculated based on the following formula:~~

~~Available Capacity = {FISH School Capacity + Additional Capacity} - {Enrollment + Vested Students}~~

~~Concurrency service area means the areas of the county, established by the school board, within which the level of service will be measured for school concurrency purposes.~~

~~Educational plant survey or the five year plant survey means the systematic study of educational and ancillary plants of the school board conducted at least every five years to evaluate existing facilities and plan for future facilities to meet proposed program needs.~~

~~Effective date means the date as of which school concurrency will be applied to residential site plans or final residential subdivision approvals, and shall be the first day after the public school facility element (PSFE) and Land Development Regulations implementing the PSFE are in effect for the county and all nonexempt municipalities.~~

~~Enrollment means the official student enrollment count of the fall semester.~~

~~Existing level of service is calculated based on the following formula:~~

<del>LOS =</del>	<del>{Student Enrollment + Vested Students}</del>
	<del>{FISH School Capacity + Additional Capacity}</del>

~~Five year facilities work program or five year work program means the document created by the school district to assist it as it plans, proposes, and prioritizes its current and five year capital outlay needs.~~

~~FISH (Florida inventory of school houses) means the inventory numbering system used by the state department of education for parcels, buildings, and rooms in public educational facilities.~~

~~Level of service standard or LOS means the minimum service level that will be provided by public school facilities in the county.~~

~~District wide level of service standard means that the existing LOS shall not exceed 100 percent. This level of service standard shall apply to each type of public school facility.~~

~~Local government means the county and each of the municipalities required to implement school concurrency.~~

~~Public school facilities element (PSFE) means the public school facilities element of the Comprehensive Plan.~~

~~Public schools interlocal agreement means the interlocal agreement filed with the Pinellas County Board Clerk on April 24, 2007, between the Pinellas County School Board, the County, and the 12 municipalities within the County that are required to implement school concurrency per F.S. § 163.3177.~~

~~Remodeling means, as defined in the Florida Building Code (currently chapter 4, section 423.5.), the changing of existing facilities by rearrangement of space and/or change of use.~~

~~Renovations means, as defined in the Florida Building Code (currently chapter 4, section 423.5.), the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment without changing the use or occupancy of the spaces remaining.~~

~~Residential approval means a residential site plan or a final residential subdivision approval.~~

~~School capacity and level of service report means the report prepared annually by the school district to calculate the existing level of service and the available capacity within each concurrency service area.~~

~~School concurrency approval means the approval issued by the POD finding that there is available capacity for all types of schools required to serve new proposed residential units in a residential approval.~~

~~Vested students means the estimated number of students that would be generated from residential approvals which are approved after the effective date less the number of vested students represented by the dwelling units of the residential approvals that:~~

- ~~(1) Received certificates of occupancy since the effective date when preparing the first school capacity and level of service report or since the preparation date of the previous report when preparing the second and subsequent reports and are located in a residential development that received school concurrency approval; or~~
- ~~(2) Had their school concurrency approval expire.~~

~~C. Public school facilities concurrency procedures.~~

- ~~1. Application for school concurrency review. The POD shall access the development tracking system when a completed application for school concurrency review (application) is received. The POD shall review the application to determine whether the application is complete for school concurrency review. If the application is not complete, the POD shall notify the applicant of the additional information required to complete the application.~~
- ~~2. Review of application. When the application has been accepted as complete, it shall be reviewed in accordance with procedures for that application as provided by this section. These procedures include a review of the application for concurrency with the LOS for public school facilities.~~
- ~~3. School concurrency applied.
  - ~~a. During the review of the application, the POD shall consider the most current adjusted information on available capacity provided by the county. If this information shows that there is available capacity within each of the concurrency service areas where the proposed residential approval would be located, then the POD shall proceed under the following subsection. If the information reveals that there is not available capacity within a concurrency service area where the proposed residential approval would be located, then the POD shall proceed under subsection e of this section.~~
  - ~~b. Development review process when there is available capacity:~~~~

- ~~(1) The POD may issue a school concurrency approval for a residential approval of less than 25 dwelling units without submitting the school concurrency application to the school district or county.~~
- ~~(2) A school concurrency application for residential approval of 25 dwelling units or greater shall be submitted to the school district and the county on the form provided by the school district.~~
- ~~(3) Within 25 days of receipt of the form and a completed school concurrency application, the school district will review the application and shall render a school concurrency determination stating whether there is available capacity for all types of schools to accommodate the estimated number of students that would be generated by the proposed residential approval and maintain the adopted level of service standard. The school district may request assistance from the county in reviewing applications.~~
- ~~(4) If the school district determines that there is available capacity within all affected concurrency service areas where the proposed residential approval would be located, then the school district shall immediately notify the City, in writing, which may then issue the school concurrency approval.~~
- ~~(5) If the school district determines that there is not available capacity within an affected concurrency service area and the adopted level of service standard would be exceeded, then the school district shall consider whether there is available capacity in the contiguous concurrency service area.
  - ~~(a) If the school district determines that, in the aggregate, there is available capacity in the concurrency service area and in the contiguous concurrency service area to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service would be provided and the school district shall immediately notify the City, in writing, which may then issue the school concurrency approval.~~
  - ~~(b) If the school district determines that, in the aggregate, there is not available capacity in the concurrency service area and in the contiguous concurrency service area to accommodate the estimated number of students from the proposed residential approval, then an adequate level of service would not be provided for that type of school and the residential approval shall not be issued a school concurrency approval.~~
  - ~~(c) If the school district determines that, in the aggregate there is not available capacity, then, within 25 days after receiving the completed school concurrency application from the City, the school district shall identify the required proportionate share mitigation and recommend an acceptable form of mitigation in writing to the City and the applicant.~~
  - ~~(d) When the school district determines that there is not adequate capacity for residential approval, then the City may only issue a school concurrency approval after the execution of a legally binding development mitigation agreement between the applicant, the City, and the school board.~~~~

~~e. Development review process when at least one concurrency service area has no available capacity:~~

~~(1) The school concurrency application shall be submitted to the school district and the county for all residential approvals, regardless of size, that are located within a concurrency service area that has no available capacity. The school concurrency application shall be submitted on a form provided by the school district.~~

~~(2) The development review process shall then follow the procedures in subsection C3b(5) of this section.~~

~~d. The POD shall provide written documentation of all school concurrency approvals to the county within 30 days of issuance.~~

~~e. Continued validity of a school concurrency approval. A school concurrency approval shall be valid for purposes of the issuance of development orders or permits for 24 months from the date of issuance by the POD. Once a development order or permit has been issued, the school concurrency approval shall be valid until a final certificate of occupancy is issued or the development order or permit is no longer in effect.~~

~~4. School capacity and level of service report.~~

~~a. Each year, the school district shall prepare a school capacity and level of service report to calculate the existing level of service and the available capacity within each concurrency service area.~~

~~b. The county shall be notified by the POD when new dwelling units have received certificates of occupancy and when the school concurrency approval for a residential approval has expired. The county shall provide this information to the school district for inclusion in the annual report.~~

~~5. Mitigation.~~

~~a. If capacity is not available, the applicant may choose to satisfy the public school facilities' concurrency requirements by making a proportionate fair share contribution, pursuant to the following requirements:~~

~~(1) Acceptable forms of mitigation may include, without limitation, the following:~~

~~(a) Contribution of land;~~

~~(b) Construction of a public school facility;~~

~~(c) Expansion of an existing public school facility;~~

~~(d) Payment for land acquisition or the expansion or construction of a public school facility;~~

~~(e) The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits;~~

~~(f) Charter schools are recognized as public school facilities.~~

~~(2) The following standards shall apply to any mitigation required by the school district:~~

~~(a) Proposed mitigation must be directed toward a permanent school capacity improvement identified in the five-year work program, with the exception of charter schools, that satisfies the estimated demands created by the proposed residential approval;~~

~~(b) Relocatable classrooms will not be accepted as mitigation;~~

~~(c) Mitigation shall be proportionate to the demand for public school facilities estimated to be created by the proposed residential approval.~~

~~(3) The proportionate share mitigation amount shall be calculated using the following formula for each school level:~~

~~Multiply the number of additional new student stations required for mitigation of the estimated demand for public school facilities created by the proposed residential approval by the average cost per student station using the actual construction cost being experienced by the school district for student stations at the time when proportionate share mitigation is accepted, plus the inclusion of land costs, if any.~~

~~b. Development mitigation agreement.~~

~~(1) A development mitigation agreement shall provide for the required mitigation of the impacts of the proposed residential approval on public school facilities.~~

~~(2) Upon notification by the school district that there is no available capacity for a proposed residential approval, then the applicant is eligible to participate in the proportionate share program.~~

~~(3) In order to move forward in the development process, if the applicant chooses to exercise the mitigation option, a meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. The applicant and the school board shall attempt to negotiate a development mitigation agreement which shall provide for the required mitigation of the impacts of the proposed development on public school facilities. The City shall be a party to this agreement. If the applicant and the school board are unable to agree on an acceptable form of mitigation, the conflict resolution provision of the public schools interlocal agreement may be utilized (section 16-60.050).~~

~~(4) After a mitigation project is identified and agreed upon by the applicant and the school district, a development mitigation agreement will be prepared by the applicant with direction from the school district and the City. The final agreement will become a part of the final residential approval submittal. Final approval of the site plan and agreement rests with the POD.~~

~~(5) The development mitigation agreement shall include the applicant's commitment to extend the development mitigation agreement until the mitigation is completed as determined by the school board or as determined~~

~~through the conflict resolution procedures of the public schools interlocal agreement (section 16.60.050), if applicable.~~

~~(6) Upon execution of a development mitigation agreement, the applicant shall receive school concurrency approval or functional equivalent.~~

~~(7) If the applicant chooses to not continue with residential approval, the applicant may submit a letter to the school district to withdraw from the development mitigation agreement at any time prior to the execution of the agreement.~~

~~(8) A development mitigation agreement can be amended or cancelled by mutual consent of the parties to the agreement or by their successors in interest.~~

~~e. Cross jurisdictional impacts. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, if the proposed mitigation is located in a different jurisdiction, the POD will notify the other local government in writing as soon as the POD is notified of the proposed mitigation and allow the opportunity for the other local government to comment on mitigation proposals.~~

#### ~~6. Vesting.~~

~~a. For the purposes of meeting the level of service standard, residential approvals, development orders, and permits approved for any property prior to the effective date of the ordinance from which this section is derived shall be vested and shall not require a school concurrency approval.~~

#### ~~7. Credits.~~

~~a. After the effective date, any property with existing dwelling units that are demolished or destroyed shall receive a credit for the estimated number of students generated from existing dwelling units. Credits may not be transferred to another property but may be used on abutting property if part of the same residential approval. The applicant will be required to provide proof of such existing uses in a form acceptable to the POD.~~

~~b. The application of credits for public school capacity attributable to the number of student seats generated by a previous and existing on-site residential use may be used for a new residential approval, in the place of the capacity which would be generated by the new residential approval, in perpetuity from the effective date of the ordinance from which this section is derived.~~

#### ~~8. Submittal of a new site plan.~~

~~As allowed by the Land Development Regulations, modifications may be made to an approved residential approval. A modification will not result in any extension to the length of time a school concurrency approval is valid, and will not justify the issuance of a new school concurrency approval.~~

~~The county will be notified of any modifications. Modifications which change the demand for available capacity will be reflected in the development tracking system. If the modifications require submittal of a new residential approval, the new residential approval will be subject to the school concurrency review. If a new residential approval~~

~~receives a new school concurrency approval, then the school concurrency approval issued for the original residential approval will no longer be valid.~~

- ~~9. Review and appeals. Decisions of the POD to grant or deny a school concurrency approval may be appealed to the Development Review Commission whose decision shall be the final decision of the City.~~

**Section 2.** Section 16.70.040.1.1 of the St. Petersburg City Code is hereby amended to read as follows:

Section 16.70.040.1.1. – Amendments to the Comprehensive Plan and Land Development Regulations.

- E. Standards for review. In addition to the standards of review for a zoning and planning decision generally, a decision shall be guided by the following factors:
1. Compliance of the proposed use with the goals, objectives, polices and guidelines of the Comprehensive Plan;
  2. Whether the proposed amendment would adversely affect environmentally sensitive lands or properties which are documented as habitat for the listed species as defined by the conservation element of the Comprehensive Plan;
  3. Whether the proposed changes would alter the population density pattern and thereby adversely affect residential dwelling units or public schools;
  4. Impact of the proposed amendment upon the adopted level of service (LOS) for public services and facilities including, but not limited to: water, sewer, sanitation, ~~traffic, mass transit~~, recreation and stormwater management and impact on LOS standards for traffic and mass transit. The POD may require the applicant to prepare and present with the application whatever studies are necessary to determine what effects the amendment will have on the LOS;
  5. Appropriate and adequate land area sufficient for the use and reasonably anticipated operations and expansions;
  6. The amount and availability of vacant land or land suitable for redevelopment for similar uses in the City or on contiguous properties;
  7. Whether the proposed change is consistent with the established land use pattern of the areas in reasonable proximity;
  8. Whether the exiting district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
  9. If the proposed amendment involves a change from residential to a nonresidential use or a mixed use, whether more nonresidential land is needed in the proposed location to provide services or employment to residents of the City;

10. Whether the subject property is within the 100-year floodplain, hurricane evacuation level zone A or coastal high hazard areas as identified in the coastal management element of the Comprehensive Plan;
11. Other pertinent facts.

**Section 3.** Section 16.70.040.1.4 of the St. Petersburg City Code is hereby amended to read as follows:

Section 16.70.040.1.4. – Site plan review.

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

9. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;
10. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;
11. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
12. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;
13. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
14. Sensitivity of the development to on-site and adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
15. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
16. Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for:
  - a. Water.
  - b. Sewer.
  - c. Sanitation.
  - d. Parks and recreation.
  - e. Drainage.
  - f. ~~Mass transit.~~
  - g. ~~Traffic.~~
  - h. ~~School concurrency.~~

**Section 4.** Section 16.70.040.1.5 of the St. Petersburg City Code is hereby amended to read as follows:

Section 16.70.040.1.5. – Special exceptions.

- D. Standards for review. In addition to the standards of review for a zoning and planning decision generally, a decision rendered under this section shall be guided by the following factors:
1. The use is consistent with the Comprehensive Plan;

2. The property for which a special exception is requested shall have valid land use and zoning for the proposed use prior to the public hearing;
3. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and county roads shall be based on the latest access management standards of FDOT or the county, respectively;
4. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;
5. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;
6. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval of a drainage plan as required City ordinance, county ordinance, or SWFWMD;
7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;
8. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;
9. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;
10. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;
11. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;
12. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
13. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

14. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;
15. Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
16. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;
17. Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for:
  - a. Water.
  - b. Sewer.
  - c. Sanitation.
  - d. Parks and recreation.
  - e. Drainage.
  - f. ~~Mass transit.~~
  - g. ~~Traffic.~~
  - h. ~~School concurrency.~~

**Section 5.** Select definitions within Section 16.90.020.3 of the St. Petersburg City Code are hereby amended to read as follows:

16.90.020.3. Definitions

*Concurrency monitoring system* means the data collection, processing, and analysis performed by the City to determine impacts on the established levels of service for potable water, sanitary sewer, drainage, solid waste, and recreation and open space, ~~roads, and mass transit.~~ ~~For traffic circulation: data collection, processing and analysis will be utilized to determine traffic concern areas and traffic restriction areas in addition to impacts on the established levels of service. The traffic circulation data maintained by the concurrency management monitoring system shall be the most current information available to the City.~~

\*\*\*

~~*Proportionate fair share* is a provision that allows for development projects to mitigate their impacts through "fair share" contributions to facilities identified for capacity improvements in the capital improvement element of the Comprehensive Plan.~~

\*\*\*

~~Significantly degrade~~ means a peak hour increase in traffic volume of five percent or a decrease in average travel speed of ten percent. This criteria shall be the means of evaluating the transportation impacts in traffic restriction areas upon roadway levels of service. (Source: concurrency management)

\*\*\*

~~Traffic concern area~~ means an area within which the level of service for a given road facility has been determined by data from the concurrency management monitoring system to have reached a level of service D during the peak hour or is expected to reach a level of service E or worse during the peak hour in the next five years and no construction improvements are planned in the next five years. This area includes the area within one quarter mile of the centerline and within a one quarter mile are radius beyond the terminus of any designated road segment's centerline. (Source: concurrency management)

\*\*\*

~~Traffic restriction area~~ means an area in which the level of service for a given road facility has been determined by data from the concurrency management monitoring system to be below the acceptable level of service adopted in this article. This area includes the area within one half mile of the centerline and within a one half mile are radius beyond the terminus of any designated road segment's centerline.

\*\*\*

~~Transportation concurrency~~ means that transportation facilities needed to serve new development that results in traffic generation shall be placed or under actual construction within three years after approval of a development order.

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~~Transportation concurrency exception area (TCEA)~~ means that area of the City described in the concurrency management section.

**Section 6. Coding:** As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

**Section 7.** The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

**Section 8. Effective Date.** In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (designee)



# DEVELOPMENT REVIEW COMMISSION

Prepared by the Planning & Economic Development Department

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

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**APPLICATION:** LDR 2015-08

**APPLICANT:** City of St. Petersburg  
175 5<sup>th</sup> Street North  
St. Petersburg, FL 33701

**REQUEST:** Amend the City of St. Petersburg's Code of Ordinances, Chapter 16, Land Development Regulations ("LDRs"), Section 16.03 "Concurrency Management"

**AUTHORITY:** Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission ("LDRC"), is responsible for reviewing proposed amendments to the LDRs, confirming consistency with the City of St. Petersburg's Comprehensive Plan ("Comprehensive Plan"), and making a recommendation to the City Council.

**EVALUATION:**

## **Recommendation**

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

## **Background and Analysis**

Since 1985 concurrency has been required by Florida Statutes. Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. The City has adopted LOS standards for public facilities and services including: potable water, sanitary sewer, solid waste, drainage, *roadways*, *mass transit*, and recreation and open space.

## Transportation Concurrency

In 2000, the City established a Transportation Concurrency Exception Area (TCEA) for the portion of the City located south of 77th and 78th Avenues North. The City's TCEA met the State's Rule 9J-5 criteria for an urban infill area and contained several community redevelopment areas. Senate Bill 360 (2009-96 Laws of Florida), adopted in the 2009 legislative session, added a definition in Section 163.3164 F.S. for a Dense Urban Land Area (DULA). The City met the definition of a DULA. Pursuant to Senate Bill 360, each city defined as a DULA was also considered a Transportation Concurrency Exception Area (TCEA). Therefore, *the entire City* qualified as a Transportation Concurrency Exception Area (TCEA), as shown on Map 30 of the Comprehensive Plan.

House Bill 7207, known as the Community Planning Act (Chapter 2011-139, Laws of Florida) was signed into law on June 2, 2011. This new law made sweeping changes to Florida's growth management policies, including the elimination of state-level review of transportation concurrency; however it was made optional for local governments. In the absence of state imposed transportation concurrency management requirements, the Pinellas County Metropolitan Planning Organization (MPO) authorized a multi-jurisdictional task force to develop a countywide approach to manage the transportation impacts associated with development or redevelopment projects through local site plan review processes. The task force created the Pinellas County Mobility Plan, which provides a more flexible and efficient alternative to the traditional form of transportation concurrency and ties development approvals to maintaining adopted roadway level of service standards, while facilitating multimodal transportation solutions. The Mobility Plan was adopted by the MPO in September 2013, and called for the renaming the Transportation Impact Fee Ordinance the Multimodal Impact Fee Ordinance.

Amendments are needed to the Comprehensive Plan and *Land Development Regulations* in order to ensure consistency with the countywide approach to managing transportation impacts associated with development or redevelopment projects. Pinellas County took the lead in amending its Comprehensive Plan, and now is the time for Pinellas' cities to follow in order to achieve countywide consistency.

Amendments to the City's Future Land Use, Transportation, Capital Improvements and Intergovernmental Coordination Elements of the Comprehensive Plan are currently being processed as City Application No. LGCP-2016-01. On November 10, 2015, the City's Community Planning and Preservation Commission conducted a public hearing regarding these amendments to the Comprehensive Plan and recommended approval by a unanimous vote of 5-to-0. The second reading and adoption public hearing to be conducted by City Council is scheduled for February 4, 2016.

This is a companion application making related amendments within the City's Land Development Regulations pertaining to transportation concurrency.

*It should be noted that the City and Pinellas County MPO will continue to monitor roadway levels of service for planning purposes. The City will determine the need for transportation management plans for large development projects that are located on deficient roads. The City will also identify strategies for alleviating traffic congestion on deficient roadways, which could include additional roadway capacity or projects that increase mobility for pedestrians, bicyclists, transit users and motorists.*

### School Concurrency

House Bill 7207 also deleted the requirement for a public school facilities element and made school concurrency optional. While local governments could retain the option to keep concurrency for school facilities, here in Pinellas County other events directed local governments to delete this requirement from their respective Comprehensive Plans.

St. Petersburg staff participated with other Pinellas local governments and the school board in developing the new Public Schools Interlocal Agreement which meets the requirements of the 2011 legislation and is agreeable to all parties. This new interlocal agreement was approved by City Council on July 26, 2012 (Resolution 2012-328). The new interlocal agreement eliminates school concurrency requirements while retaining the existing reporting and coordinated school planning responsibilities. On February 21, 2013, City Council adopted Ordinance 59-H, which eliminated the applicable goals, objectives and policies in the Comprehensive Plan relating to school concurrency in order to be consistent with the new Public Schools Interlocal Agreement as well as statutory provisions.

The proposed changes included with this LDR package ensure consistency with state statutes, the Public Schools Interlocal Agreement and the Comprehensive Plan.

### Compliance with the Comprehensive Plan

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

**Policy LU3.18:** All retail and office activities shall be located, designed and regulated so as to benefit from the access afforded by major streets without impairing the efficiency of operation of these streets ~~or lowering the LOS below adopted standards~~, and with proper facilities for pedestrian convenience and safety. *(Strike-through underline of proposed amendments in City Application No. LGCP-2016-01)*

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

1. Sign Ordinance;
2. Subdivision Ordinance;
3. Zoning Ordinance;
4. Historic Preservation Ordinance;
5. Drainage and Surface Water Management Ordinance;
6. Landscaping for Vehicular Use Areas Ordinance;
7. Flood Damage Prevention Ordinance;
8. Vegetation Ordinances;
9. Concurrency Ordinance.

**LU19:** To provide a transportation system that is integrated with the Future Land Use Plan, the City shall implement the goals, objectives and policies of the Transportation Element.

**Policy LU23.4:** The City's LDRs shall continue to support land development patterns that make possible a mixture of land use types resulting in employment, schools, services, shopping and other amenities located near residential development and neighborhoods.

**Policy IC3.1:** The City will continue to coordinate through the Metropolitan Planning Organization (MPO) the transportation needs of the City in conjunction with Pinellas County and the Florida Department of Transportation (FDOT).

**Objective IC4:** The City shall review and coordinate the level of service standards and plans with TBRPC, MPO, PPC, ~~DCA~~ the state land planning agency, FDEP, and independent special districts such as SWFWMD, TBW, ~~PSTA~~, and all other appropriate state, regional and local agencies to address conflicts in the development of each element of the Comprehensive Plan. *(Strike-through underline of proposed amendments in City Application No. LGCP-2016-01)*

**Policy IC4.2:** St. Petersburg will initiate workshops, as necessary, between the City ~~Planning & Visioning Commissions~~, and TBRPC, FDOT, ~~DCA~~ the state land planning agency and other agencies to address LOS conflicts. *(Strike-through underline of proposed amendments in City Application No. LGCP-2016-01)*

~~**Policy IC4.3:** The City shall address level of service standards on state roadways, including instituting a process that requires that no development orders or permits that affect access to state roads be issued until FDOT completes a review of the development site access plan.~~ *(Strike-through underline of proposed amendments in City Application No. LGCP-2016-01)*

**Objective PS1:** The City, its partner local governments, and the School District agree to coordinate and base their plans upon consistent projections of population growth and student enrollment, and will coordinate in sharing of information on proposed school facility changes, certain planned infrastructure improvements, and proposed land use plan amendments and rezonings that increase or decrease residential densities.

**Objective PS4:** The City shall practice effective intergovernmental coordination with its partner local governments and the School District to ensure that land use plans, development approvals, and capital facilities planning are coordinated with the availability of public school facilities.

### **Adoption Schedule**

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

- January 7, 2016: First Reading
- February 4, 2016: Second Reading and Adoption Public Hearing
  - *Coordinated with second reading and adoption public hearing of companion City Application No. LGCP 2016-01*

### **Exhibits and Attachments**

Proposed Amendments

**DRC STAFF REPORT ATTACHMENT:**

**PROPOSED AMENDMENTS REMAIN UNCHANGED**

**AND ARE NOW EMBEDDED**

**WITHIN THE PROPOSED ORDINANCE.**

RESOLUTION NO. 2016 \_\_\_\_\_

A RESOLUTION REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND THE IMPROVEMENTS IDENTIFIED IN THE I-275 PD&E STUDY; REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO IMPLEMENT ADDITIONAL MEASURES TO REDUCE CONGESTION ON I-275 WITHIN THE CITY OF ST. PETERSBURG; INSTRUCTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO CERTAIN ENTITIES AND PEOPLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg (“City”) has a transportation system that includes roadways, highways and interstate systems under the control of the Florida Department of Transportation (“Department”); and

WHEREAS, the City has a strong interest in providing public rights-of-way that are safe, efficient and cost-effective multimodal transportation systems that are accessible to all residents and visitors, preserves neighborhoods, protects natural resources, and promotes economic development; and

WHEREAS, the St. Petersburg City Council received a presentation from the Department on December 17, 2015 regarding the I-275 Project Development and Environment Study (“PD&E Study”) that the Department is conducting to evaluate the need for capacity and operational improvements along I-275 from south of 54<sup>th</sup> Avenue South to north of 4<sup>th</sup> Street North; and

WHEREAS, the presentation included information that detailed how the Department is considering three distinct sections along the I-275 corridor, with two sections located south of Gandy of Boulevard and the Tampa Bay Express “Starter Project” toll lanes plan for I-275 from south of Gandy Boulevard to north of 4<sup>th</sup> Street; and

WHEREAS, the Department has indicated that its current five-year work program includes full funding for the design and construction of the Tampa Bay Express “Starter Project” toll lane project but has not included design or construction funding to improve any other sections of the interstate within city limits; and

WHEREAS, the Pinellas County Metropolitan Planning Organization’s 2015 Level of Service Report identifies I-275 from Gandy Boulevard to 5<sup>th</sup> Avenue South as a Deficient Roadway due to not meeting level of service or volume to capacity ratio standards; and

WHEREAS, an approach that provides no funds to improve the level of service in the sections designated as deficient, while programming funds to increase capacity and level of service in the section north of Gandy Boulevard to the edge of Tampa Bay which is not currently deficient, may be considered inconsistent with the Department and City goals to reduce congestion on I-275; and

WHEREAS, during the December 17, 2015 presentation City Council members expressed appreciation for the Department's work on I-275, the Gateway Expressway and the Gandy Overpass at 4<sup>th</sup> Street and MLK but articulated their remaining concern that the toll lane Starter Project and the Gateway Expressway project would have the unintended consequence of accelerating vehicle use to the deficient section, which may exacerbate the existing traffic congestion.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that this Council hereby requests the Department to act as follows:

- (1) To identify improvements necessary to remediate current congestion and plan for capacity improvements to reduce future congestion on I-275 from Gandy Boulevard to 5<sup>th</sup> Avenue South (the currently deficient segment) and continuing south through the City.
- (2) To seek and allocate where possible all available sources of funding to initiate design and construction of the improvements called for in the PD&E study for the entire project limits.

BE IT FURTHER RESOLVED that this Council hereby instructs the City Clerk to transmit a copy of this Resolution to the Florida Department of Transportation Secretary, the District 7 Secretary of the Department, the City of St. Petersburg's congressional delegation in Tallahassee, the TBARTA Executive Director, and the Executive Director of the Pinellas County Planning Council/Metropolitan Planning Organization.

This resolution shall become effective immediately upon its adoption.

Approved as to form and substance:



City Attorney (designee)

**ST. PETERSBURG CITY COUNCIL**  
Meeting of February 4, 2016

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

**SUBJECT** A Resolution by City Council approving ten tax increment financing programs for the South St. Petersburg Community Redevelopment Area.

**RECOMMENDATION** Administration recommends City Council approve the attached Resolution.

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**OVERVIEW**

On May 21, 2015, St. Petersburg City Council adopted a Community Redevelopment Plan (Plan) for the South St. Petersburg Community Redevelopment Area (CRA) that also established a tax increment financing district and redevelopment trust fund for the entire 7.4-sq.mi. South St. Petersburg CRA (Ord. #169-H). Pursuant to its authority as a home rule county, the Pinellas County Board of County Commissioners approved the Plan on June 2, 2015 (Res. #15-48).

A major strategy of the South St. Petersburg Plan is to direct the vast majority of revenues generated from the South St. Petersburg tax increment financing district to provide direct assistance for private investment in residential and non-residential redevelopment in the form of grants, loans, property tax abatements or other vehicles to help leverage capital from diverse sources. The Plan also envisions providing funding assistance to governmental and non-profit entities that provide array of services supporting the intent of the redevelopment plan, including marketing and promotion, business assistance and loans, workforce development and job readiness.

This approach to tax increment financing by the South St. Petersburg Plan is a distinct departure from practice in the City's other TIF districts, which focused on funding public improvement projects such as stadium development, parking garages, streetscaping, property acquisition and preparation and other capital improvements. The South St. Petersburg Plan TIF strategy is designed to encourage private enterprise in the CRA to the greatest extent possible in accordance with Section 163.345, FS.

Before funding projects and programs within the South St. Petersburg CRA with tax increment revenue, the Plan requires administrative procedures to be prepared for each tax increment financing program. The South St. Petersburg Citizen Advisory Committee and the St. Petersburg Community Redevelopment Agency shall review and make recommendations on these programs to City Council before approval. In addition, Pinellas County staff must review and comment on programs that contemplate use of Pinellas County tax increment revenue.

***Proposed Tax Increment Financing (TIF) Programs for the South St. Petersburg CRA***

In fall 2015, City Administration drafted administrative guidelines for the first round of TIF programs identified in the South St. Petersburg Plan. These first ten TIF programs include five programs that propose to provide direct grants to CRA business and property owners and residents on a “first come, first served” application process. The remaining five programs support existing programs or partners in the CRA, with three indirectly providing funding to CRA businesses, property owners and residents. The programs are summarized below and numbered in the order they occur as exhibits in the attached resolution. For greater detail on each program, see Exhibits 1 through 10. (Please note that if individual TIF programs are amended in the future, the corresponding exhibit will be amended and not the resolution. A note will be made indicating the original adoption of exhibit and subsequent amendments.)

The ten programs were presented to the South St. Petersburg Citizen Advisory Committee (CAC) for discussion at its October 6, 2015, public meeting. Administration incorporated the CAC comments, finalized the guidelines and transmitted them to the CAC for recommendation at its December meeting. Concurrently, Administration transmitted five TIF programs that could potentially utilize Pinellas County’s TIF contribution to County staff for review and comment (see TIF program numbers 1, 2, 3, 6, and 7 below).

On December 1, 2015, the Citizen Advisory Committee for the South St. Petersburg CRA unanimously voted to recommend that St. Petersburg Community Redevelopment Agency and City Council approve the ten tax increment financing programs. On December 15, 2015, Pinellas County staff corresponded that it has reviewed the five tax increment financing programs included in this resolution that could potentially utilize Pinellas County TIF contributions and found them consistent with the overall objectives of the Redevelopment Plan as well as Pinellas County policy regarding use of its TIF contributions.

**A. TIF PROGRAMS PROVIDING DIRECT GRANTS TO CRA BUSINESSES, PROPERTY OWNERS AND RESIDENTS**

TIF programs in this section are proposed as direct incentives to the community that will be rolled out in May 2016 upon receipt of Pinellas County’s TIF contribution by April 15<sup>th</sup>. After City Council approves the FY2016 budget for the redevelopment trust fund, City Administration will begin marketing the availability of funding through these programs for two months alerting businesses and residents to the formal “Notice of Funding Availability” in May, an effort that will be repeated for the thirty-year duration of the Plan. This pre-Notice marketing is important because funding disbursed through these five programs will be on a first come, first served basis and the advance notice will allow interested parties the time to prepare a timely and complete application.

- 1. AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENT PROGRAM** provides an annual property tax rebate for up to fifteen years on increases in ad valorem taxes for all applicable Pinellas County taxing authorities for developers of new and substantially renovated affordable

multifamily housing in the CRA. The rebate, which must first be approved by the Agency and City Council, will be based on the increase in ad valorem taxes in the first year the completed project goes on the tax rolls. The maximum award is \$50,000 per project per year and both City and County TIF contributions will be used to fund the program. For the purposes of this program, "affordable housing" is defined as housing meeting the needs of households whose income is 80 percent or below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation's SHIP Program.

2. **RESIDENTIAL PROPERTY IMPROVEMENT GRANT** program reimburses approved applicants for eligible exterior and interior improvements on affordable or market-rate residential housing in the CRA. Emphasis will be placed on funding substantial renovations that upgrade vital building systems and sustain and extend the economic life of a structure. The grant program supplements the City's annual investment in the "Rebates for Residential Rehabilitation" (RRR) but is focused on incentivizing the substantial renovation of multifamily housing (defined as three or more units in a building) by increasing the total grant award allowed for these projects. An applicant may receive a reimbursable grant equaling the lesser of 20 percent of the pre-construction value of eligible improvements or up to \$10,000 per unit. The maximum award for a multifamily project is \$90,000. The program requires a minimum investment of \$10,000 toward eligible improvements per residential unit. City and County TIF contributions can be used for this program if used for an affordable project. Otherwise, only the City share is available. Affordable units must be maintained for at least five years.
  
3. **COMMERCIAL SITE IMPROVEMENT GRANT** program provides a reimbursable grant to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way. An applicant may receive a one-for-one matching grant of up to \$20,000. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given to applications for properties located on the following commercial corridors in the CRA:
  - Dr. Martin Luther King, Jr. Street South
  - 16<sup>th</sup> Street South
  - 22<sup>nd</sup> Street South
  - 34<sup>th</sup> Street North/South
  - 49<sup>th</sup> Street North/South
  - Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
  - 5<sup>th</sup> Avenue South
  - 18<sup>th</sup> Avenue South

4. **COMMERCIAL BUILDING INTERIOR AND TENANT IMPROVEMENT GRANT** provides matching grants from the City's TIF contribution to commercial property owners for interior upgrades with a focus on projects that remedy degraded building systems and extend the economic viability of the building. An applicant may receive a one-for-one matching grant of up to \$20,000. Projects costing \$5,000 or less are not eligible for the program. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given for applications for properties located on the following commercial corridors in the CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

5. **NEIGHBORHOOD COMMERCIAL CORRIDOR PUBLIC PRIVATE PARTNERSHIP FUND (P3 Fund)** provides grant awards to projects that enhance established business districts by redeveloping properties, decreasing vacancy rates, adding to the tax base, creating jobs, leveraging private sector investment, and improving the quality of life for surrounding neighborhoods through removal of blight and revitalizing vacant or underutilized properties. The P3 Fund is a city-wide program supported by revenue from both the general fund and the City's TIF contribution to the South St. Petersburg Redevelopment Trust Fund. (Any project funded from the trust fund must be located in the CRA.) An applicant may receive up to \$50,000. Projects costing \$100,000 or less are not eligible for the program.

B. TIF PROGRAMS SUPPORTING EXISTING CITY INITIATIVES AND OTHER PARTNERS

The five programs below either anticipate using TIF revenue as opportunities arise but not necessarily on an annual basis (nos. 6 and 7) or support existing programs and partners serving the South St. Petersburg CRA (8 through 10). Administration expects to annually fund the Redevelopment Loan Program and the Workforce Readiness and Development program.

6. **CRA GRANT MATCH PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to provide a local matching share for federal, state foundation and other grant applications that would implement programs and strategies identified in the South St. Petersburg Redevelopment Plan. The use of Pinellas County funding to

support this program will be consistent with the County's June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.

7. **CRA PROPERTY ACQUISITION AND PREPARATION PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to acquire properties and consolidate and prepare development sites within the South St. Petersburg CRA to promote housing, economic development and revitalization of the CRA. The land assembly effort may also involve demolition of existing structures, vacating streets, alleyways and relocating associated utilities such as water, sewer and stormwater facilities. The use of Pinellas County funding to support this program will be consistent with the County's June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.
8. **REDEVELOPMENT LOAN PROGRAM** provides funding to a South St. Petersburg loan pool to support the lending efforts in the CRA by the City's financial partners for CRA businesses and residents. The program, which will supplement the city-wide loan consortium program being assembled by City Development Administration, will use TIF and other City funds for bridge loans, microloans, subordinated long-term debt, loan guarantees and other financial vehicles to close financing gaps for projects to ensure they can be bankable through conventional lenders. Emphasis will be placed on loans for purchase or improvements to real estate, expansion of business operations through increased hiring, expanded facility and replacement/improvements to capital plant, and working capital.
9. **"PAINT YOUR HEART OUT" PROGRAM** provides funding to the City's Neighborhood Team to help property owners in targeted areas of the CRA refurbish and refresh the exterior of their properties. The Program encourages collaboration with volunteers and non-profit and for-profit entities such as the CRA's neighborhood associations and Main Streets, Habitat for Humanity, Leadership St. Petersburg, Dream Center and other entities to leverage the City's TIF contribution. The funding amount will be determined annually and by budget amendment if necessary.
10. **WORKFORCE READINESS AND DEVELOPMENT PROGRAM** provides annual funding to accredited educational and job training providers, such as Career Source, Pinellas Technical College and St. Petersburg College, to prepare CRA residents for job opportunities with emerging St. Petersburg jobs through training, education and job placement. The program is focused on linking CRA residents with job opportunities that will be created in the St. Petersburg Commerce Park as well as throughout the CRA.

***A Note on Budgeting for the South St. Petersburg CRA Redevelopment Trust Fund***

Each fiscal year, City Council will approve a budget for the South St. Petersburg CRA Redevelopment Trust fund that will assign the City's and County's tax increment financing contributions to the three budget categories identified in Table 4-2 of the South St. Petersburg Plan. These three budget categories are

- Business Development
- Housing and Neighborhood Revitalization
- Education, Job Readiness and Workforce Development

The ten TIF programs to be approved will be included in one or more of these three budget categories without funding levels identified (see Attachment 1 for a sample budget). Administration will then allocate the available revenue for, say, Business Development to the TIF programs associated with it as demand warrants. If during the fiscal year, demand is greater for TIF programs in Business Development than in Housing and Neighborhood Revitalization, Administration will request City Council to approve a formal amendment changing the revenue allocations between the two budget categories.

This approach is advisable because most of the revenue from the redevelopment trust fund will be distributed during any given year through grant awards to businesses, property owners and/or residents of the CRA on a first come, first served basis. The demand for any TIF program will be unknown until applications are received so setting annual funding levels for each program would invite frequent amendments as they may be under- or oversubscribed. In addition, Pinellas County restrictions on the use of its TIF further complicates this issue.

**RECOMMENDATION**

Administration recommends City Council approve the attached Resolution.

Attachments: Draft FY2016-2020 Budget for South St. Petersburg Redevelopment Trust Fund  
Resolution with Exhibits 1 through 10

# Attachment 1

## DRAFT FY2016-2020 Budget for South St. Petersburg CRA Redevelopment Trust Fund

Sources of Revenue	Targeted Allocation % (1)	Current Fiscal Year					Projected Budgets (FY2017 through FY2020)					Totals (2016-20)		
		2016		2017		2018		2019		2020				
		Source	Allocation % (1)	St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas		St. Petersburg	Pinellas
<b>City and County Annual TIF Contributions</b>														
Total Annual Revenue			\$285,773	\$201,596	\$359,487	\$253,597	\$434,675	\$306,637	\$511,366	\$360,739	\$589,591	\$415,922		
Projected Cumulative Revenue Totals			\$487,370	\$487,370	\$613,084	\$613,084	\$741,312	\$741,312	\$872,105	\$872,105	\$1,005,513	\$1,005,513	\$3,719,383	
Projected AGR in Property Values			\$487,370	\$487,370	\$1,100,453	\$1,100,453	\$1,841,765	\$1,841,765	\$2,713,870	\$2,713,870	\$3,719,383	\$3,719,383		
			8.4% (actual)	8.4%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%		
<b>Uses of TIF Revenue</b>														
<b>Business Development</b>														
Commercial Site Improvement Grant		50%	\$243,685	\$243,685	\$306,542	\$306,542	\$370,656	\$370,656	\$436,052	\$436,052	\$502,757	\$502,757	\$1,859,691	
Neighborhood Commercial Corridor "P3" Fund		Varies												
Redevelopment Loan Program (2)		City												
CRA Property Acquisition and Preparation Program (2)		Both												
Commercial Building Interior/Tenant Improvement Program		City												
Grant Match Program (2)		Varies												
Education, Job Readiness & Workforce Development		10%	\$48,737	\$48,737	\$61,308	\$61,308	\$74,131	\$74,131	\$87,210	\$87,210	\$100,551	\$100,551	\$371,938	
Workforce Readiness and Development Program		City												
Grant Match Program (2)		Varies												
Housing and Neighborhood Revitalization		40%	\$194,948	\$194,948	\$245,233	\$245,233	\$296,525	\$296,525	\$348,842	\$348,842	\$402,205	\$402,205	\$1,487,753	
Affordable Multifamily Housing Development Program		Both												
Residential Property Improvement Grants		Varies												
Grant Match Program (2)		Varies												
"Paint Your Heart Out"		City												
Redevelopment Loan Program (2)		City												
CRA Property Acquisition and Preparation Program (2)		Both												
<b>Total Programs Budgeted</b>			\$487,370	\$487,370	\$613,084	\$613,084	\$741,312	\$741,312	\$872,105	\$872,105	\$1,005,513	\$1,005,513	\$3,719,383	
<b>Total Funding Available</b>			\$487,370	\$487,370	\$613,084	\$613,084	\$741,312	\$741,312	\$872,105	\$872,105	\$1,005,513	\$1,005,513	\$3,719,383	
<b>Balance</b>			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

(1) The "Targeted Allocation %" for each program is generally based on the percentages defined in Table A-1 of the South St. Petersburg Community Redevelopment Plan when it was approved on May 21, 2015. However, the Redevelopment Plan recognizes that the annual funding allocations may differ from those at adoption based on the funding priorities of the City and CAC.

(2) These TIF programs can be used for expenditures in one or more of the major budget categories.

Pinellas County TIF Contributions Must Available

NO. 2016 - \_\_\_\_

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG APPROVING TEN TAX INCREMENT FINANCING PROGRAMS FOR THE SOUTH ST. PETERSBURG COMMUNITY REDEVELOPMENT AREA (SEE EXHIBITS 1 THRU 10); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg City Council approved Resolution No. 2013-247, on June 20, 2013, which made a finding of necessity identifying the South St. Petersburg Community Redevelopment Area (CRA) as blighted, pursuant to Florida's Community Redevelopment Act of 1969 (Chapter 163, Part III);

WHEREAS, on October 3, 2013, the Pinellas County Board of County Commissioners (BCC) accepted the City's findings of necessity pursuant to Resolution No. 13-186, and on June 9, 2014, approved Resolution 14-43, which delegated certain powers to the City Council of the City of St. Petersburg in order to carry out certain redevelopment functions within the South St. Petersburg Community Redevelopment Area, as defined therein (CRA);

WHEREAS, pursuant to City of St. Petersburg Resolution No. 2014-296, the City Council accepted such redevelopment powers on July 10, 2014;

WHEREAS, the City of St. Petersburg City Council approved a Community Redevelopment Plan (Plan) for the South St. Petersburg CRA on May 21, 2015 (Ord. #169-H), which included establishment of a tax increment financing district and redevelopment trust fund for the entire 7.4-sq.mi. South St. Petersburg CRA;

WHEREAS, the Pinellas County Board of County Commissioners approved the Plan on June 2, 2015 (Res. #15-48) and delegated authority to the City of St. Petersburg to establish a redevelopment trust fund for the entire South St. Petersburg CRA;

WHEREAS, the Pinellas County Board of County Commissioners approved on June 23, 2015, Ord. #15-27 establishing a redevelopment trust fund for the entire South St. Petersburg CRA;

WHEREAS, a major strategy of the South St. Petersburg Plan is to direct the vast majority of revenues generated from the South St. Petersburg tax increment financing district to provide direct assistance for private investment in residential and non-residential redevelopment in the form of grants, loans, property tax abatements or other vehicles that help leverage capital from diverse sources;

WHEREAS, the South St. Petersburg Plan also envisions providing funding assistance to governmental and non-profit entities that provide array of services supporting the

intent of the redevelopment plan, including marketing and promotion, business assistance and loans, workforce development and job readiness;

WHEREAS, the South St. Petersburg Plan requires administrative procedures to be prepared for each tax increment financing program and approved by City Council prior to expenditures being made from them;

WHEREAS, the South St. Petersburg Plan requires the Citizen Advisory Committee for the South St. Petersburg CRA and the St. Petersburg Community Redevelopment Agency to make recommendations on these programs to City Council before approval;

WHEREAS, City Administration prepared and transmitted the following ten tax increment financing programs, which are attached as Exhibits 1 through 10 and identified in numerical order below, for recommendation by the Citizen Advisory Committee for the South St. Petersburg CRA:

1. Affordable Multifamily Housing Development Program
2. Residential Property Improvement Grant
3. Commercial Site Improvement Grant
4. Commercial Building Interior and Tenant Improvement Grant
5. Neighborhood Commercial Corridor Public-Private Partnership Fund
6. CRA Grant Match Program
7. CRA Property Acquisition and Preparation Program
8. Redevelopment Loan Program
9. "Paint Your Heart" Out Program
10. Workforce Readiness and Development Program

WHEREAS, the tax increment financing programs identified above are consistent with the action plan and redevelopment program of the South St. Petersburg Plan as well as designed to encourage private enterprise in the rehabilitation and redevelopment of the CRA to the greatest extent possible, in accordance with Section 163.345, FS;

WHEREAS, on December 1, 2015, the Citizen Advisory Committee for the South St. Petersburg CRA unanimously voted to recommend that St. Petersburg Community Redevelopment Agency and City Council approve the ten tax increment financing programs;

WHEREAS, on December 15, 2015, Pinellas County staff corresponded that it has reviewed the five tax increment financing programs included in this resolution that could potentially utilize Pinellas County TIF contributions (see numbers 1, 2, 3, 6, and 7 above) and found them consistent with the overall objectives of the Redevelopment Plan as well as Pinellas County policy regarding use of its TIF contributions; and

WHEREAS, at its February 4, 2015, public meeting, the St. Petersburg Community Redevelopment Agency recommended that the St. Petersburg City Council approve the ten tax increment financing programs.

NOW, THEREFORE, BE IT RESOLVED, that the St. Petersburg City Council does hereby approve the ten tax increment financing programs included as Exhibits 1 through 10, which contribute to the implementation of the action plan and redevelopment program of the South St. Petersburg Community Redevelopment Plan.

NOW, BE IT FURTHER RESOLVED, that the St. Petersburg City Council will allow administrative amendments to the procedures for each adopted tax increment financing program, without requiring formal City Council approval, to improve or enhance delivery of service provided that such amendments shall not materially alter the originally adopted purpose of the program, type and amount of award and/or eligible properties and improvements.

This resolution shall become effective immediately upon its adoption.

Passed by St. Petersburg City Council in regular session on the 4<sup>th</sup> day of February, 2016.

APPROVED AS TO FORM AND CONTENT:

APPROVED BY:



City Attorney (Designee)



Dave Goodwin, Director  
Planning and Economic Development

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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### I Description and Purpose

The Affordable Multifamily Housing Development Program provides an annual rebate on increases in ad valorem taxes for all applicable Pinellas County taxing authorities for developers of affordable multifamily housing in the South St. Petersburg Community Redevelopment Area (CRA).

### II Consistency with South St. Petersburg Redevelopment Plan

Housing affordability is a serious issue throughout St. Petersburg, but it is particularly stark in South St. Petersburg. Housing is considered unaffordable if 30 percent or more of household income is devoted to shelter. Based on 2012 American Community Survey data, the percentage of all households with housing costs in excess of 30 percent of income was 55.0 percent in South Petersburg and 45.2 percent in the city, both rising sharply from 2000. Housing affordability is an even more dire issue for renter households where 73 percent pay more than 30 percent of their income in housing costs.

Multifamily housing is an important element in improving affordability, but there is a substantial deficit of this housing type in the CRA. Throughout St. Petersburg, nearly 30 percent of all dwelling units are in complexes with five or more units, and 16 percent are in complexes with 20 or more units. In contrast, South St. Petersburg has fewer than 10 percent of its total dwelling units in multifamily complexes five units and larger, and only 3 percent in 20-unit or larger complexes. Increasing the availability and quality of multifamily units would help to alleviate the serious housing affordability issues that are faced by renters in South St. Petersburg.

The Affordable Multifamily Housing Development Program is consistent with the South St. Petersburg Community Redevelopment Plan by providing incentives to increase the supply of affordable housing in the CRA. The Redevelopment Program and Funding Strategy calls for the City to use TIF to “assist renovation of existing multifamily and single family units and build new multifamily developments...” (The CRP, in recognizing the dearth of multifamily units, calls for the City to evaluate strategic zoning and land use amendments to increase the supply of land suitable for multifamily zoning.) The CRP also calls for the City to develop a TIF program that provides annual rebates to developers of affordable housing for a period up to 15 years. The rebate would be based on the increase in ad valorem taxes for all taxing authorities in the first year the project goes on the tax rolls.

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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### III Type and Amount of Award

The Affordable Multifamily Housing Development Program is an annual rebate for up to 15 years on increases in ad valorem taxes from all applicable Pinellas County taxing authorities resulting from the development of affordable housing in the South St. Petersburg CRA. The rebate will be based on the increase in ad valorem taxes in the first year the completed project goes on the tax rolls. The maximum award is \$50,000 per project per year. For the purposes of this program, "affordable housing" is defined as housing meeting the needs of households whose income is 80 percent and below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation's SHIP Program, which are periodically adjusted.<sup>1</sup>

### IV Funding Source

City of St. Petersburg and Pinellas County TIF contributions.

### V Eligible Projects

The Affordable Multifamily Housing Development Program is available to fund construction of affordable multifamily housing in the South St. Petersburg CRA. To be eligible, a multifamily developer must construct a minimum of 10 residential units that meet the City's definition of "affordable". In the case of a renovation of an existing multifamily building, the ad valorem rebate will be based on the difference between the taxable building value in the first year after Project completion and the year prior to the Project's commencement. Adaptive reuse projects that convert nonresidential buildings to residential use are eligible for the rebate, which will be based on the taxable building value of the project in the first year after completion. Mixed-income projects that provide both affordable and market-rate units are also eligible for the program with the annual rebate of ad valorem taxes based on the percentage share of affordable units in the project.

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<sup>1</sup> Text in strikethrough/underline format reflects substantive changes made by Administration to the TIF program since the South St. Petersburg CAC recommended approval on December 1, 2015.

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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### VI Submission Procedures and Requirements

Applications are to be submitted in an 8"x10" envelope or larger with the project's name and location, the applicant's name and address and the name of the TIF funding program for which the application is being made to the Planning and Economic Development Department on the 8<sup>th</sup> Floor of the Municipal Service Building, which is located at 1 Fourth Street North, St. Petersburg, Florida, 33701. Enter through the door on the far left after exiting the elevator. Before leaving the envelope containing the application at the above location, please ensure that the date and time of submission has been recorded on the envelope by City staff. This is important because funding will be awarded to projects with complete applications on a first come, first served basis.

For more information, please contact

Mr. Rick D. Smith, AICP and CEcD  
Community Redevelopment Coordinator  
727-893-7106  
[rick.smith@stpete.org](mailto:rick.smith@stpete.org)

The applications must include the following:

- Completed and signed application form
- Documentation of property ownership or written consent from property owner giving permission to conduct the identified improvements. The property owner will be required to sign the Grant Agreement to assume responsibility to maintain the affordable housing units for the duration of the Agreement.
- Three quotes from licensed contractors itemizing the estimated cost of improvements, if applicant has not yet submitted for building permit approval. (Annual ad valorem taxes will be estimated based on this information.)
- Confirmation the project complies with the City's land development regulations.
- Confirmation that mortgage, property insurance and property tax payments are current and in good standing.
- Legal description and survey of project site
- Digital photographs of existing conditions of the project site
- Written description of project improvements including number of units, size and bedroom/bathroom configuration and rental rates per unit type
- Sketches or conceptual drawings of improvements that will be funded by the Grant.

## EXHIBIT 1

### Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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Failure to provide the above information will delay the review and approval process.

#### **VII Review and Approval Process**

Eligible affordable housing projects will be awarded TIF funding on a first-come first-served basis. Because the incentive involves a multiyear rebate of ad valorem taxes from all applicable Pinellas County taxing authorities, City Council will review the project and award amount, which will be based on its current and projected fiscal impact on the "Housing and Neighborhood Revitalization" budget of the South St. Petersburg CRA Redevelopment Trust Fund. In order for City Council to assess the fiscal impact of the rebate during its review and approval process, it will be necessary to estimate the annual rebate of a Project. To that end, City Administration will utilize the permit value assigned the Project by the City's Construction Services and Permitting Department and deem it the estimated total construction cost of the Project. As an alternative for projects that have not yet developed construction documents for formal building permit submission, the applicant can provide construction estimates from three licensed contractors. The estimated building value from either of these methods will be then reduced by 30 percent to account for the PAO's typical methodology for determining the estimated value of a completed project. To this final estimated value will be applied the millage rate of all Pinellas County's taxing authorities to determine the estimated Project annual rebate. Ultimately, the ad valorem rebate will be based on the taxable building value of the Project assigned by the Pinellas County Property Appraiser's Office in the first year after completion, provided it is less than the rebate approved by City Council. In no case will the amount of the rebate exceed the amount approved by City Council.

#### **VIII Compliance Requirements for Completed Projects**

Successful applicants must sign a Grant Agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the Grant. To ensure timely commencement and completion of the Project, the Applicant shall abide by the following deadlines:

- Within 60 days of execution of the Grant Agreement, file a "Notice of Commencement" pursuant to the requirements of the City's Construction Services and Permitting Department.

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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- Within 6-18 months of execution of the Grant Agreement, request a “Review of Completed Work” from the City of St. Petersburg. (Length of time will vary based on size of project.)

Applicants requiring the execution of a Grant Agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the TIF Agreement, rescission of the Grant Award and return of the earmarked funding to the South St. Petersburg Redevelopment Trust Fund.

The Affordable Multifamily Housing Development Program is a multi-year program that pays rebates annually for a period of up to fifteen years. To be awarded the rebate, a project must be annually certified that it meets the affordable housing criteria that were the basis for the initial approval as well as the SHIP household income and rent limits that are applicable in that year. Failing this, the rebate will be revoked and all previous rebates repaid to the City by the applicant or successor.

## EXHIBIT 2

### Residential Property Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The Residential Property Improvement Grant program can be used for exterior and/or interior improvements on affordable or market-rate residential housing in the South St. Petersburg Community Redevelopment Area. Emphasis will be placed on funding substantial renovations that upgrade vital building systems and sustain and extend the economic life of a structure, such as plumbing, structural improvements, energy efficiency, HVAC and electrical wiring. The grant program supplements the City's annual investment in the "Rebates for Residential Rehabilitation" (RRR) but is focused on incentivizing the substantial renovation of multifamily housing (defined as three or more units in a building) by increasing the total grant award allowed for these projects.

#### II Consistency with South St. Petersburg Redevelopment Plan

Housing rehabilitation is vitally important in the CRA where new construction is faced with a significant gap in the cost to build versus the price for which units can be sold. The housing stock is substantially older in South St. Petersburg than the City at-large. Residential units built before 1970 represent 80 percent of the stock in the CRA, but only 59 percent of the City. With critical housing systems such as roofs, plumbing, HVAC and electrical in need of replacement every 15-20 years, houses of this age generally will have gone through at least their third generation of upgrades, if properly maintained.

There is also a substantial deficit of multifamily housing in South St. Petersburg. Throughout St. Petersburg, nearly 30 percent of all dwelling units are in complexes with five or more units, and 16 percent are in complexes with 20 or more units. In contrast, South St. Petersburg has fewer than 10 percent of its total dwelling units in multifamily complexes five units and larger, and only 3 percent in 20-unit or larger complexes. Retaining and increasing the availability and quality of multifamily units would help to alleviate the serious housing affordability issues facing renters in South St. Petersburg.

The Residential Property Improvement Grant program is designed to counteract these issues by promoting rehabilitation of both single-family and multifamily units that are either affordable or market rate. The program is consistent with the South St. Petersburg Community Redevelopment Plan by implementing several strategies identified in the "Housing and Neighborhood Revitalization" section of the Action Plan. This section calls for developing TIF Incentive Programs that:

- assists rental residential property owners in renovating their properties;

## EXHIBIT 2

### Residential Property Improvement Grant South St. Petersburg Tax Increment Financing Program

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- expands the City's successful "Rebates for Residential Rehab" program to provide a consistent source of annual funding support;
- increases the supply of affordable housing for both homeownership and rental opportunities; and
- provides incentives for developers of market rate housing in the CRA.

### III Type and Amount of Award

An applicant may receive a reimbursable grant equaling the lesser of 20 percent of the pre-construction value of eligible improvements or up to \$10,000 per unit. The maximum award for a multifamily project is \$90,000. The program requires a minimum investment of \$10,000 toward eligible improvements per residential unit. In order to utilize Pinellas County TIF contributions for this program, projects must meet the City's definition of affordable. For the purposes of this program, "affordable housing" is defined as housing meeting the needs of households whose income is 80 percent and below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation's SHIP Program, which are periodically adjusted.<sup>1</sup>

### IV Funding Source

City of St. Petersburg and Pinellas County TIF contributions to the South St. Petersburg Redevelopment Trust Fund. (Pinellas County TIF can only be spent on affordable housing when used with this program.)

### V Eligible Properties and Improvements

Exterior and/or interior improvements on affordable or market-rate residential housing with a focus on renovations of multifamily housing (defined as three or more units per building). Mixed-use projects with a residential component occupying more than 50 percent of the gross square footage of the building are eligible for the grant.

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<sup>1</sup> Text in strikethrough/underline format reflects substantive changes made by Administration to the TIF program since the South St. Petersburg CAC recommended approval on December 1, 2015.

## EXHIBIT 2

### Residential Property Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### VI Submission and Approval Requirements

Applications will be processed through the City's RRR program and abide by its established time frames for completion. However, applicants requiring a demonstration of the City's intent to provide TIF funding to secure additional financing will be allowed 90 days from the date of an approved RRR application to do so. Projects funded with Pinellas County's TIF contribution must be affordable and submit documentation that the units for which funding is sought meet the City's definition of affordable (see above).

#### VIII Compliance Requirements for Completed Projects

All projects funded through this program must comply with the requirements of the City's "Rebates for Residential Rehabilitation" program. Affordable units must be maintained for at least five years. The applicant is required to submit documentation annually for five years that the Project continues to provide affordable housing in accordance with the City's definition. Failure to do so will result in repayment of the rebate(s) to the City plus interest.

## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The Commercial Site Improvement Grant provides matching grants to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way.

#### II Consistency with South St. Petersburg Redevelopment Plan

The Commercial Site Improvement Grant program is consistent with the South St. Petersburg Community Redevelopment Plan by promoting revitalization of commercial corridors in the CRA by improving their appearance and upgrading building stock.

The South St. Petersburg Redevelopment Plan recognizes the importance of the CRA's commercial corridors in growing existing businesses and attracting new ones. In the Action Plan, under "Business Development and Job Creation", one strategy calls for working with owners along "primary commercial corridors in the CRA to maintain and upgrade their properties", while another specifically instructs the City to develop a TIF program that will "provide incentives to owners of land and buildings along the CRA's primary commercial corridors."

These strategies are reinforced in the Redevelopment Program and Funding Strategy, which details the implementation approach of the Plan and redevelopment programs that will carry it out. Improving the image and identity of South St. Petersburg to remedy blighting influences and encourage investment is a key feature of the Plan and TIF programs are to be designed for façade and site improvements for both residential and nonresidential properties. The Plan specifically states that "the main commercial corridors within the CRA will be a particular focus for this effort because they represent the front-doors to most neighborhoods and their appearance will drive or reduce investment." To that end, the Plan identifies among its CRA Business Programs a "Commercial Site Improvement Grant" that will provide matching grants to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way.

#### III Type and Amount of Award

An applicant may receive a one-for-one matching grant of up to \$20,000. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St.

## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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Petersburg Historic Preservation Ordinance. The TIF contribution will be reimbursable to the applicant upon completion of work.

#### IV Funding Source

City of St. Petersburg may allocate funding annually to this program from Pinellas County and/or City TIF contributions.

#### V Eligible Properties and Improvements

The Commercial Site Improvement Grant program is available to fund eligible exterior improvements on commercial, industrial and mixed use properties. TIF funding priority will be given for applications for properties located on the following commercial corridors in the South St. Petersburg CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

##### 1. Eligible Improvements

- Exterior painting, re-siding, and/or cleaning
- Masonry repairs
- Removal of architecturally inappropriate or incompatible exterior finishes and materials
- Restoration of significant architectural details or removal of materials that cover said architectural details
- Landscaping, fencing and buffer walls
- Installation or repair of exterior signage, including wall, window, hanging, and monument signs advertising the business name and identity
- Awnings and canopies installation or repair
- Doors and windows
- Roof repairs
- Exterior lighting

## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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- Demolition of obsolete structures
- Window and cornice flashing and repair

#### 2. Ineligible Improvements

- Installation of aluminum or vinyl siding
- Work performed by an unlicensed contractor
- Permitting and development review fees
- Improvements performed prior to approval of the TIF application
- New building construction
- Reducing or enclosing existing storefront windows
- Improvements to buildings constructed within the last 5 years
- Equipment, mechanical and HVAC systems
- Roof repairs (other than those portions that directly attach to a new or renovated façade)
- Security systems (including metal roll down gates, window bars, cameras)
- Any interior work
- Any improvements not visible from the public right-of-way
- Improvements in progress or completed prior to preliminary approval
- Routine maintenance
- Improvements to buildings solely used for residences

## VI Submission Procedures and Requirements

Applications are to be submitted in an 8"x10" envelope or larger with the project's name and location, the applicant's name and address and the name of the TIF funding program for which the application is being made to the Planning and Economic Development Department on the 8<sup>th</sup> Floor of the Municipal Service Building, which is located at 1 Fourth Street North, St. Petersburg, Florida, 33701. Enter through the door on the far left after exiting the elevator. Before leaving the envelope containing the application at the above location, please ensure that the date and time of submission has been recorded on the envelope by City staff. This is important because funding will be awarded to projects with complete applications on a first come, first served basis.

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## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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For more information, please contact

Mr. Rick D. Smith, AICP and CEcD  
Community Redevelopment Coordinator  
727-893-7106  
[rick.smith@stpete.org](mailto:rick.smith@stpete.org)

Application packages must include the following information:

- Completed and signed application form
- Copy of current business tax certificate
- Confirmation that mortgage, property insurance and property tax payments are current and in good standing.
- Documentation of property ownership or written consent from property owner giving permission to conduct the identified improvements. (The property owner will be required to sign the Grant Agreement to assume responsibility for maintenance of improvements funded by the Grant.)
- Legal description and survey of project site
- Proposed use is consistent with the City's Land Development Regulations
- Digital photographs of existing conditions of the project site
- Sketches or conceptual drawings of improvements that will be funded by the Grant.
- Written description of project improvements

Failure to provide required information will delay the review and/or approval process.

## VII Review and Approval Process

Projects will be awarded TIF funding on a first-come, first-served basis. The one-for-one reimbursement will be approved after an internal staff evaluation of the completed project's compliance with program guidelines and applicable codes of the City of St. Petersburg. Applicant will not receive funding until the project has been inspected and issued a Certificate of Occupancy by the City.

## VIII Compliance Requirements

Successful applicants must sign a Grant Agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the Grant. To ensure timely commencement and completion of the Project, the Applicant shall abide by the following deadlines:

## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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- Within 60 days of execution of the Grant Agreement, file a “Notice of Commencement” pursuant to the requirements of the City’s Construction Services and Permitting Department.
- Within 6-18 months of execution of the Grant Agreement, request a “Review of Completed Work” from the City of St. Petersburg. (The length of time will be based on the nature of the work.)

Applicants requiring the execution of a Grant Agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the TIF Agreement, rescission of the Grant Award and return of the earmarked funding to the South St. Petersburg Redevelopment Trust Fund.

The applicant must maintain the improvements in accordance with the terms of the grant agreement as well as the City’s Code of Ordinances.

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The Commercial Building Interior and Tenant Improvement Grant provides matching grants to commercial property owners for interior upgrades with a focus on projects that remedy degraded building systems and extend the economic viability of the building.

#### II Consistency with South St. Petersburg Redevelopment Plan

The Commercial Building Interior and Tenant Improvement Grant program is consistent with the South St. Petersburg Community Redevelopment Plan (CRP) by promoting revitalization of commercial corridors in the CRA by improving and upgrading building stock. This program is a companion to the Commercial Site Improvement Grant, which focuses on exterior improvements, by helping extend the economic viability of commercial buildings through upgrades to critical interior building systems.

The South St. Petersburg CRP recognizes the importance of the CRA's commercial corridors in growing existing businesses and attracting new ones. In the Action Plan, under "Business Development and Job Creation", one strategy calls for working with owners along "primary commercial corridors in the CRA to maintain and upgrade their properties", while another specifically instructs the City to develop a TIF program that will "provide incentives to owners of land and buildings along the CRA's primary commercial corridors." A further strategy calls for the adaptive reuse of underutilized buildings.

These strategies are reinforced in the Redevelopment and Funding Program, which details the implementation approach of the CRP and redevelopment programs that will carry it out. Improving the image and identity of South St. Petersburg to remedy blighting influences and encourage investment is a key feature of the Plan.

#### III Type and Amount of Award

An applicant may receive a one-for-one matching grant of up to \$20,000. Projects costing \$5,000 or less are not eligible for the program. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The TIF contribution will be reimbursable to the applicant upon completion of work.

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### IV Funding Source

The City of St. Petersburg may allocate funding annually from its TIF contributions to support this program.

#### V Eligible Properties and Improvements

The **Commercial Building Interior and Tenant Improvement Grant** program is available to fund eligible interior improvements on commercial, industrial and mixed-use properties. TIF funding priority will be given for applications for properties located on the following commercial corridors in the South St. Petersburg CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue Corridor (including 1<sup>st</sup> Avenues North and South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

##### 1. Eligible Improvements

- Equipment, mechanicals and HVAC systems
- Structure stabilization (repair/replacement of foundations, footers, load bearing walls, roofing systems)
- Room/space reconfiguration, wall relocations
- Plumbing and electrical
- Energy efficiency improvements (window upgrades, insulation, hot water heater, HVAC systems)
- Electronic security systems

##### 2. Ineligible Improvements

- Work performed by an unlicensed contractor
- Permitting fees
- Improvements performed prior to approval of the TIF application
- Any exterior work not made necessary by interior improvements (i.e., windows, air handlers, roofing systems)
- Routine maintenance

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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- Improvements in progress or completed prior to preliminary approval
- Painting when not associated with other improvements
- New building construction (additions to existing structures are permitted)
- Improvements to any residences, including those in mixed-use projects.  
(Commercial space associated with mixed use projects is eligible for funding)
- Improvements to buildings constructed within the last 5 years

## VI Submission Procedures and Requirements

Applications are to be submitted in an 8"x10" envelope or larger with the project's name and location, the applicant's name and address and the name of the TIF funding program for which the application is being made to the Planning and Economic Development Department on the 8<sup>th</sup> Floor of the Municipal Service Building, which is located at 1 Fourth Street North, St. Petersburg, Florida, 33701. Enter through the door on the far left after exiting the elevator. Before leaving the envelope containing the application at the above location, please ensure that the date and time of submission has been recorded on the envelope by City staff. This is important because funding will be awarded to projects with complete applications on a first come, first served basis.

For more information, please contact

Mr. Rick D. Smith, AICP and CEcD  
Community Redevelopment Coordinator  
727-893-7106  
[rick.smith@stpete.org](mailto:rick.smith@stpete.org)

Application packages must include the following information:

- Completed and signed application form
- Copy of current business tax certificate
- Confirmation that mortgage, property insurance and property tax payments are current and in good standing.
- Documentation of property ownership or written consent from property owner giving permission to conduct the identified improvements. (The property owner will be required to sign the Grant Agreement to assume responsibility for maintenance of improvements funded by the Grant.)
- Legal description and survey of project site
- Use must be consistent with the City's land development regulations

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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- Digital photographs of existing conditions of the project site
- Written description of project improvements
- Sketches or conceptual drawings of improvements that will be funded by the Grant.

Failure to provide required information will delay the review and/or approval process.

#### **VII Review and Approval Process**

Projects will be awarded TIF funding on a first-come first-served basis. The one-for-one reimbursement will be approved after an internal staff evaluation of the completed project's compliance with program guidelines and applicable codes of the City of St. Petersburg. Applicant will not receive funding until the project has been inspected and issued a Certificate of Occupancy by the City.

#### **VIII Compliance Requirements**

Successful applicants must sign a Grant Agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the Grant. To ensure timely commencement and completion of the Project, the Applicant shall abide by the following deadlines:

- Within 60 days of execution of the Grant Agreement, file a "Notice of Commencement" pursuant to the requirements of the City's Construction Services and Permitting Department.
- Within 6-18 months of execution of the Grant Agreement, request a "Review of Completed Work" from the City of St. Petersburg. (Length of time will depend on the nature of work to be performed.)

Applicants requiring the execution of a Grant Agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the TIF Agreement, rescission of the Grant Award and return of the earmarked funding to the South St. Petersburg Redevelopment Trust Fund. The applicant must maintain the improvements in accordance with the terms of the Grant Agreement as well as the City's Code of Ordinances.

## Exhibit 5

### Neighborhood Commercial ~~District~~ Corridor Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

~~The purpose of the Neighborhood Commercial District Public-Private Partnership Fund program is for the City to make investments in public-private economic development projects that create jobs, add to the tax base, leverage private sector investment, strengthen business districts, redevelop property or create new commercial space and add to the quality of life for neighborhoods. The Neighborhood Commercial District Fund is a city-wide program supported by revenue from the general fund and the South St. Petersburg TIF district. However, any project funded by TIF revenue must be located within the boundaries of the TIF district.<sup>1</sup>~~

The Neighborhood Commercial Corridor Public-Private Partnership Fund (P3 Fund) provides grant awards to projects<sup>2</sup> that enhance established business districts by redeveloping properties, decreasing vacancy rates, adding to the tax base, creating jobs, leveraging private sector investment, and improving the quality of life for surrounding neighborhoods through removal of blight<sup>3</sup> and underutilized properties.

#### II Consistency with South St. Petersburg Redevelopment Plan

The Neighborhood Commercial Corridor P3 Fund program is consistent with the South St. Petersburg Community Redevelopment Plan (CRP) by promoting revitalization of commercial corridors in the CRA, improving their appearance and upgrading their building stock.

The South St. Petersburg CRP recognizes the importance of the CRA's commercial corridors in growing existing businesses and attracting new ones. In the Action Plan, under "Business Development and Job Creation", one strategy calls for working with owners along "primary commercial corridors in the CRA to maintain and upgrade their properties", while another specifically instructs the City to develop a TIF program that will "provide incentives to owners of land and buildings along the CRA's primary commercial corridors." A further strategy calls for the adaptive reuse of underutilized buildings.

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<sup>1</sup> Text in strikethrough/underline format reflects substantive changes made by Administration to the TIF program since the South St. Petersburg CAC recommended approval on December 1, 2015.

<sup>2</sup> "Project" is defined as work on new or existing commercial development.

<sup>3</sup> "Blight" is defined as a condition that results in substantial diminution of property values of one or more properties in the same block or in a block adjacent to the block in which the condition is located, or a condition that endangers life or property.

## Exhibit 5

### Neighborhood Commercial ~~District Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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These strategies are reinforced in the Redevelopment Program and Funding Strategy, which details the implementation approach of the Plan and redevelopment programs that will carry it out. Improving the image and identity of South St. Petersburg to remedy blighting influences and encourage investment is a key feature of the Plan and TIF programs are to be designed for façade and site improvements for both residential and nonresidential properties. The Plan specifically states that “the main commercial corridors within the CRA will be a particular focus for this effort because they represent the front-doors to most neighborhoods and their appearance will drive or reduce investment.”

### III Type and Amount of Award

An applicant may receive ~~a reimbursable grant equaling the lesser of 10 percent of the project cost or up to \$50,000 as a grant award for an approved project.~~ Disbursement of the grant from the City will occur after the project is completed. Projects costing \$100,000 or less are not eligible for the program nor are applicants who are eligible for the City’s “Social Action Funding” program.

### IV Funding Source

City of St. Petersburg TIF contributions to the South St. Petersburg Redevelopment Trust Fund and General Fund budget allocations.

### V Eligible Projects

The Neighborhood Commercial Corridor P3 Fund is available to fund the costs support projects on commercial corridors, outside of the downtown core that provide visible improvements to a building or site, decrease vacancy rates of the area, retain or create jobs, and/or create new commercial space. The intent of the P3 Fund is business development, thus the applicant should be an occupant of the building or a property owner that demonstrate evidence that the building will be occupied by a business, including hard and soft costs, for commercial development. The program may be used for renovation or new construction that results in additional office or retail space. Additionally, eligible projects must demonstrate that “but for” city investment, the project would not achieve a return on investment.

## Exhibit 5

### Neighborhood Commercial ~~District-Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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Mixed-use projects that include residential units are eligible for the “3P Fund” provided the majority of the project is office or retail, i.e., greater than 50 percent of gross floor area of the building is devoted to non-residential use.

TIF funding priority will be given for applications for properties located on the following commercial corridors in the South St. Petersburg CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

## VI Approval Process

Applicants will submit the application to the City Development Administration office.

Application packages will be reviewed by a review committee, and final approval of a project will be made by the City Development Administrator.

Applicants will be informed of approval decision within 45 days of submittal of all requested information. Projects must commence within 180 days of grant approval notice.

## VII Minimum Selection Criteria

~~Projects must demonstrate that they meet 10 out of the 14 eligibility criteria:~~

- ~~• Located in a targeted economic development area, excluding the downtown core~~
- ~~• Decreases vacancy rate~~
- ~~• Rehabilitates and returns to service a vacant commercial structure~~
- ~~• Adds new commercial square footage to business district through new construction or adaptive reuse of a building formerly used for non-commercial purposes.~~
- ~~• Located in a Census Tract eligible for New Markets Tax Credits. (These are census tracts where the poverty rate is at least 20% and where the median family income does not exceed 80% of the area median family income.)~~

## Exhibit 5

### Neighborhood Commercial ~~District~~ Corridor Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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- ~~Renovates a building listed on the Local or National Register of Historic Places. (Also, allow property owners to seek designation.)~~
- ~~Creates or retains at least 5 jobs~~
- ~~Demonstrates at least \$100,000 of capital investment (excluding land)~~
- ~~Capital investment (excluding land) by applicant represents more than 75% of total project costs.~~
- ~~Applicant has attended 3 business development sessions at the Greenhouse~~
- ~~Receives at least 2 letters of public support from local business or neighborhood association~~
- ~~Company employs 20 employees or less~~
- ~~Visibly improves exterior building, site, and/or essential interior building systems such as plumbing, electrical, HVAC, and energy efficiency improvements.~~
- ~~Obtains a city approved plan~~

Projects will be awarded funding based the ability to meet the following criteria. If the project is multi-phased, it may be eligible for renewal of funding in the subsequent fiscal year.

#### Funding Criteria for up to \$25,000 Grant Award

- Located on a commercial corridor identified in Section V above.
- Capital investment (excluding land) by applicant represents more than 75% of total project costs with a minimum capital investment of \$100,000.
- Rehabilitates and returns to service a vacant commercial structure or adds new commercial square footage to business district through new construction or adaptive reuse of a building formerly used for non-commercial purposes.
- Visibly improves exterior building, site, and/or essential interior building systems such as plumbing, electrical, HVAC, and energy efficiency improvements.
- Business must occupy space.

#### Funding Criteria for up to \$50,000 Grant Award

The project meets the six criteria listed above has the 4 above merits—plus creates or retains at least five full-time jobs in South St. Petersburg.

#### Funding Criteria for up to \$100,000 Grand Award

The project meets the minimum requirements for a \$50,000 grant award, plus the following:

## Exhibit 5

### Neighborhood Commercial ~~District Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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- Capital investment (excluding land) by applicant represents more than 75% of total project costs with a minimum capital investment of \$500,000
- Creates or retains at least 10 jobs OR facilitates the relocation of a company with 10 or more employees to South St. Petersburg

## VIII Submission Requirements

Application packages must include documentation that illustrates the impact of the project and its cost. Failure to provide all required information will delay the review and approval process. Applications must include the following attachments:

- Complete application form (includes proforma).
- Documentation of property ownership or written consent from property owner giving permission to conduct identified improvements. The property owner will be required to sign the Grant Agreement to assume responsibility for maintenance of improvements funded by the Grant.
- Estimated cost of project. (Applicant must provide a cost breakdown by project element.)
- Digital photographs of existing conditions of project.
- Written description of project with drawings as appropriate.
- Three signed bids from licensed contractors itemizing the estimated cost of improvements to be funded by the Grant.
- Sketches or conceptual drawings of improvements that will be funded by the Grant.
- Documentation of required private investment of a minimum of \$100,000 or more, dependent on the amount of grant funding requested.
- Copy of current business license.
- Copy of current property insurance.
- Encumbrance and title reports demonstrating that owner has clear title and the status of any encumbrances on the property.
- Documentation of all other properties owned by applicant demonstrating that those properties are in good condition and in good standing with the city – no liens, etc.
- Legal description and survey of project site.
- Documentation that proposed use is consistent with the City's Land Development Regulations.

## Exhibit 5

### Neighborhood Commercial ~~District Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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#### VIII Disbursement of Funds and Compliance Requirements

Funding will be ~~awarded~~ disbursed by the City after project completion and receipt of Certificate of Occupancy. ~~Successful applicants must sign a grant agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the grant. The applicant must maintain the improvements in accordance with the terms of the grant agreement as well as the City's Code of Ordinances. Projects must be completed within 18 months or the earmarked funding will be released for another project.~~

~~Applicants requiring the execution of a grant agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the grant agreement, rescission of the Grant Award and return of the earmarked funding to either the general fund or the South St. Petersburg Redevelopment Trust Fund.~~

## EXHIBIT 6

### CRA Grant Match Program

#### South St. Petersburg Tax Increment Financing Program

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### I Description and Purpose

The CRA Grant Match Program utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to provide a local matching share for federal, state foundation and other grant applications that would implement programs and strategies identified in the South St. Petersburg Redevelopment Plan.

### II Consistency with the South St. Petersburg Redevelopment Plan

Leveraging existing federal, state and nonprofit funding programs will be an important implementation approach of the South St. Petersburg Community Redevelopment Plan (CRP). For instance, there are at least twelve federal agencies with more than thirty-five funding opportunities that range in focus from “place-based” activities such as housing, economic development and community infrastructure to “people-based” activities like access to capital, education and workforce development. All of these activities are featured in the Redevelopment Plan for South St. Petersburg and would support the multifaceted approach the community is taking to support revitalization of South St. Petersburg. Many of these grants will require a local matching share to ensure the City’s minimum eligibility to apply.

The CRA Grant Match Program is consistent with the South St. Petersburg Community Redevelopment Plan by availing resources to better compete for grants that can assist with the revitalization of South St. Petersburg. The Action Plan and the Redevelopment Program and Funding Strategy call for using TIF funding as a match “when the proceeds of the grant will be used for activities specified in the Redevelopment Plan.”

### III Funding Source and Amount

The City of St. Petersburg may allocate funding annually from both City and Pinellas County TIF contributions to support the **CRA Grant Match Program**. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually and by budget amendment if necessary.

## EXHIBIT 7

### CRA Property Acquisition and Preparation Program South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The CRA Property Acquisition and Preparation Program utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to acquire properties and consolidate and prepare development sites within the South St. Petersburg CRA to promote housing, economic development and revitalization of the CRA. The land assembly effort may also involve demolition of existing structures, vacating streets, alleyways and relocating associated utilities such as water, sewer and stormwater facilities. Site preparation work may also require the performance of preliminary environmental reviews to assess the extent of contamination on the site.

#### II Consistency with the South St. Petersburg Redevelopment Plan

Land assembly, consolidation, site preparation and conveyance are essential activities for encouraging residential, commercial and industrial development in the South St. Petersburg CRA. It is one of the core activities identified in the Community Redevelopment Act of 1969 for Florida cities to undertake in revitalizing their communities.

The CRA Property Acquisition and Preparation Program is consistent with activities described in the South St. Petersburg Community Redevelopment Plan (CRP). In both its Action Plan as well as Redevelopment Program, the South St. Petersburg CRP identifies acquisition and site preparation as important implementation approaches in the CRA. Under Business Development, the Action Plan calls for promoting business retention, expansion and relocation efforts through acquisition and disposition of land, with priority given to “facilitating the creation of larger holdings suitable for industrial and business use.” The same approach is encouraged in Housing and Neighborhood Revitalization to purchase “residential property and convey to housing developers for less than fair value to lower development costs.”

The Redevelopment Program and Funding Strategy chapter identifies land assembly and site preparation as an important implementation strategy that will leave the City “well-positioned to facilitate new development as well as provide expansion opportunities for local businesses.” To assist in neighborhood revitalization, the City will also be acquiring properties within the CRA, including “nuisance properties whose activities, uses or appearance undermine the revitalization effort, or unforeseen opportunities that may arise which if capitalized on would help spur ongoing redevelopment.” To these ends, the Redevelopment Program calls for the City to use tax increment financing for “assembly

## EXHIBIT 7

### **CRA Property Acquisition and Preparation Program** South St. Petersburg Tax Increment Financing Program

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and site preparation of property throughout South St. Petersburg to facilitate residential and nonresidential development.”

### **III Funding Source and Amount**

The City of St. Petersburg may allocate funding annually from both City and Pinellas County TIF contributions to support the **CRA Property Acquisition and Preparation Program**. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually and by budget amendment if necessary.

## EXHIBIT 8

### Redevelopment Loan Program South St. Petersburg Tax Increment Financing Program

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#### **I Description and Purpose**

The Redevelopment Loan Program provides funding to a South St. Petersburg loan pool to support the lending efforts in the CRA by the City's financial partners.

#### **II Consistency with the South St. Petersburg Redevelopment Plan**

Lack of capital is the biggest challenge to growing and sustaining small businesses not only in South St. Petersburg CRP but throughout Florida and the United States. The South St. Petersburg Community Redevelopment Plan continues the City's policy of marketing business incentives and finance opportunities such as SBA Loans and Enterprise Zone tax incentives, but also develops lending programs using tax increment financing to increase capital availability in the CRA.

The Redevelopment Loan Program is consistent with the South St. Petersburg CRP by furthering strategies in the Action Plan calling for collaboration with "financial institutions to develop a South St. Petersburg lending facility that pools resources to lower risk, streamlines bank approval and servicing procedures and provides a range of loans meeting the needs of the CRA, such as construction loans, microloans, working capital, and loan guarantees." The Action Plan also identifies tax increment financing as an important funding source for the lending facility. The Redevelopment Program and Funding Strategy proposes a loan program that can be used to provide a range of loans meeting the needs of the CRA, such as construction loans, microloans, working capital, and loan guarantees.

#### **III Funding Source**

The City of St. Petersburg may allocate revenue annually from its TIF contributions to support the loan program.

#### **IV Program Goals and Objectives**

The Redevelopment Loan Program uses TIF and other City funds for bridge loans, microloans, subordinated long-term debt, loan guarantees and other financial vehicles to close financing gaps for projects to ensure they can be bankable through conventional lenders. The City will partner with financial institutions to create a lending pool that will support the borrowing needs of the CRA's businesses and residents. Emphasis will be placed on loans for purchase or improvements to real estate, expansion of business operations through increased hiring, expanded facility and replacement/improvements to capital plant, and working capital.

## EXHIBIT 9

### **“Paint Your Heart Out” Program** South St. Petersburg Tax Increment Financing Program

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#### **I Description and Purpose**

The “Paint Your Heart Out” Program provides funding to the City’s Neighborhood Team to help property owners in targeted areas of the CRA refurbish and refresh the exterior of their properties.<sup>1</sup> The Program encourages collaboration with volunteers and non-profit and for-profit entities such as the CRA’s neighborhood associations and Main Streets, Habitat for Humanity, Leadership St. Petersburg, Dream Center and other entities to leverage the City’s TIF contribution.

#### **II Consistency with the South St. Petersburg Redevelopment Plan**

The South St. Petersburg Community Redevelopment Plan recognizes that successful revitalization programs improve the investment climate of a neighborhood by removing blight and enhancing its image and leveraging the efforts of citizens and nonprofit organizations to accomplish these ends. The “Paint Your Heart Out” Program is consistent with the intent of the South St. Petersburg CRP by creating “an incentive program that will provide façade improvement grants or loans to residential property owners.” The CRP also encourages upgrades to the exteriors of properties along commercial corridors and calls for the City to develop incentive programs to serve this end. Among other programs designed to implement this strategy, the Redevelopment Program and Funding identifies a program providing small grants to property owners that paint their property.

In addition to physical improvements to properties, the South St. Petersburg CRP encourages collaboration and provides funding for the neighborhood revitalization activities of nonprofit organizations as well as involving neighborhood associations. The CRP calls for supporting volunteer initiatives, “such as Carefest, Scrubbin da ‘Burg, which connect various organizations such as neighborhood associations, faith-based groups, civic groups and schools.”

#### **III Funding Source**

The City of St. Petersburg may allocate funding annually from its TIF contributions to support the “Paint Your Heart Out” Program. The funding amount will be determined annually and by budget amendment if necessary. It is the intent of the program for the City to collaborate with other entities to better leverage its contribution.

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<sup>1</sup> The N-Team, as it is known, is comprised of City staff and volunteers and has as one of its several programs a “Paint Day” that utilizes 8 to 15 individuals to paint a house as a team in one day. The N-Team also provides a range of services to St. Petersburg homeowners who are elderly, disabled, or low-income including handicap access, minor roof and plumbing repair, code violation remedies and overgrowth removal.

## EXHIBIT 10

### Workforce Readiness and Development Program South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The **Workforce Readiness and Development Program** provides annual funding to accredited educational and job training providers, such as Career Source, St. Petersburg College and Pinellas Technical College, to prepare CRA residents for job opportunities with emerging St. Petersburg jobs through training, education and job placement.

#### II Consistency with the South St. Petersburg Redevelopment Plan

Poverty and unemployment underpin the blighted conditions of the CRA and the **Workforce Readiness and Development Program** is consistent with the South St. Petersburg Community Redevelopment Plan (CRP) by implementing a “people based” economic development strategy that prepares residents of the CRA for job opportunities. The CRP notes that “these programs are necessary to ensure that the Redevelopment Plan not only revitalizes South St. Petersburg as a place but also increases the economic prospects of the people living there allowing them to remain in the neighborhood without being displaced by successful redevelopment efforts.” Ultimately, the CRP intends to avail capital through tax increment financing to providers of early childhood, work readiness and workforce development programs that will facilitate opportunities for existing and future residents of South St. Petersburg.

The CRP Action Plan calls for the City to provide funding to accredited workforce development providers such as Pinellas Technical College, St. Petersburg College and CareerSource Pinellas to “train residents of South St. Petersburg for entry into the workforce as well as later career opportunities.” The Action Plan also encourages the development of a TIF incentive program that will pay for businesses to train residents of South St. Petersburg. Finally, a high priority of the CRP is supporting and helping fund workforce readiness programs that train youth and young adults in the CRA.

The CRP Redevelopment Program and Funding Strategy reinforces the Action Plan by emphasizing that a portion of tax increment revenue be used to “enhance the capacity of early education, work readiness and workforce development providers to improve ‘Cradle to Career’ opportunities for residents.” To that end, the CRP specifically calls for the development of an “urban apprenticeship” program that will fund the aforementioned workforce development providers to train residents of South St. Petersburg for entry into the workforce as well as later career opportunities. In addition, the Redevelopment Program understands the importance of workforce readiness for teens and young adults and proposes using TIF funding to support these efforts.

## EXHIBIT 10

### Workforce Readiness and Development Program South St. Petersburg Tax Increment Financing Program

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#### III Funding Source

The City of St. Petersburg may allocate tax increment financing revenue annually to support the workforce readiness and development efforts of accredited educational and job training entities and assist businesses and other organizations in training residents of the CRA.

#### IV Program Goals and Objectives

The **Workforce Readiness and Development Program** is focused on linking CRA residents with job opportunities that will be created in the St. Petersburg Commerce Park as well as throughout the CRA.

1. Identify 10 (ten) St. Petersburg companies to participate in the program and pledge to give the CRA residents first priority in job opportunities with their company.
  - a. The Program will work to place 20 (twenty) CRA residents in jobs offered by the ten private sector participants.
2. The Program will work with other job training providers to recruit at least 30 (thirty) CRA residents for targeted job training supported by private sector participants.
3. The Program will work with education providers to recruit at least 15 (fifteen) CRA residents to attend education in targeted occupations supported by the private sector participants.
4. The City will facilitate and finance the above objectives.

**ST. PETERSBURG CITY COUNCIL**  
Meeting of February 4, 2016

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

**SUBJECT** A Resolution by City Council approving the FY2016-2020 budget for the Redevelopment Trust Fund of the South St. Petersburg Community Redevelopment Area.

**RECOMMENDATION** Administration recommends City Council approve the attached Resolution.

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**OVERVIEW**

On May 21, 2015, St. Petersburg City Council adopted a Community Redevelopment Plan (Plan) for the South St. Petersburg Community Redevelopment Area (CRA) that also established a tax increment financing district for the entire 7.4-sq.mi. South St. Petersburg CRA (Ord. #169-H). Tax increment financing (TIF) directs a percentage of future increases in St. Petersburg and Pinellas County property tax revenues generated within a TIF district into a special redevelopment trust fund. This increased revenue, known as the "increment", is then used to fund eligible redevelopment projects within the boundaries of the TIF district. The trust fund provides a sustainable source of revenue for revitalization programs identified in the South St. Petersburg Plan.

Each fiscal year, the Community Redevelopment Agency (Agency) will recommend and City Council will approve a budget for the South St. Petersburg CRA Redevelopment Trust fund allocating the anticipated TIF contributions from the City of St. Petersburg and Pinellas County. Based on the increase in property values in the South St. Petersburg CRA since its establishment in 2015, the TIF district yielded \$487,369.58 in revenue for FY2016 with the City responsible for a payment of \$285,773.32 to the trust fund, while the County will be contributing its share of \$201,596.26 by April 15, 2016. (The actual amounts may differ based on final tax rolls.)

City Council is being asked to approve allocations of City and County TIF contributions into three budget categories identified in the South St. Petersburg Plan based on annual priorities identified by Administration and the South St. Petersburg Citizen Advisory Committee (CAC). These three budget categories are

- Business Development
- Housing and Neighborhood Revitalization
- Education, Job Readiness and Workforce Development

The various TIF programs that have been approved by City Council to implement the South St. Petersburg Redevelopment Plan will be included in one or more of these three budget

categories without funding levels identified. Administration will then allocate the available revenue for, say, Business Development to the TIF programs associated with it as demand warrants. If during the fiscal year, demand is greater for TIF programs in Business Development than in Housing and Neighborhood Revitalization, Administration will request City Council to approve a formal amendment changing the revenue allocations between the two budget categories.

This approach is advisable because most of the TIF revenue from the redevelopment trust fund will be distributed during any given year through awards to businesses, property owners and/or residents of the CRA on a first come, first served basis. The demand for any TIF program will be unknown so setting annual funding levels for each TIF program would invite frequent amendments as they may be under- or oversubscribed. In addition, Pinellas County restrictions on the use of its TIF complicates this issue further.

**PROPOSED FY2016 BUDGET ALLOCATION FOR THE SOUTH ST. PETERSBURG REDEVELOPMENT TRUST FUND**

The redevelopment program for the South St. Petersburg Plan utilizes an initial budgeting formula that allocates 50 percent of annual TIF revenues to business development programs, 40 percent to housing and neighborhood revitalization programs, and 10 percent for workforce readiness and training programs. Administration, the CAC and Agency are recommending these same funding percentages for FY2016 (see Exhibit 1 of the attached resolution). If approved by City Council, the TIF revenue will be allocated as follows

Business Development	\$243,685
Housing and Neighborhood Revitalization	\$194,948
Education, Job Readiness and Workforce Development	\$48,737
<b>Total TIF Revenue for FY2016</b>	<b>\$487,370</b>

However, it is important to stress that the Plan allows allocation percentages to budget categories to change over time based on City and CAC priorities and anticipates that the original budgeting percentage established in the Plan may not be the same when the Plan expires in 2045.

**OVERVIEW OF SOUTH ST. PETERSBURG TAX INCREMENT FINANCING PROGRAMS**

The ten tax increment financing programs described below will be the vehicles through which the FY2016 annual budget allocations will be expended. City Council is being asked to approve these first TIF programs by resolution at its February 4, 2016, public meeting. Additional TIF programs identified in the South St. Petersburg Redevelopment Plan will be developed and approved over the next two years. The detailed program requirements for these ten programs

can be found in the February 4, 2016, report to City Council. The programs have been organized by the major budget category under which they fall.

A. BUSINESS DEVELOPMENT PROGRAMS

**COMMERCIAL SITE IMPROVEMENT GRANT** program provides a reimbursable grant to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way. An applicant may receive a one-for-one matching grant of up to \$20,000. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given to applications for properties located on the following commercial corridors in the CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

**COMMERCIAL BUILDING INTERIOR AND TENANT IMPROVEMENT GRANT** provides matching grants from the City's TIF contribution to commercial property owners for interior upgrades with a focus on projects that remedy degraded building systems and extend the economic viability of the building. An applicant may receive a one-for-one matching grant of up to \$20,000. Projects costing \$5,000 or less are not eligible for the program. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given for applications for properties located on the following commercial corridors in the CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South

- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

**NEIGHBORHOOD COMMERCIAL CORRIDOR PUBLIC PRIVATE PARTNERSHIP FUND (P3 Fund)** provides grant awards to projects that enhance established business districts by redeveloping properties, decreasing vacancy rates, adding to the tax base, creating jobs, leveraging private sector investment, and improving the quality of life for surrounding neighborhoods through removal of blight and revitalizing vacant or underutilized properties. The P3 Fund is a city-wide program supported by revenue from both the general fund and the City's TIF contribution to the South St. Petersburg Redevelopment Trust Fund. (Any project funded from the trust fund must be located in the CRA.) An applicant may receive up to \$50,000. Projects costing \$100,000 or less are not eligible for the program.

B. HOUSING AND NEIGHBORHOOD REVITALIZATION PROGRAMS

**AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENT PROGRAM** provides an annual property tax rebate for up to fifteen years on increases in ad valorem taxes for all applicable Pinellas County taxing authorities for developers of new and substantially renovated affordable multifamily housing in the CRA. The rebate, which must first be approved by the Agency and City Council, will be based on the increase in ad valorem taxes in the first year the completed project goes on the tax rolls. The maximum award is \$50,000 per project per year and both City and County TIF contributions will be used to fund the program. For the purposes of this program, "affordable housing" is defined as housing meeting the needs of households whose income is 80 percent or below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation's SHIP Program.

**RESIDENTIAL PROPERTY IMPROVEMENT GRANT** program reimburses approved applicants for eligible exterior and interior improvements on affordable or market-rate residential housing in the CRA. Emphasis will be placed on funding substantial renovations that upgrade vital building systems and sustain and extend the economic life of a structure. The grant program supplements the City's annual investment in the "Rebates for Residential Rehabilitation" (RRR) but is focused on incentivizing the substantial renovation of multifamily housing (defined as three or more units in a building) by increasing the total grant award allowed for these projects. An applicant may receive a reimbursable grant equaling the lesser-of 20 percent of the pre-construction value of eligible improvements or up to \$10,000 per unit. The maximum award for a multifamily project is \$90,000. The program requires a minimum investment of \$10,000 toward eligible improvements per residential unit. City and County TIF contributions can be

used for this program if used for an affordable project. Otherwise, only the City share is available. Affordable units must be maintained for at least five years.

**“PAINT YOUR HEART OUT” PROGRAM** provides funding to the City’s Neighborhood Team to help property owners in targeted areas of the CRA refurbish and refresh the exterior of their properties. The Program encourages collaboration with volunteers and non-profit and for-profit entities such as the CRA’s neighborhood associations and Main Streets, Habitat for Humanity, Leadership St. Petersburg, Dream Center and other entities to leverage the City’s TIF contribution. The funding amount will be determined annually and by budget amendment if necessary.

C. EDUCATION, JOB READINESS AND WORKFORCE DEVELOPMENT

**WORKFORCE READINESS AND DEVELOPMENT PROGRAM** provides annual funding to accredited educational and job training providers, such as Career Source, Pinellas Technical College and St. Petersburg College, to prepare CRA residents for job opportunities with emerging St. Petersburg jobs through training, education and job placement. The program is focused on linking CRA residents with job opportunities that will be created in the St. Petersburg Commerce Park as well as throughout the CRA.

D. TIF PROGRAMS AVAILABLE FOR ONE OR MORE BUDGET CATEGORIES

**CRA GRANT MATCH PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to provide a local matching share for federal, state foundation and other grant applications that would implement programs and strategies identified in the South St. Petersburg Redevelopment Plan. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.

**CRA PROPERTY ACQUISITION AND PREPARATION PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to acquire properties and consolidate and prepare development sites within the South St. Petersburg CRA to promote housing, economic development and revitalization of the CRA. The land assembly effort may also involve demolition of existing structures, vacating streets, alleyways and relocating associated utilities such as water, sewer and stormwater facilities. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.

**REDEVELOPMENT LOAN PROGRAM** provides funding to a South St. Petersburg loan pool to support the lending efforts in the CRA by the City’s financial partners for CRA businesses and residents. The program, which will supplement the city-wide loan consortium

program being assembled by City Development Administration, will use TIF and other City funds for bridge loans, microloans, subordinated long-term debt, loan guarantees and other financial vehicles to close financing gaps for projects to ensure they can be bankable through conventional lenders. Emphasis will be placed on loans for purchase or improvements to real estate, expansion of business operations through increased hiring, expanded facility and replacement/improvements to capital plant, and working capital.

## **RECOMMENDATION**

Administration recommends City Council approve the attached Resolution.

Attachments: Budget Resolution with Exhibit 1 - FY2016-2020 Budget for the South St. Petersburg  
Redevelopment Trust Fund

NO. 2016 - \_\_\_\_\_

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG APPROVING THE FY2016-2020 REDEVELOPMENT PLAN FOR THE REDEVELOPMENT TRUST FUND FOR THE SOUTH ST. PETERSBURG COMMUNITY REDEVELOPMENT AREA (EXHIBIT 1) AND A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$487,369.58 FROM THE UNAPPROPRIATED FUND BALANCE OF THE SOUTH ST. PETERSBURG REDEVELOPMENT DISTRICT (1104) FOR TRANSFER TO THE GENERAL CAPITAL IMPROVEMENT FUND (3001); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg City Council approved Resolution No. 2013-247, on June 20, 2013, which made a finding of necessity identifying the South St. Petersburg Community Redevelopment Area (CRA) as blighted, pursuant to Florida's Community Redevelopment Act of 1969 (Chapter 163, Part III) and was delegated authority by the Pinellas County Board of County Commissioners (BCC) on June 9, 2014, in order to carry out certain redevelopment functions within the CRA;

WHEREAS, the City of St. Petersburg City Council approved a Community Redevelopment Plan (Plan) for the South St. Petersburg CRA on May 21, 2015 (Ord. #169-H), which included establishment of a tax increment financing district and redevelopment trust fund for the entire 7.4-sq.mi. South St. Petersburg CRA;

WHEREAS, the Pinellas County Board of County Commissioners approved the Plan on June 2, 2015 (Res. #15-48), delegated authority to the City of St. Petersburg to establish a redevelopment trust fund for the entire CRA, and approved on June 23, 2015, Ord. #15-27 establishing a redevelopment trust fund for the entire South St. Petersburg CRA and establishing FY2014 as the base year on which future increments in property values in the CRA will be based;

WHEREAS, pursuant to the "Interlocal Agreement between the City of St. Petersburg and Pinellas County for the Governance of the South St. Petersburg Community Redevelopment Area" (June 2, 2015), until May 21, 2045, the City of St. Petersburg will annually deposit into the South St. Petersburg Redevelopment Trust Fund a sum no less than the tax revenue generated from 95 percent of the tax increment created each year in the CRA and Pinellas County will contribute 85 percent of the tax increment created each year in the CRA;

WHEREAS, based on the increase in property values in the South St. Petersburg CRA in 2015, the district will generate an estimated \$487,369.58 in increment revenue that

includes the City contribution of \$285,773.32 in its FY2016 adopted Budget to the trust fund and a Pinellas County contribution of \$201,596.28 by April 15, 2016; the actual amounts may differ;

WHEREAS, the South St. Petersburg Redevelopment Plan identifies three major program areas in which tax increment financing revenue can be spent, which are Business Development, Housing and Neighborhood Revitalization, and Education, Job Readiness and Workforce Development;

WHEREAS, the redevelopment program for the South St. Petersburg Plan utilizes an initial formula that allocates 50 percent of annual TIF revenues to business development programs, 40 percent to housing and neighborhood revitalization programs, and 10 percent for workforce readiness and training programs, but also recognizes that the funding allocation percentages to the three programs can be changed over time to reflect City priorities;

WHEREAS, on December 1, 2015, the Citizen Advisory Committee for the South St. Petersburg CRA unanimously voted to recommend that St. Petersburg Community Redevelopment Agency and City Council approve the FY2016-2020 budget for the CRA redevelopment trust fund with the program allocation percentages identified above; and

WHEREAS, at its February 4, 2015, public meeting, the St. Petersburg Community Redevelopment Agency recommended that the St. Petersburg City Council approve the FY2016-2020 budget for the CRA redevelopment trust fund with the program allocation percentages identified above.

NOW, THEREFORE, BE IT RESOLVED, that the St. Petersburg City Council does hereby approve the FY2016-2020 Redevelopment Plan for the Redevelopment Trust Fund of the South St. Petersburg Community Redevelopment Area (see Exhibit 1) and a supplemental appropriation for FY2016 in the amount of \$487,369.58 from the unappropriated balance of the South St. Petersburg Redevelopment District (1104) to the General Capital Improvement Fund (Projects TBD) allocating the revenue to the three budget categories in the following manner.

Business Development (Project TBD)	\$243,685
Housing and Neighborhood Revitalization (Project TBD)	\$194,948
Education, Job Readiness and Workforce Development (Project TBD)	<u>\$48,737</u>
<b>Total FY2016 South St. Petersburg TIF Revenue</b>	<b>\$487,370</b>

NOW, THEREFORE, BE IT FURTHER RESOLVED, that any revisions to the above funding allocation by program will require approval by City Council.

Passed by St. Petersburg City Council in regular session on the 4<sup>th</sup> day of February, 2016.

APPROVED AS TO FORM AND CONTENT:      APPROVED BY:



City Attorney (Designee)



Dave Goodwin, Director  
Planning and Economic Development



Tom Greene, Director  
Budget & Management

# Exhibit 1

## FY2016-2020 Budget for South St. Petersburg CRA Redevelopment Trust Fund

Sources of Revenue	Source	Targeted Allocation % (1)	Current Fiscal Year					Projected Budgets (FY2017 through FY2020)					Total (2016-20)
			2016		2017		2018		2019		2020		
			St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas	
<b>City and County Annual TIF Contributions</b>			\$285,773	\$201,596	\$359,487	\$253,597	\$434,675	\$306,637	\$511,366	\$360,739	\$589,591	\$445,922	<b>Total Project Costs</b>
<b>Total Annual Revenue</b>			\$487,370	\$487,370	\$613,084	\$1,100,453	\$741,312	\$1,841,765	\$872,105	\$372,105	\$589,591	\$445,922	
<b>Projected Cumulative Revenue Totals</b>			\$487,370	\$487,370	\$1,100,453	\$2,200,906	\$2,942,218	\$4,783,983	\$5,655,388	\$6,527,493	\$7,116,984	\$7,562,906	
<b>Projected AGR in Property Values</b>			8.4% (actual)		2.0%		2.0%		2.0%		2.0%		
<b>Uses of TIF Revenue</b>													
<b>Business Development</b>		50%	\$243,685		\$306,541.78		\$370,655.90		\$436,052.31		\$502,756.64		<b>\$1,859,691</b>
Commercial Site Improvement Grant	Both												
Neighborhood Commercial Corridor "P3" Fund	Varies												
Redevelopment Loan Program (2)	City												
CRA Property Acquisition and Preparation Program (2)	Both												
Commercial Building Interior/Tenant Improvement Program	City												
Grant Match Program (2)	Varies												
<b>Education, Job Readiness &amp; Workforce Development</b>		10%	\$48,737		\$61,308		\$74,131		\$87,210		\$100,551		<b>\$371,938</b>
Workforce Readiness and Development Program	City												
Grant Match Program (2)	Varies												
<b>Housing and Neighborhood Revitalization</b>		40%	\$194,948		\$246,233		\$296,525		\$348,842		\$402,205		<b>\$1,487,753</b>
Affordable Multifamily Housing Development Program	Both												
Residential Property Improvement Grants	Varies												
Grant Match Program (2)	Varies												
"Paint Your Heart Out"	City												
Redevelopment Loan Program (2)	City												
CRA Property Acquisition and Preparation Program (2)	Both												
<b>Total Programs Budgeted</b>			\$487,370		\$613,084		\$741,312		\$872,105		\$1,005,513		<b>\$3,719,383</b>
<b>Total Funding Available</b>			\$487,370		\$613,084		\$741,312		\$872,105		\$1,005,513		<b>\$3,719,383</b>
<b>Balance</b>			\$0		\$0		\$0		\$0		\$0		<b>\$0</b>

(1) The "Targeted Allocation %" for each program is generally based on the percentages defined in Table 4-1 of the South St. Petersburg Community Redevelopment Plan when it was approved on May 21, 2015. However, the Redevelopment Plan recognizes that the annual funding allocations may differ from those at adoption based on the funding priorities of the City and CAC.

(2) These TIF programs can be used for expenditures in one or more of the major budget categories.

Pinellas County TIF Contributions Not Available

# ST. PETERSBURG CITY COUNCIL

## Report

### Meeting of February 4, 2016

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

**SUBJECT:** Rescinding Resolution No. 2016-15 and 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 for a Guaranteed Maximum Price not to exceed \$64,868,267 for the work; Authorizing the Mayor or his designee to execute the Second Amendment (which Amendment provides that the initial Notice to Proceed for construction phase services shall be limited to \$54,984,018 until additional funds in the amount of \$9,884,249 are appropriated) after execution of a State Revolving Fund (SRF) loan agreement for funding from FDEP in the amount of \$40,000,000; Rescinding an unencumbered appropriation in the Water Resources Capital Project Fund (4003), the WRF SW RW Storage FY14/15 project 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).

**EXPLANATION:** On January 7, 2016, City Council approved the Second Amendment to the Construction Manager at Risk Agreement with the Haskell Company for construction phase services, when at the time of approval, it was understood that the Florida Department of Environmental Protection (FDEP) would be providing a loan agreement for the full \$49,884,249. However, as stated in the previous Council material, FDEP has an annual segment cap of \$40,000,000. The balance of the loan has Priority Funding status and will be made available in FDEP’s next Fiscal Year. In order to assure that funding is available for authorized work, The Haskell Company has agreed to an initial Notice to Proceed in the amount of \$54,984,018, until additional funds in the amount of \$9,884,249 are appropriated. At that time, a revised Notice to Proceed will be issued to include the additional \$9,884,249. Project costs funded from Bonds will remain the same. We will enter into a loan agreement with FDEP in the amount of \$40,000,000 at this time. When the additional funds become available, we will execute an amendment to the loan agreement for the additional amount. We do not anticipate that the project schedule will be affected by the revised funding.

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. Therefore, no additional Council action will be necessary to accept the second segment funding.

This Council action rescinds the previous resolution and reauthorizes approval of the Second Amendment with the Haskell Company and includes an initial Notice to Proceed for Construction Phase Services limited to \$54,984,018 until additional FDEP loan funds are available in their Fiscal Year 2017. It also rescinds 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 RW Storage FY14/15 Project (14231) and appropriating these dollars to the WRF SW Biosolids Dewatering FY16 Project (15291).



RESOLUTION NO. 2016-

A RESOLUTION RESCINDING RESOLUTION NO. 2016-15; 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 FOR A GUARANTEED MAXIMUM PRICE NOT TO EXCEED \$64,868,267; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE SECOND AMENDMENT (WHICH AMENDMENT PROVIDES THAT THE INITIAL NOTICE TO PROCEED FOR CONSTRUCTION PHASE SERVICES SHALL BE LIMITED TO \$54,984,018 UNTIL ADDITIONAL FUNDS IN THE AMOUNT OF \$9,884,249 ARE APPROPRIATED) AFTER EXECUTION OF A STATE REVOLVING FUND LOAN AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (“FDEP”) FOR FUNDING FROM FDEP IN THE AMOUNT OF \$40,000,000; 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 January 7, 2016, City Council approved Resolution 2016-15 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 (“Project”); subject to the execution of a State Revolving Fund (“SRF”) loan agreement between the City of St. Petersburg (“City”) and the Florida Department of Environmental Protection

("FDEP") in an amount not to exceed \$49,884,249 and authorizing the mayor or designee to execute the Second Amendment including a Guaranteed Maximum Price ("GMP") in the amount of \$64,868,267 for the work upon execution of a state revolving fund loan agreement in an amount not to exceed \$49,884,249, rescinding an appropriation from one project and making an appropriation to another project in the amount of \$1,000,000; and

WHEREAS, FDEP has provided the City with a draft SRF loan agreement in the amount of \$40,000,000 which is the loan segment cap for any given project in a single fiscal year; and

WHEREAS, the FDEP has advised the City that the additional SRF funding in the amount of \$9,884,249 has a priority status and is expected to be available in FDEP's FY2017, but will not be available prior to executing the Second Amendment with Haskell; and

WHEREAS, the Second Amendment provides that the Notice to Proceed for Construction Phase Services shall be limited to \$54,984,018 until such time as an additional appropriation is made in the amount of \$9,884,249; and

WHEREAS, City Administration recommends that City Council approve this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Petersburg, Florida, that Resolution 2016-15 is hereby rescinded in its entirety.

BE IT FURTHER RESOLVED, that the Second Amendment to the Construction Manager at Risk Agreement ("CMAR") with Haskell Company for Construction Phase Services to construct the new Biosolids and Waste to Energy Project for a GMP of \$64,868,267 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor or his Designee is authorized to execute the Second Amendment (which amendment provides that the initial Notice to Proceed for Construction Phase Services is limited to \$54,984,018 until additional funds in the amount of \$9,884,249 are appropriated) after execution of a State Revolving Fund loan agreement between the City and FDEP for funding from FDEP in the amount of \$40,000,000.

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 RW 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 (15291) resulting from this rescission is hereby approved as follows:

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

This resolution shall become effective immediately upon its adoption.

Approved by:

Approved by:

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Legal Department  
By: (City Attorney or Designee)

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Thomas B. Gibson, P.E.  
Engineering Director

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Tom Greene  
Budget Director



ST. PETERSBURG CITY COUNCIL

**REVISED**  
**FEB 02 2016**

**Consent Agenda**

**Meeting of February 4, 2016**

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

**SUBJECT:** A resolution approving a form Site Access Agreement with the Florida Department of Environmental Protection ("FDEP") for petroleum contamination site assessment; authorizing the Mayor or his designee to execute Site Access Agreements in substantial compliance with the approved form Site Access Agreement, subject to the approval of the City Attorney or the City Attorney's designee; authorizing the Mayor or his designee to execute all other documents necessary to effectuate this resolution and the terms of any Site Access Agreements entered into with FDEP; and providing an effective date.

**EXPLANATION:** The FDEP provides a petroleum contamination assessment program for former petroleum storage tank sites where the petroleum tanks have been removed. In 1988, the City entered into a FDEP eligibility program for assessment and cleanup, if needed. The FDEP lists sixteen (16) properties from the 1988 program as eligible and desires to perform site assessments and closures where possible.

Upon execution of a Site Access Agreement for each of these sites, the FDEP's environmental consultant will conduct a petroleum site assessment and verify if any residual contamination remains at the site. If no contamination above allowable limits exists, the site will be closed by the FDEP, and removed from the list. If contamination is found, the site will remain on the cleanup list for future remediation by the FDEP. There are no costs to the City for this work.

**RECOMMENDATION:** Administration recommends adoption of the attached resolution approving a form Site Access Agreement with the Florida Department of Environmental Protection ("FDEP") for petroleum contamination site assessments; authorizing the Mayor or his designee to execute the FDEP Site Access Agreements in substantial compliance with the approved form, subject to approval of the City Attorney or the City Attorney's designee; authorizing the Mayor or his designee to execute all other documents necessary to effectuate this resolution and the terms of any Site Access Agreements entered into with FDEP and providing an effective date.

RESOLUTION NO. 2016- \_\_\_\_\_

A RESOLUTION APPROVING A FORM SITE ACCESS AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR PETROLEUM CONTAMINATION SITE ASSESSMENT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE SITE ACCESS AGREEMENTS IN SUBSTANTIAL COMPLIANCE WITH THE FORM SITE ACCESS AGREEMENT ATTACHED TO THIS RESOLUTION, INCLUDING EXHIBIT B WHICH REQUIRES A SEPARATE AGREEMENT FOR THE REMOVAL OR REMEDIATION OF CONTAMINATION AND FURTHER SUBJECT TO APPROVAL BY THE CITY ATTORNEY OR THE CITY ATTORNEY'S DESIGNEE; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION AND THE TERMS OF ANY SITE ACCESS AGREEMENTS ENTERED INTO WITH FDEP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection (FDEP) provides a petroleum contamination assessment program for former petroleum storage tank sites where the petroleum tanks have been removed; and

WHEREAS, in 1988, the City entered into an FDEP eligibility program for assessment and cleanup, if needed; and

WHEREAS, the FDEP lists sixteen (16) City properties from the 1988 program as eligible for the program and desires to perform site assessments and closures where possible; and

WHEREAS, upon execution of a Site Access Agreement for each of these sites, the FDEP's environmental consultant will conduct a petroleum site assessment, at no cost to the City and verify if any residual contamination remains at the site; and

WHEREAS, if no contamination above allowable limits exists, the site will be closed by the FDEP, and removed from the list; and if contamination is found, the site will remain on the cleanup list for future remediation by the FDEP; and

WHEREAS, Administration recommends that City Council approve a form Site Access Agreement with the FDEP for petroleum contamination site assessment; authorize the Mayor or his designee to execute Site Access Agreements in substantial compliance with the approved form Site Access Agreement, subject to the approval of the City Attorney or the City Attorney's designee; and authorize the Mayor or his designee to execute all other documents necessary to effectuate this resolution and the terms of any Site Access Agreements entered into with FDEP.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the form Site Access Agreement is hereby approved.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute Site Access Agreements with the Florida Department of Environmental Protection (FDEP) in substantial compliance with the approved form Site Access Agreement, subject to the approval of the City Attorney or the City Attorney's designee; and

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute all other documents necessary to effectuate this resolution and the terms of any Site Access Agreements entered into with FDEP.

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

## SITE ACCESS AGREEMENT

1. **The Parties.** The undersigned real property owner, CITY OF ST PETERSBURG, ("Owner"), hereby give(s) permission to the State of Florida, Department of Environmental Protection ("Department") and its Agency Term Contractor, subcontractors, and vendors ("Contractor"), to enter the Owner's property ("the Property") located at ***FDEP Facility ID:***

2. **The Property.** Owner owns the certain parcel(s): of real property located at (the "Property"), depicted on the attached legal description as Exhibit "A

3. **Permissible Activities.** This Site Access Agreement ("Agreement") is limited to activities which may be performed by the Department or its Contractors pursuant to Chapter 62-780, Florida Administrative Code (F.A.C.), without cost to the Owner (unless required in a separate agreement) to locate contamination, determine contamination levels and, when necessary, remove and remediate contamination which may be performed by the Department and its Contractor. This access is provided only for the contamination either eligible for a state-funded cleanup or is being investigated pursuant to a consent order with the Department. The following activities are included in this Agreement but are not limited to this list:

- conduct soil, surface, subsurface, and groundwater investigations, including but not limited to entry by a drill rig vehicle and/or support vehicles;
- install and remove groundwater monitoring wells;
- use geophysical equipment;
- use an auger for collecting soil and sediment samples;
- locate existing wells;
- collect waste, soil, and water samples;
- remove, treat and/or dispose of contaminated soils and water;
- remove contaminated soil by digging with backhoes, large diameter augers and similar equipment;
- install, operate, and remove remedial equipment;
- install and remove utility connections;
- trenching for connection of remediation wells to equipment; and
- conduct surveys, prepare site sketches, and take photographs.

4. **Duration and Termination of Access.** This Agreement is granted, without any fee or charge to the Department or Contractor, for so long as is necessary to assess, remove, monitor and remediate the contamination on the Property. Access shall be allowed for the Department (including its employees and contracted site managers with Teams 5 and 6 or local government, if applicable) immediately upon the execution of this Agreement. However, access for a Contractor can be contingent upon the Owner timely entering into a separate site access agreement with the Contractor (if the Owner wants a separate agreement with the Contractor please check the appropriate box at the end of this document). Such agreement with a Contractor is not binding upon the Department. This Agreement shall continue until the Department's entry of a site rehabilitation completion order pursuant to Rule 62-780.680, Florida Administrative

Code, or low-scored site initiative no further action order pursuant to Section 376.3071(12)(b), Florida Statutes ("Order"). At which time the Owner shall be provided a copy of the Order and this Agreement shall be automatically terminated.

5. Work Performed during Business Hours. The Department and Contractor may enter the Property during normal business hours and may also make arrangements to enter the Property at other times after agreement from the Owner.

6. Activities Comply with Applicable Laws. The Department and Contractor agree that any and all work performed on the Property and in association with this Agreement shall be done in a good, safe, workmanlike manner, and in accordance with applicable federal and state statutes, rules and regulations.

7. Proper Disposal of Contaminated Media. The Department and Contractor shall ensure that soil cuttings, any work materials, and water generated shall be disposed of in accordance with Environmental Laws. All soil cuttings, waste materials and development water generated shall be promptly removed from the Property.

8. Property Restoration. The Department shall pay the reasonable costs of restoring the Property as nearly as practicable to the conditions which existed before activities associated with contamination assessment or remedial action were taken.

9. Owner's Non-Interference. The Owner shall not interfere with the Department or Contractor when performing the Permissible Activities. Owner shall not damage any equipment including wells, piping, and remediation system that may be located on the Property. Owner shall notify the Department 90 days prior to commencement of any construction, demolition or other work on the Property that may damage or destroy any part of the equipment installed under this Agreement. If the Department anticipates that the remediation equipment will not be used for over one calendar year, the Owner can request removal of the remediation equipment if it is interfering with the operation of the business or with planned construction activities.

10. Non-revocable. If Property is the source of the discharge that is eligible for State funded remediation pursuant to Chapter 376, Florida Statutes, access to the Property is required and Owner may not revoke this Agreement with the Department until the appropriate site rehabilitation completion order is issued under Chapter 62-780.680 or a low-scored site initiative order issued pursuant to Section 376.3071(12)(b), Florida Statutes, is final.

11. No Admission. The granting of this Agreement by the Owner is not intended, nor should it be construed, as an admission of liability on the part of the Owner for any contamination discovered on the Property.

12. Owner's Use of Property. The Owner retains the right to use the Property, and the Department and its Contractors will work with the Owner regarding minimizing activities that may interfere with the Owner's management and use of the Property. However, neither the Department nor the Contractor are responsible for any inconvenience, economic injury, or business damage that Owner may suffer due to the performance of any Permissible Activity. This agreement does not modify any legal right the parties may have regarding negligent acts.

13. Owner's Release of Claim. If Owner selected a qualified contractor (not an agency term contractor), the Owner hereby releases the Department from any and all claims against the

Department performed by the Owner's selected contractor arising from or by virtue of, the Permissible Activities.

14. **Injury to Department.** The Owner shall not be liable for any injury, damage or loss on the Property suffered by the Department, Department employees or Contractors not caused by the negligence or intentional acts of the Owner's agents or employees.

15. **Indemnification.** The Department does not indemnify the Owner, see paragraph 16. The Contractor has indemnified the Department. However, if the Owner chooses to enter into a separate access agreement with the Contractor, the Contractor is not prohibited from indemnifying Owner as long as such indemnification does not conflict with the Contractor's indemnification of the Department. Where no conflicts exist, any subsequent indemnification by the Contractor to any party associated with the Permissible Activities is subservient and subordinate to the Contractor's indemnification of the Department.

16. **Sovereign Immunity.** The Department acknowledges and accepts its responsibility under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees while on the Property.

17. **Public Records.** All documents created or received associated with the Permissible activities are a public record pursuant to Chapter 119, Florida Statutes. The Owner may retrieve any documents or other information related to the Permissible Activities online using the facility number reference above. <http://depedms.dep.state.fl.us/Oculus/servlet/login?action=login>

18. **Entire Agreement.** This Agreement shall constitute the entire agreement between the Department and the Owner regarding this grant of access to the Department as stated herein. No modification, amendment or waiver of the terms and conditions of this Agreement shall be binding upon Department unless approved in writing by an authorized representative of Owner and Department.

19. **Governing Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue for any action or proceeding arising from or relating to this Agreement shall be in the appropriate Florida court having jurisdiction located in Leon County, Florida.

20. **Severability.** Any provision of this Agreement that is prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

21. **No Third Party Beneficiaries.** This Agreement is solely for the benefit of the parties hereto and their respective successors and assigns and shall not be deemed to confer upon third parties any remedy, claim, liability, or reimbursement, claim of action or other right.

A. Are additional requirements attached to this agreement? Note: Additional requirements must be on a separate page titled Exhibit B and include the facility ID#, owner signature and date on the page.

YES

NO

B. Do you wish to participate or provide input with respect to rehabilitation of this facility?

YES

NO

C. Do you wish to exercise the option to reject one Agency Term Contractor prior to assignment of work?

YES

NO

D. Do you want the Contractor to contact you to obtain a separate site access agreement?

Note: Additional site access agreements must be completed between the owner and ATC within ninety (90) calendar days.

YES

NO

\_\_\_\_\_  
Signature of each Property Owner

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Mailing Address

\_\_\_\_\_  
Property Owner Telephone or Cell Phone Number

\_\_\_\_\_  
Property Owner E-mail Address

Accepted by the State of Florida Department of Environmental Protection:

\_\_\_\_\_  
Diane D. Pickett, P.G.  
Program Administrator  
Petroleum Restoration Program

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

Attachments: Exhibit A- Legal description of the Property.

FDEP Coordinates (Degrees Minutes Seconds) for Facility

**Attachment A**

**Short Legal Description:**

**FDEP Coordinates(Degrees Minutes Seconds) for Facility 52**

**Latitude  
Longitude**

**EXHIBIT B**  
**ADDITIONAL REQUIREMENTS TO SITE ACCESS AGREEMENT**

FDEP FACILITY ID #: \_\_\_\_\_

In accordance with the provision of Paragraph A. to the Site Access Agreement, the following additional terms shall apply:

1. Site access pursuant to this Agreement is limited to those activities reasonable and necessary to assess contamination on the Property. Such activities shall not unreasonably interfere with Owner's operation of public facilities or providing of public services.
2. The removal or remediation of contamination located on the Property shall require a separate agreement with the Owner.
3. This Agreement shall terminate no later than five (5) years from the date of execution.
4. The Department acknowledges that Owner is a Florida municipal corporation and any liability for any damages resulting from the Owner's alleged negligence shall be limited to the extent authorized by Section 768.28, Florida Statutes. Nothing herein is intended to serve as a waiver of sovereign immunity by the Owner. Nothing herein shall be construed as consent by the Owner to be sued by third parties in any matter arising out of this agreement.
5. Venue for any action arising from or relating to the Agreement shall be in Pinellas County, Florida.

**OWNER:**

**CITY OF ST. PETERSBURG, FLORIDA**

By:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Name typed/printed)

\_\_\_\_\_  
(Title)

## ST. PETERSBURG CITY COUNCIL

### Meeting of February 4, 2016

- TO:** The Honorable Amy Foster, Chair and Members of City Council
- SUBJECT:** Second Amendment to the Development Agreement associated with approximately 18 acres of vacant land generally located on the northeast corner of 9<sup>th</sup> Avenue North and 66<sup>th</sup> Street North.
- REQUEST:** ORDINANCE \_\_\_\_-H, approving a Second Amendment to the Development Agreement.

Analysis is provided in the attached staff report.

#### **RECOMMENDATION:**

Administration: The Administration recommends APPROVAL of the attached proposed ordinance.

Neighborhood Input: The subject property is not located within the boundaries of a formal neighborhood association, however, the Garden Manor Neighborhood Association is located immediately north (on the north side of 13<sup>th</sup> Avenue North), the Eagle Crest Neighborhood Association is located to the south (on the south side of 9<sup>th</sup> Avenue North), and the Crossroads Area Homeowners Association to the west (on the west side of 66<sup>th</sup> Street North).

A meeting on Sunday, November 22, 2015 was attended by leaders of the three neighborhood associations and representatives of DSSA, LLC and the City. The new vision and concept plan for the Residential Property was thoroughly discussed and supported by the neighborhood leaders, with the understanding that more details were forthcoming.

A second neighborhood meeting was held on Tuesday, January 19, 2016, hosted by the Crossroads Association. The DSSA, LLC representative presented two concept plans and discussed design and architectural features, and answered questions about the project including access from both 66<sup>th</sup> Street North and 9<sup>th</sup> Avenue North. It was estimated that 50 residents were in attendance, and while no formal vote was taken the City staff assessment was that the concept plans were (generally) favorably received.

City staff has received one phone call (requesting additional information) and one e-mail (requesting the CPPC minutes).

Community Planning & Preservation Commission (CPPC): On January 12, 2016 the CPPC held a public hearing on this matter and voted unanimously (6 to 0) to recommend approval.

Recommended City Council Action: 1) CONDUCT the first reading of the attached proposed ordinance; AND 2) SET the second reading and public hearing for February 18, 2016.

Attachments:

- ✓ CPPC Staff Report (with Subject Area Aerial and Concept Plans)
- ✓ Proposed Ordinance
- ✓ Second Amendment to the Development Agreement (with Exhibits A through G)



**Staff Report to the St. Petersburg Community Planning & Preservation Commission**  
Prepared by the Planning & Economic Development Department,  
Urban Planning and Historic Preservation Division

For Public Hearing and Executive Action on January 12, 2016  
at 3:00 p.m., in the City Council Chambers, City Hall,  
175 Fifth Street North, St. Petersburg, Florida.

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

**SUBJECT:** Proposed Second Amendment to the Development Agreement associated with the estimated 18 acres of land generally located on the northeast corner of 9<sup>th</sup> Avenue North and 66<sup>th</sup> Street North.

**PROPERTY OWNERS:** The Diocese of St. Petersburg  
6363 - 9<sup>th</sup> Avenue North  
St. Petersburg, FL 33710

West Florida - PPH, LLC  
P.O. Box 80610  
Indianapolis, IN 46280

**REPRESENTATIVE:** Bo Russ, Partner  
DSSA, LLC  
2401 West Bay Drive, Suite 503  
Largo, Florida 33770

**DEVELOPMENT AGREEMENT (HISTORY)**

- On May 20, 2010 the St. Petersburg City Council adopted Ordinance 973-G, authorizing the Mayor to enter into a Development Agreement with the Diocese of St. Petersburg and Clear Ocean Investments, LLC. The eastern-most 12 acres (mol) of the overall 18 acre site, referred to as the "Residential Property," was to be redeveloped by Clear Ocean Investments II, Corporation with an 83-unit apartment building for the elderly; a 100-bed skilled nursing facility; and a 150-bed Assisted Living/Independent Living facility. The

western-most six acres (mol), referred to as the “Commercial Property,” was to be redeveloped with 45,000 sq. ft. of medical office space in two separate buildings; 6,000 sq. ft. of daycare space; and a 4,000 sq. ft. bank on the northeast corner of 66<sup>th</sup> Street and 9<sup>th</sup> Avenue, or some combination of these uses not to exceed 55,000 sq. ft. of total development. *While a site plan was approved for the Commercial Property in February 2012 (discussed below) no development occurred.*

- On August 16, 2012 the St. Petersburg City Council adopted Ordinance 40-H, authorizing the Mayor to enter into a Modified Development Agreement with the Diocese of St. Petersburg and Heartland Communities, LLC. Heartland succeeded Clear Ocean as the developer of the Residential Property. This first amendment to the 2010 Development Agreement was specific to the Residential Property, providing for the following: a four-story building containing 85 assisted living facility/skilled nursing beds and 83 independent living units; and a second three-story building containing 165 ALF/skilled nursing beds. The amendment also provided flexibility as to the final mix of units and beds, with “not to exceed” limits of 166 independent living units or 499 ALF/skilled nursing beds. *While a site plan was approved for the Residential Property in September 2012 (discussed below) no development occurred.*

### **PREVIOUS SITE PLAN APPROVALS**

- On February 17, 2012 the Community Preservation Commission (CPC) approved a variance request related to a proposed site plan for the western-most six acres of the 18 acre area governed by the Development Agreement, referred to as the Commercial Property, abutting 66<sup>th</sup> Street North (City File 12-54000001). The applicant was IASIS Healthcare. Specifically, the CPC approved variances to the required building setbacks and site design standards for two proposed medical office buildings and a bank site. *The site plan was consistent with the Development Agreement, however, the site plan expired on February 17, 2015.*
- On September 5, 2012 the Development Review Commission (DRC) approved a Heartland Communities, LLC site plan for 250 assisted living/skilled nursing beds and 83 independent living units on the eastern 12 acres of the 18 acre area governed by the Development Agreement (City File 12-31000030). *The site plan was consistent with the Development Agreement, however, the site plan expired on September 5, 2015.*

### **REQUEST**

DSSA, LLC, which has succeeded Heartland Communities, LLC as the developer of the Residential Property, is requesting a second amendment to the 2010 Development Agreement, affecting both the Residential and Commercial properties. Regarding the Residential Property, the amendment provides for the following: two four-story buildings, one containing a 90 bed ALF community and the other containing 80 independent living units; a three-story, 120 bed skilled nursing facility; and three one-story Memory Care Villas, totaling 48 beds. The skilled nursing facility may be replaced with 14 one-story villas, totaling 28 independent living units.

The amendment stipulates that development on the Residential Property cannot exceed 166 independent living units or 498 ALF/skilled nursing beds, or an overall floor area of 259,600 sq. ft. The proposed amendment also affects the six acre (mol) Commercial Property abutting 66<sup>th</sup> Street North, providing more flexibility for the approved 55,000 sq. ft. of development, which may include a bank branch, medical office space, daycare space or a mix of professional office uses. Concept Plans have been provided for the Residential Property, and if adopted by City Council this Second Amendment to the Development Agreement and Concepts Plans will be recorded in the Pinellas County Public Records.

### **SPECIAL INFORMATION**

- The 18 acre area governed by the Development Agreement is not located within the boundaries of a formal neighborhood association, however, the Garden Manor Neighborhood Association is located immediately north (on the north side of 13<sup>th</sup> Avenue North), the Eagle Crest Neighborhood Association is located to the south (on the south side of 9<sup>th</sup> Avenue North), and the Crossroads Area Homeowners Association to the west (on the west side of 66<sup>th</sup> Street North). A meeting on November 22, 2015 was attended by leaders of the three neighborhood associations and representatives of DSSA, LLC and the City. The new vision and concept plan for the Residential Property was thoroughly discussed and supported by the neighborhood leaders, with the understanding that more details were forthcoming.
- The 12 acre Residential Property remains under the ownership of the Diocese of St. Petersburg. The property's Future Land Use Map designation of Residential Medium and zoning designation of NSM-1 (Neighborhood Suburban Multifamily) were adopted in May 2010 (City File: FLUM-7).
- The six acre Commercial Property is presently owned by West Florida - PPH, LLC, a subsidiary of HCA (Hospital Corporation of America). The property's Future Land Use Map designation of Residential/Office General and zoning designation of CRS-1 (Corridor Residential Suburban) were also adopted in May 2010 (City File: FLUM-7).

### **ANALYSIS**

The applicant (DSSA, LLC) is requesting that the 2010 Development Agreement be amended for a second time in order to accommodate its new development proposal and vision for the Residential Property. City staff supports the requested amendment because it does not increase the density or intensity of development previously approved, and it remains consistent with the Comprehensive Plan (discussed below).

The significant aspects of this proposed Second Amendment to the Development Agreement are summarized in the following table:

Residential Property	Commercial Property
4-story building with 80 Independent Living (IL) units	Development may include a bank branch, medical office space, daycare space <i>or professional office uses</i> (with the overall maximum intensity of development remaining at 55,000 sq. ft.).
4-story building with 90 Assisted Living Facility (ALF) beds	
3-story Skilled Nursing Facility with 120 beds (The developer may replace the Skilled Nursing Facility with 14 one-story villas, totaling 28 IL units.)	
1-story 48-bed Memory Care Facility (comprised of three villas)	
<i>Under no circumstances can the overall intensity of development exceed the present NSM-1 floor-area-ratio of 0.50, or 259,600 sq. ft.</i>	

Concept plans are attached, depicting the proposed uses to be constructed on the Residential Property (one plan showing the Skilled Nursing Facility and the other showing the 14 one-story villas that may replace the facility).

The applicant, DSSA, LLC, will be responsible for constructing the main project entrance and driveway on 66<sup>th</sup> Street North, to be used as the primary point of ingress and egress for both the Commercial Property and Residential Property. However, references in the Development Agreement to the *northern and southern driveways* on 66<sup>th</sup> Street abutting the Commercial Property have been deleted primarily due to the fact that while they were contemplated in the original (2010) Development Agreement and concept plan, the eventual developer of the Commercial Property should decide if one or both driveways (or neither) are needed. While there are several additional, non-substantive changes proposed, all terms and conditions of the Development Agreement, as previously amended, remain in full force and effect.

City staff supports this proposed Second Amendment to the Development Agreement because the amendment does not increase the density/intensity or type of development originally approved in May 2010 and modified in 2012. Should the City Council adopt the amendment in February 2016, it is anticipated that the DRC (Development Review Commission) will hold its public hearing pertaining to the site plan on April 6, 2016.

**CONSISTENCY WITH  
COMPREHENSIVE  
PLAN:**

The proposed Second Amendment to the Development Agreement is consistent with the following policies set forth in the Comprehensive Plan:

- LU3.5            The tax base will be maintained and improved by encouraging the appropriate use of properties based on their locational characteristics and the goals, objectives and policies within this Comprehensive Plan.
  
- LU3.8            The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations.
  
- LU3.15          The Land Use Plan shall provide housing opportunity for a variety of households of various age, sex, race and income by providing a diversity of zoning categories with a range of densities and lot requirements.
  
- LU12.1          Participation by neighborhood groups in planning activities and decisions shall be encouraged through informational mailouts and direct notification to neighborhood association officers of workshops, meetings and public hearings that address issues that may concern or interest any or all neighborhoods, and through presentations to neighborhood groups.

**RECOMMENDATION:** City staff recommends APPROVAL of the proposed Second Amendment to the Development Agreement based on consistency with the Comprehensive Plan.

**Attachments:**

- ✓ Subject Area Aerial
- ✓ Draft Second Amendment to the Development Agreement
- ✓ Ordinance 40-H, First Amendment to the Development Agreement adopted in August 2012 (exhibits not included)
- ✓ Ordinance 973-G, Development Agreement adopted in May 2010 (exhibits not included)



**SUBJECT AREA**







ARCHITECTURAL  
CONCEPTS

PROJECT NO. 1311  
DATE: 08/11/11  
SCALE: 1/8" = 1'-0"

PROJECT NO. 1311  
DATE: 08/11/11  
SCALE: 1/8" = 1'-0"

PROPOSED:  
**BEACHSIDE VILLAGE**  
A RETIREMENT CONTINUUM

DESIGNED BY: [Faint text]  
ARCHITECT: [Faint text]  
DATE: 08/11/11  
SCALE: 1/8" = 1'-0"

PROJECT NO. 1311  
DATE: 08/11/11  
SCALE: 1/8" = 1'-0"

PROJECT NO. 1311  
DATE: 08/11/11  
SCALE: 1/8" = 1'-0"



A1.1A

ORDINANCE NO. \_\_\_ - H

AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT ASSOCIATED WITH APPROXIMATELY 18 ACRES OF VACANT LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF 9<sup>TH</sup> AVENUE NORTH AND 66<sup>TH</sup> STREET NORTH; RECOGNIZING THAT THE SUBJECT AMENDMENT IS BY AND BETWEEN ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, WEST FLORIDA – PPH, LLC, OWNER OF THE COMMERCIAL PROPERTY, DSSA, LLC, WHICH HAS SUCCEEDED HEARTLAND COMMUNITIES, LLC AS DEVELOPER OF THE RESIDENTIAL PROPERTY, AND THE CITY OF ST. PETERSBURG; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. A Second Amendment to the Development Agreement associated with approximately 18 acres of vacant land generally located on the northeast corner of 9<sup>th</sup> Avenue North and 66<sup>th</sup> Street North is hereby approved and adopted. The subject amendment is by and between Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, West Florida – PPH, LLC, owner of the Commercial Property, DSSA, LLC, which has succeeded Heartland Communities, LLC as developer of the Residential Property, and the City. A copy of the Second Amendment is attached hereto and incorporated herein.

SECTION 2. The Mayor, or his designee, is authorized to execute the Amendment to the Development Agreement on behalf of the City.

SECTION 3. 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 (5<sup>th</sup>) business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND SUBSTANCE:

	1-19-16
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT	DATE
	1/21/16
ASSISTANT CITY ATTORNEY	DATE

**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT ("Second Amendment") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, a Corporation Sole, whose mailing address is 6363 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 (hereinafter the "Owner of the Residential Property"), West Florida - PPH, LLC, a Florida Limited Liability Company, whose mailing address is P.O. Box 750, Nashville, Tennessee 37202 (hereinafter the "Owner of the Commercial Property") (and, collectively with the Owner of the Residential Property, the "Owners"), DSSA, LLC, an Ohio Limited Liability Company, whose mailing address is 2401 West Bay Drive, Suite 503, Largo, Florida 33770 (hereinafter the "Residential Property Developer"), and the CITY OF ST. PETERSBURG, FLORIDA, a Florida municipal corporation, whose mailing address is City Attorney's Office, P.O. Box 2842, St. Petersburg, Florida 33731 (hereinafter the "City") (the Owners, the Residential Property Developer and the City shall hereinafter collectively be referred to as the "Parties").

**WITNESSETH:**

WHEREAS, the Owner of the Residential Property, Clear Ocean Investments II Corporation ("Clear Ocean"), and the City entered into that certain Development Agreement dated July 19, 2010 ("Development Agreement"), a true and correct copy of which is attached hereto and incorporated herein as Exhibit "A," pertaining to a certain approximate 17.99 acre tract of land generally located at 6533 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 within the boundaries of the City, more particularly described by its legal description, which is attached hereto and incorporated herein as Exhibit "B" (hereinafter, the "Property"); and

WHEREAS, the Development Agreement discussed the development of the Property in terms of the development of the "Residential Property" (approximately 12.02 acres of the Property), more particularly described by its legal description which is attached hereto and incorporated herein as Exhibit "C," and the development of the "Commercial Property" (approximately 5.96 acres of the Property), which is more particularly described by its legal description which is attached hereto and incorporated herein as Exhibit "D," and it identified Clear Ocean as the initial developer of record for the entire Property; and

WHEREAS, when the Owner of the Residential Property, Clear Ocean and the City entered into the Development Agreement, the Owner of the Residential Property owned the entire Property; and

WHEREAS, the Development Agreement established certain terms and conditions relating to the proposed development of the Property in accordance with Sections 163.3220-163.3243, Florida Statutes, the Florida Local Government Development Agreement Act (hereinafter, the "Act"); and

WHEREAS, the Development Agreement was recorded on August 5, 2010, at Official Records Book 16994, Pages 385-405, in the Public Records of Pinellas County, Florida, and it runs with the Property for a period of twenty (20) years from the Effective Date of the Development Agreement; and

WHEREAS, the Development Agreement, as amended by the First Amendment (defined herein), and which is attached hereto and incorporated herein as Exhibit "E," is still in effect as of the Effective Date of this Second Amendment and is binding upon and enforceable by and against those parties who signed the Development Agreement, their personal representatives, heirs, successors, grantees, and assigns; and

WHEREAS, on or about December 13, 2011, the Owner of the Residential Property sold the Commercial Property to Seaboard Development LLC ("Seaboard"), and on or about October 1, 2013, Seaboard sold the Commercial Property to the Owner of the Commercial Property; and

WHEREAS, Clear Ocean, which previously had a contract to purchase the Property from the Owner of the Residential Property and was acting as and named the developer in the Development Agreement, no longer has any interest in the Property; and

WHEREAS, Heartland Communities, LLC ("Heartland"), through that certain amendment to the Development Agreement ("First Amendment"), which was recorded on November 14, 2012, in the Official Records Book 17783, Pages 363-396, in the Public Records of Pinellas County, Florida, had a contract to purchase the Residential Property from the Owner of the Residential Property and was acting as and named the developer in the First Amendment, also no longer has any interest in the Property; and

WHEREAS, the Residential Property Developer has succeeded Clear Ocean and Heartland as the developer of the Residential Property and currently has a contract to purchase the Residential Property from the Owner of the Residential Property; and

WHEREAS, because the Property is currently owned by the Owners, which are two separate and distinct entities, the Parties desire to change the definition of the term "Developer" in the Development Agreement, as amended in the First Amendment, in order to reflect that the Owner of the Residential Property has identified the Residential Property Developer as the developer of record to construct the improvements on the Residential Property and that the Owner of the Commercial Property may identify its own developer to construct the improvements on the Commercial Property; and

WHEREAS, the Parties desire to, among other things, eliminate certain restrictions on the number of buildings allowed to be constructed upon the Residential Property, to clarify the specific buildings and uses allowed on the Residential Property, to provide for an alternative conceptual site plan on the Residential Property, to provide a maximum intensity for the Residential Property, to modify the allocation of uses on the Commercial Property, and to bifurcate certain on-site improvement requirements between the Commercial Property and the Residential Property so that the Residential Property will not be burdened with any on-site improvement requirements associated with the Commercial Property, and vice versa; and

WHEREAS, the Parties desire to identify the Residential Property Developer as the developer of record pertaining solely to the development of and improvements constructed upon the Residential Property pursuant to the terms and conditions of the Development Agreement, as amended by the First Amendment and this Second Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The Recitals set forth above are true and correct and are hereby incorporated herein by reference. All exhibits to this Second Amendment are essential to this Second Amendment and are hereby deemed a part hereof.

2. Additional Definitions. The terms defined in the Development Agreement, as amended by the First Amendment and this Second Amendment, shall have the following meanings, except as herein otherwise expressly provided:

"Commercial Property Developer" means that certain developer (its successors and/or assigns) selected by the Owner of the Commercial Property to construct the improvements on the Commercial Property.

"Developer" means the Residential Property Developer or Commercial Property Developer, as the case may be.

"Residential Property Developer" means DSSA, LLC, an Ohio limited liability company, its successors and/or

assigns.

"Main Project Driveway" means the driveway constructed to provide access to the Residential Property from 66th Street North.

3. Amendment to Section 3. The one (1) reference to "Florida Department of Community Affairs" is hereby deleted and replaced with "Florida Department of Economic Opportunity". The two (2) references to "DCA" are hereby deleted and replaced with "DEO".

All other terms and conditions of Section 3 of the Development Agreement not specifically addressed or modified in this Paragraph 2 shall remain in full force and effect.

4. Amendment to Section 5(c) of the Development Agreement. The following language from Section 5(c) of the Development Agreement, as previously amended by the First Amendment (in paragraph 2 thereof), is hereby deleted:

"The development uses proposed on the Residential Property shall include no more than two buildings: a building with approximately eighty-five (85) Assisted Living Facility (ALF)/skilled nursing beds and eighty-three (83) Independent Living (IL) units and no more than four (4) stories; and a building with approximately one hundred sixty-five (165) ALF/skilled nursing beds and no more than three (3) stories. Each IL unit may be exchanged for three (3) ALF/skilled nursing beds, and vice versa, pursuant to the City Code."

and in its place is substituted the following:

"The development uses proposed on the Residential Property shall include the following: a four-story building with 80 Independent Living (IL) units; a four-story, 90 bed Assisted Living Facility; a three-story, 120-bed ALF/Skilled Nursing Facility; a one-story, 48-bed Memory Care Facility; and a one-story auxiliary/support services building. Each IL unit may be exchanged for three (3) ALF/skilled nursing beds, and vice versa, pursuant to the City Code. As an alternative, the Residential Property Developer may replace the Skilled Nursing Facility with up to 14 one-story duplex Villas, totaling 28 IL units. An alternative conceptual site plan for the Residential Property which depicts the Villas in place of the Skilled Nursing Facility is attached hereto and incorporated herein as Exhibit "G," to this Second Amendment."

The following language from Section 5(c) of the Development Agreement, as previously amended by the First Amendment (in paragraph 2 thereof), is hereby deleted:

"The development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. bank branch; a fifteen thousand (15,000) sq. ft. one (1) story medical office building; a six thousand (6,000) sq. ft. daycare facility; and a thirty thousand (30,000) sq. ft. two (2) story medical office building. In the alternative, the development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. one (1) story bank branch and a fifty-one thousand (51,000) sq. ft. medical office building with no more than three (3) stories, and the Owner of the Commercial Property agrees that such uses are to be located on the portion of the Commercial Property fronting 66<sup>th</sup> Street. Under either proposed development scenario, total development of the Commercial Property shall not exceed fifty-five thousand (55,000) sq. ft. of development uses."

and in its place is substituted the following:

"The development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. bank branch; a fifteen thousand (15,000) sq. ft. one (1) story medical office building; a six thousand (6,000) sq. ft. daycare facility; and a thirty thousand (30,000) sq. ft. two (2) story medical office building. In the alternative, the development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. one (1) story bank branch and a fifty-one thousand (51,000) sq. ft. medical office building with no more than three (3) stories. However, under any proposed development scenario, total development of the Commercial Property shall not exceed fifty-five thousand (55,000) sq. ft. of professional office uses."

The following language from Section 5(c)(9) of the Development Agreement is hereby amended to read as follows, with ~~strikethrough~~ language denoting deletions, and underlined language denoting additions:

“The Residential Property Developer and the Commercial Property Developer shall each be responsible for construction of a sidewalk which connects the immediately adjacent bus stops on 66<sup>th</sup> Street North to the entrance to each respective Property in a direct and efficient manner if agreed to by the City, the Florida Department of Transportation, and PSTA, prior to issuance of a Certificate of Occupancy for the first building completed on the Property.”

The following language from Section 5(c)(12) of the Development Agreement, as previously amended by the First Amendment (in paragraph 2 thereof), is hereby deleted:

“Development of the Residential Property shall be limited to two buildings. One building shall be no more than four stories, not to exceed the height permitted by the City Code. The second building shall be no more than three stories. It is anticipated that the four story building will include eighty-five (85) ALF/skilled nursing beds and eighty-three (83) Independent Living (IL) units and that the three story building will include one hundred sixty-five (165) ALF/skilled nursing beds. Each IL unit may be exchanged for three (3) ALF/skilled nursing beds, and vice versa, pursuant to the City Code. Additional examples of an IL unit and ALF/skilled nursing bed development mix utilizing the 3:1 ratio permitted by the City Code are as follows: fifty (50) IL units and three hundred forty-nine (349) ALF/skilled nursing beds; one hundred (100) IL units and one hundred ninety-nine (199) ALF/skilled nursing beds; and one hundred twenty-five (125) IL units and one hundred twenty-four (124) ALF/skilled nursing beds. If the Residential Property is developed solely with ALF/skilled nursing beds, the maximum development potential shall not exceed four hundred ninety-nine (499) ALF/skilled nursing beds. If the Residential Property is developed solely with IL units, the maximum development potential shall not exceed one hundred sixty-six (166) IL units. These “not to exceed” limits are intended to allow flexibility in the mix of IL units and ALF/skilled nursing beds.”

and in its place is substituted the following:

“The development uses proposed on the Residential Property shall include a four-story building with 80 Independent Living (IL) units; a four-story, 90-bed Assisted Living Facility; a three-story, 120-bed ALF/Skilled Nursing Facility; a one-story, 48-bed Memory Care Facility and a one-story auxiliary/support services building. As an alternative, the Skilled Nursing Facility may be replaced with up to 14 one-story duplex Villas, totaling 28 IL units. An alternative conceptual site plan for the Residential Property which depicts the Villas in place of the Skilled Nursing Facility is attached hereto and incorporated herein as Exhibit “G” to this Second Amendment. Each IL unit may be exchanged for three (3) ALF/skilled nursing beds, and vice versa, pursuant to the City Code. If the Residential Property is developed solely with ALF/skilled nursing beds, the maximum development potential shall not exceed four hundred ninety-eight (498) ALF/skilled nursing beds. If the Residential Property is developed solely with IL units, the maximum development potential shall not exceed one hundred sixty-six (166) IL units. These “not to exceed” limits are intended to allow flexibility in the mix of IL units and ALF/skilled nursing beds on the Residential Property. However, under no circumstances will the overall intensity of the development on the Residential Property exceed the present floor-area-ratio of 0.50, or 261,795 sq. ft. The development uses proposed on the Residential Property may include a licensed adult day care center as part of the Memory Care Facility and a health and wellness clinic that provides care for residents, which may be operated by the Owner of the Residential Property or a licensed third-party operator, or their successors and/or assigns.”

The following language from Section 5(c)(13) of the Development Agreement is hereby amended to read as follows, with ~~strikethrough~~ language denoting deletions, and underlined language denoting additions:

“The final site plan shall clearly identify the points of vehicular access into the Residential Property and between the Residential Property and the Commercial Property. Construction of the Main Project Driveway, providing ingress and egress between the Residential Property and 66<sup>th</sup> Street North, shall be completed prior to the issuance of the first building permit.

All other terms and conditions of Section 5(c) of the Development Agreement, as previously amended by the First Amendment, not specifically addressed or modified in this Paragraph 3 shall remain in full force and effect.

5. Amendment to Section 5(d). The following language from Section 5(d)(1) of the Development Agreement is hereby amended to read as follows, with ~~strikethrough~~ language denoting deletions, and underlined language denoting additions:

d. Provide directional median opening and southbound left turn lane on 66<sup>th</sup> Street at the main Project driveway ~~located between the northern and southern driveways~~.

e. Provide a northbound right turn lane on 66<sup>th</sup> Street at the main Project driveway ~~located between the northern and southern driveways~~.

f. Provide a northbound right turn lane on 66<sup>th</sup> Street at the northern and/or southern Project driveway(s), at the time of development of the Commercial Property, if deemed necessary by the governmental entities.

All other terms and conditions of Section 5(d)(1) of the Development Agreement not specifically addressed or modified in this Paragraph 4 shall remain in full force and effect.

6. Amendment to Section 6. The following language from Section 6(c) and 6(j) of the Development Agreement is hereby amended to read as follows, with ~~strikethrough~~ language denoting deletions, and underlined language denoting additions:

(c) Stormwater Management: Stormwater management level of service is project-dependent rather than based on the provision and use of public facilities and is not directly provided by the City. The design and construction of the proposed stormwater facilities on the Project Site shall be in compliance with the requirements of the ~~City of St. Petersburg~~ City Code and the Southwest Florida Water Management District ("SWFWMD"), shall meet the concurrency requirements for stormwater, and shall not result in degradation of the level of service below City's adopted level of service. Stormwater improvements necessary to provide adequate stormwater management for the Residential Property, including the capacity required by construction of the Main Project Driveway which costs shall be shared with the Commercial Property Developer pursuant to the terms of a separate Reciprocal Easement Agreement, shall be designed and constructed by the Residential Property Developer, at its sole cost and expense. The stormwater improvements necessary to provide stormwater management for the Commercial Property shall be designed and constructed by the Commercial Property Developer in accordance with the to be determined scope of the Commercial Property Development, at its sole cost and expense.

(j) Utility Improvements: Utility improvements necessary to provide services to a structure shall be constructed by Developer at Developer's own cost and expense prior to issuance of certificates of occupancy for the structure. The utility improvements necessary for the Development of the Residential Property shall be independent from the utility improvements necessary for the Development of the Commercial Property, and vice versa. In other words, under no circumstance may either Developer use the other Developer's proposed utility facilities or improvements in order to comply with the requirements of the City Code.

All other terms and conditions of Section 6(c) and 6(j) of the Development Agreement, as amended by the First Amendment, not specifically addressed or modified in this Paragraph 6 shall remain in full force and effect.

Amendment to Section 15. Section 15 of the Development Agreement, and as amended by the First Amendment (in paragraph 3 thereof), is hereby deleted in its entirety and in its place is substituted the following:

Notices. All notices, demands, requests for approvals or other communications given by any Party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested, by a recognized national overnight courier service, or by facsimile transmission to the office for each Party indicated below and addressed as follows:

- (a) **To the Owner of the Residential Property:**  
Diocese of St. Petersburg  
ATTN: Real Estate Department  
P.O. Box 40200  
St. Petersburg, FL 33743-0200  
**With a copy to:**  
DiVito & Higham  
ATTN: Joseph A. DiVito, Esq.  
4514 Central Avenue  
St. Petersburg, FL 33711
- (b) **To the Owner of the Commercial Property:**  
West Florida - PPH, LLC  
P.O. Box 750  
Nashville, TN 37202
- (c) **To the Residential Property Developer:**  
DSSA, LLC  
2401 West Bay Drive, Suite 503  
Largo, Florida 33770
- (d) **To the City:**  
City of St. Petersburg  
Attn: Director  
Planning and Economic Development Department  
One 4<sup>th</sup> Street North  
St. Petersburg, FL 33701  
**With a copy to:**  
City Attorney's Office  
City of St. Petersburg  
P.O. Box 2842  
St. Petersburg, FL 33731

7. Deadline for Execution. The Owners and Residential Property Developer shall execute this Second Amendment prior to the date on which the City Council considers this Second Amendment for final approval.

8. Conceptual Site Plan. The conceptual site plan attached to the First Amendment as Exhibit "E" is deleted and in its place is substituted a new conceptual site plan as set forth on Exhibit "F" attached to this Second Amendment. All references to Exhibit "F" in the Development Agreement shall instead now refer to Exhibit "F" in this Second Amendment. An alternative conceptual site plan, as set forth on Exhibit "G" attached to this Second Amendment, may be used in lieu of Exhibit "F" in this Second Amendment.

9. References to "Agreement." References to "Agreement" in the Development Agreement shall mean the Development Agreement, including any Exhibits, and any amendments thereto, including this Second Amendment.

10. Effect of Amendments. All other terms and conditions of the Development Agreement, as previously amended by the First Amendment, not specifically addressed or modified in this Second Amendment shall remain in full force and effect.

11. Ratification. The parties hereto ratify and confirm that all of the terms, conditions and provisions of the Development Agreement, as amended by the First Amendment and this Second Amendment, remain in full force and effect.

12. Recording and Effective Date. After this Second Amendment has been executed by the Parties, the City shall record the Second Agreement in the Public Records of Pinellas County, Florida, at the expense of the Owner of the Residential Property. This Second Amendment shall become effective upon such recordation.

13. Counterparts. This Second Amendment may be executed in counterparts, together which shall constitute an original document.

14. Binding Effect/Agreement Assignable. The Development Agreement, as amended by the First Amendment and Second Amendment, shall run with the land, shall be assignable and binding upon and inure to the benefit of the Owners and/or the Residential Property Developer, and their successors and/or assigns in interest, and the City and its successor and/or assigns in interest.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to the Development Agreement as of the day and year set forth above.

**OWNER OF THE RESIDENTIAL PROPERTY:**  
**ROBERT N. LYNCH, AS BISHOP OF**  
**THE DIOCESE OF ST. PETERSBURG,**  
**A CORPORATION SOLE**

By: \_\_\_\_\_  
Print: \_\_\_\_\_  
As its: \_\_\_\_\_

WITNESSES:  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

**OWNER OF THE COMMERCIAL PROPERTY:**  
**West Florida - PPH, LLC**

By: \_\_\_\_\_  
Print: \_\_\_\_\_  
As its: \_\_\_\_\_

WITNESSES:  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

**RESIDENTIAL PROPERTY DEVELOPER:**  
**DSSA, LLC**

By: \_\_\_\_\_  
Print: \_\_\_\_\_  
As its: \_\_\_\_\_

WITNESSES:  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Sign: \_\_\_\_\_

Print: \_\_\_\_\_

**CITY:**  
**CITY OF ST. PETERSBURG, FLORIDA**

By: \_\_\_\_\_  
Print: \_\_\_\_\_  
As its: \_\_\_\_\_

WITNESSES:  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

**ACKNOWLEDGEMENT - OWNER OF THE RESIDENTIAL PROPERTY**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, on behalf of Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, a Corporation Sole, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

(SEAL)

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

**ACKNOWLEDGEMENT - OWNER OF THE COMMERCIAL PROPERTY**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ of West Florida - PPH, LLC, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

(SEAL)

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

**ACKNOWLEDGEMENT - RESIDENTIAL PROPERTY DEVELOPER**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of January, 2016, by Bo Russ, in his capacity as a manager of DSSA, LLC, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(SEAL)

NOTARY PUBLIC

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

**ACKNOWLEDGEMENT - CITY OF ST. PETERSBURG, FLORIDA**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_, 20\_\_, by \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ and Chandrahasa Srinivasa, City Clerk, on behalf of the City of St. Petersburg, Florida, who are personally known to me or who have produced \_\_\_\_\_ as identification.

(SEAL)

NOTARY PUBLIC

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

City Attorney (or designee)

City Attorney (or designee)

By: \_\_\_\_\_

By: \_\_\_\_\_

Assistant City Attorney

Assistant City Attorney

EXHIBIT "A"  
DEVELOPMENT AGREEMENT

ORDINANCE NO. 973-G

AN ORDINANCE APPROVING AND ADOPTING A DEVELOPMENT AGREEMENT WITH ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, A CORPORATION SOLE, AND CLEAR OCEAN INVESTMENTS II CORPORATION, A FLORIDA CORPORATION, RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 9<sup>TH</sup> AVENUE NORTH AND 66<sup>TH</sup> STREET NORTH; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The Development Agreement between the City of St. Petersburg, the Diocese of St. Petersburg and Clear Ocean Investments II, Corporation, a copy of which is attached hereto and incorporated herein as Exhibit "A," is hereby approved and adopted.

SECTION 2. The Mayor is authorized to execute the Development Agreement on behalf of the City.

SECTION 3. The Development Agreement shall be valid for a period of twenty years from the date of execution.

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 (5<sup>th</sup>) 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.

First reading conducted on the 4<sup>th</sup> day of March, 2010.

Adopted by St. Petersburg City Council on second and final reading on the 20th day of May, 2010.

*Leslie Curran*

Leslie Curran Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:

*Amelia Preston*  
Amelia Preston, Deputy City Clerk

FLUM-7



**Not vetoed. Effective date Thursday, May 27, 2010 at 5:00 p.m.**

## DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (hereinafter the "Agreement") is made and entered into this 19<sup>th</sup> day of JULY 2010, by and between ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, a Corporation Sole, whose mailing address is 6363 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 (hereinafter "Owner"), CLEAR OCEAN INVESTMENTS II CORPORATION, a Florida Corporation, whose mailing address is 4701 Central Avenue, St. Petersburg, Florida 33713 (hereinafter the "Developer") and the CITY OF ST. PETERSBURG, FLORIDA, a Florida municipal corporation, whose mailing address is P. O. Box 2842, St. Petersburg, Florida 33731 (hereinafter the "City") (collectively hereinafter "the Parties").

### WITNESSETH:

WHEREAS, Owner is the fee simple title owner of approximately 17.99 acres of land located at 6533 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 within the boundaries of the City, the legal description of which is attached hereto as Exhibit "A" (hereinafter the "Property"); and

WHEREAS, Owner has contracted to sell the Property and Developer has contracted to purchase the Property; and

WHEREAS, SEMBLER FLORIDA, INC., a Florida Corporation, whose address is 5858 Central Avenue, St. Petersburg, Florida 33707 (hereinafter "Sembler") has some existing contractual rights related to the Property that are not expected to survive the closing by the Developer on the Property; and

WHEREAS, Developer desires to develop approximately 12.02 acres of the Property described on Exhibit "B" attached hereto (hereinafter the "Residential Property") as permitted in the City's Neighborhood Suburban Multifamily (NSM-1) zoning district with a Residential Medium (RM) comprehensive land use designation; and

WHEREAS, Owner has filed an application with the City requesting a Comprehensive Plan Change Amendment to change the Future Land Use Plan Category for the Residential Property from Institutional to Residential Medium (RM); and

WHEREAS, Owner has filed a Rezoning Application with the City to change the zoning of the Residential Property from Neighborhood Suburban - 2 (NS-2) to Neighborhood Suburban Multifamily (NSM-1); and

WHEREAS, Developer desires to develop approximately 5.96 acres of the Property described on Exhibit "C" attached hereto (hereinafter the "Commercial Property") as permitted in the City's Corridor Residential Suburban (CRS-1) zoning district, subject to the limitations set forth in this Agreement, with a Residential/Office General (R/OG) comprehensive land use designation; and

WHEREAS, Owner has filed an application with the City requesting a Comprehensive Plan Change Amendment to change the Future Land Use Plan Category for the Commercial Property from Institutional to Residential/Office General (R/OG); and

WHEREAS, approximately 4.50 acres, described on Exhibit "D" attached hereto, of the Commercial Property is currently zoned Corridor Residential Suburban (CRS-1); and

WHEREAS, Owner has filed a Rezoning Application with the City to change the zoning of remaining approximately 1.46 acres, described on Exhibit "E" attached hereto, of the Commercial Property from Neighborhood Suburban - 2 (NS-2) to Corridor Residential Suburban (CRS-1); and

WHEREAS, Owner, Developer and the City desire to establish certain terms and conditions relating to the proposed development of the Property in accordance with Sections 163.3220-163.3243, Florida Statutes, the Florida Local Government Development Agreement Act (hereinafter the "Act"); and

WHEREAS, in accordance with Section 163.3220, Florida Statutes, et. seq. and Section 16.05 of the City's LDRs, the City is authorized to enter into a Development Agreement; and

WHEREAS, the first public hearing on this Agreement was held by the Planning and Visioning Commission on February 9, 2010; and

WHEREAS, the first reading of this Agreement was held by the City Council on March 4, 2010; and

WHEREAS, the second reading of and public hearing on this Agreement is scheduled to be held by the City Council on May 20, 2010; and

WHEREAS, the Developer desires to develop the Property in accordance with the conditions and limitations set forth in this Agreement.

#### DEFINITIONS

The terms defined in this Agreement shall have the following meanings, except as herein otherwise expressly provided:

**"Agreement"** means this Development Agreement, including any Exhibits, and any amendments hereto or thereto.

**"Authorized Representative"** means the person or persons designated and appointed from time to time as such by the Owner, Developer, or the City.

**"City Council"** means the governing body of the City, by whatever name known or however constituted from time to time.

**"City's Comprehensive Plan"** means the City of St. Petersburg Comprehensive Plan, as most recently amended prior to the date hereof.

**"City's LDRs"** means the City of St. Petersburg Land Development Regulations, as most recently amended prior to the date hereof.

**"Development"** means all improvements to real property, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved real property.

**"Development Permit"** includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

**"Exhibits"** means those agreements, diagrams, drawings, specifications, instruments, forms of instruments, and other documents attached hereto and designated as exhibits to, and incorporated in and made a part of, this Agreement.

**"Florida Statutes"** means all references herein to "Florida Statutes" are to Florida Statutes (2009), as amended from time to time.

**"Governmental Authority"** means the City, the County or any other governmental entity having regulatory authority over the Project and that issues a Development Permit for the Project to be constructed and opened for business.

**"Project"** means the proposed development to be located on the Property as contemplated by this Agreement and as more particularly shown in the Diocese of St. Petersburg Site Plan, attached hereto and incorporated herein as Exhibit "F".

**"Property"** means the real property more particularly described in the legal description in Exhibit "A".

## AGREEMENT

NOW, THEREFORE, in consideration of the terms, conditions, covenants and mutual promises hereinafter set forth, the Parties agree as follows:

1. Recitals, Definitions, and Exhibits. The foregoing recitations are true and correct and are hereby incorporated herein by reference. The foregoing Definitions are hereby incorporated herein by reference. All exhibits to this Agreement are essential to this Agreement and are hereby deemed a part hereof.

2. Intent. It is the intent of the Parties that this Agreement shall be adopted in conformity with the Act and that this Agreement should be construed and implemented so as to effectuate the purposes and intent of the Act. This Agreement shall not be executed by or binding upon any Party until adopted in conformity with the Act.

3. Recording and Effective Date. After the Agreement has been executed by the Parties, and after the date the Comprehensive Plan Amendment and Zoning Designation Amendment become effective, the City shall record the Agreement in the Public Records of Pinellas County, Florida, at the Developer's expense and shall forward a copy of the recorded Agreement to the Florida Department of Community Affairs ("DCA"). Thirty (30) days after receipt of the recorded Agreement by the DCA, this Agreement shall become effective (the "Effective Date").

4. Duration. The initial term of this Agreement shall be for twenty (20) years from the Effective Date. Owner and Developer agree that this Agreement may be extended by the City at the end of the initial term for an additional twenty (20) year renewal term, subject to all necessary requirements in accordance with the Florida Statutes and the City's then-existing LDRs.

5. Permitted Development Uses and Building Intensities.

(a) Permitted Development Uses. The Property currently holds an Institutional comprehensive land use designation. Owner has applied to the City to rezone the Residential Property from NS-2 to NSM-1, with a concurrent application to amend the Future Land Use designation to RM. Currently approximately 4.50 acres of the Commercial Property is zoned CRS-1. Owner has applied to the City to rezone the remaining approximately 1.46 acres of Commercial Property from NS-2 to CRS-1, with a concurrent application to amend the Future Land Use designation of the Commercial Property to R/OG. Upon such rezoning and land use plan amendments being adopted, the Property may be used for the purposes permitted in the applicable zoning districts subject to the additional limitations and conditions set forth in this Agreement.

(b) Maximum Density, Intensity, and Height of Proposed Uses. For the purposes of this Development Agreement, maximum density, intensity, and height shall be as provided by the City of St. Petersburg City Code, including the City's LDRs, and all applicable laws and regulations of the State of Florida, including but not limited to the Florida Statutes, the Florida Building Code, and all applicable regulations of the Florida Department of Transportation. A workforce housing density bonus of six (6) units per acre is also allowable, subject to the City's Workforce Housing Ordinance. Additional building height can be achieved pursuant to the Large Tract Planned Development Overlay regulations, set forth in Chapter 16 of the City Code.

(c) Limitations and Conditions on Use. A conceptual site plan for the Property is attached hereto as Exhibit "F". This site plan is conceptual only to provide a conceptual layout for the general location of the proposed uses and is subject to full site plan review in accordance with existing procedures and requirements established by the City's LDRs. The development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. bank branch; a fifteen thousand (15,000) sq. ft. one (1) story medical office building; a six thousand (6,000) sq. ft. daycare facility; and a thirty thousand (30,000) sq. ft. two (2) story medical office building. In the alternative, the development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. one (1) story bank branch and a fifty-one thousand (51,000) sq. ft. medical office building with no more than three (3) stories, and the Developer agrees that such uses are to be located on the portion of the Commercial Property fronting 66<sup>th</sup> Street. Under either proposed development scenario, total development of the Commercial Property shall not exceed fifty-five thousand (55,000) sq. ft. of development uses. The development uses proposed on the Residential

Property include an apartment building for the elderly with eighty-three (83) units and no more than three (3) stories; a skilled nursing facility with approximately one hundred (100) beds and no more than two (2) stories; and an Assisted Living Facility/Independent Living Facility (ALF/ILF) with approximately one hundred fifty (150) beds and no more than three (3) stories. Together the skilled nursing facility and the ALF/ILF on the Residential Property shall have no more than two hundred fifty (250) beds total. Owner and Developer agree that the following limitations and conditions shall apply to any site plan approved for the Property:

- (1) Any buildings shall be prohibited within the northern one hundred forty (140) feet of the Property.
- (2) Residential buildings located on the 9<sup>th</sup> Avenue North perimeter of the Residential Property facing the abutting single family neighborhoods shall be designed in accordance with the Redevelopment Plan criteria set forth in the City's LDRs.
- (3) No motor vehicular access to or from the Property shall be allowed to or from 13<sup>th</sup> Avenue North.
- (4) The following uses shall be prohibited on any part of the Property:
  - a. Restaurants and bars (where the predominant business is the sale of alcoholic beverages) and liquor stores.
  - b. Outdoor sound system, loud speakers or live outdoor music.
  - c. Service truck deliveries between 10:00 pm and 6:00 am.
  - d. Pawn shops.
- (5) Developer shall incorporate the most current technology and applications to address site lighting spillage, including, but not limited to, flat lens, shields, low profile baffled lighting, and low profile poles. A photometric plan shall be developed to ensure that no source of illumination shall be directly visible from any window in any residence abutting the Property.
- (6) Any solid wall installed along 9<sup>th</sup> Avenue North shall be no higher than three (3) feet unless required to be higher by City Code.
- (7) Developer shall provide a bus pull-off area on 66<sup>th</sup> Street between 9<sup>th</sup> Avenue North and 13<sup>th</sup> Avenue North, if agreed to by the City, the Florida Department of Transportation, and Pinellas Suncoast Transit Authority (PSTA).
- (8) Developer shall provide enhanced bus shelters on 66<sup>th</sup> Street between 9<sup>th</sup> Avenue North and 13<sup>th</sup> Avenue North, if agreed to by the City, the Florida Department of Transportation, and PSTA.
- (9) Developer shall provide a pedestrian connection from the bus stops on 66<sup>th</sup> Street to the site, if agreed to by the City, the Florida Department of Transportation, and PSTA.
- (10) Developer shall provide pedestrian connections between the buildings within the site and 13<sup>th</sup> Avenue North, 9<sup>th</sup> Avenue North, and 66<sup>th</sup> Street, if agreed to by the City.
- (11) Developer shall provide bicycle racks within the site as required by City Code.
- (12) Development of the Residential Property shall be limited to an apartment building for the elderly with eighty-three (83) units and no more than three stories; a skilled nursing facility with approximately one hundred (100) beds and no more than two stories; and an Assisted Living Facility/Independent Living Facility (ALF/ILF) with approximately one hundred fifty (150) beds and no more than three stories. Together the skilled nursing facility and the ALF/ILF on the Residential Property shall have no more than two hundred fifty (250) beds total.

(13) The final site plan shall clearly identify the points of vehicular access into the Residential Property and between the Residential Property and the Commercial Property.

(d) Additional Development Requirements. In addition to the site plan requirements set forth above, Developer agrees:

(1) To seek any required approvals from the Florida Department of Transportation and any other governmental entity for the following improvements and to make such improvements if the required approvals are received:

- a. Close the existing northern median opening on 66<sup>th</sup> Street between 9<sup>th</sup> Avenue North and 13<sup>th</sup> Avenue North.
- b. Extend the southbound left turn lane on 66<sup>th</sup> Street at 9<sup>th</sup> Avenue North.
- c. Extend the northbound left turn lane on 66<sup>th</sup> Street at 13<sup>th</sup> Avenue North.
- d. Provide directional median opening and southbound left turn lane on 66<sup>th</sup> Street at the main Project driveway located between the northern and southern driveways.
- e. Provide a northbound right turn lane on 66<sup>th</sup> Street at the main Project driveway located between the northern and southern driveways.
- f. Provide a northbound right turn lane on 66<sup>th</sup> Street at the northern Project driveway.
- g. Provide an eastbound left turn lane on 9<sup>th</sup> Avenue North at the eastern Project driveway.
- h. Provide a westbound right turn lane on 9<sup>th</sup> Avenue North at the eastern Project driveway.
- i. Extend the westbound right turn lane and westbound left turn lane on 9<sup>th</sup> Avenue North at 66<sup>th</sup> Street.

(2) To design and construct any access to or egress from the Property onto 9<sup>th</sup> Avenue North so as to eliminate or deter vehicular traffic from and through to 65<sup>th</sup> Street North into the Eagle Crest Neighborhood. Developer will assist, support and cooperate with the Eagle Crest Neighborhood Association to obtain modifications at the southernmost intersection of 9<sup>th</sup> Avenue North and 65<sup>th</sup> Street North to eliminate or deter through traffic access onto the Property from 65<sup>th</sup> Street North.

(3) To assist, support and cooperate with the appropriate neighborhood associations to obtain "No U-Turn" approval and signage at the intersection of 66<sup>th</sup> Street and 13<sup>th</sup> Avenue North from the Florida Department of Transportation and any other governmental authority/jurisdiction from which approval of such signage must be obtained.

(4) To limit, as reasonably practicable, vehicular traffic related to construction activities at the Project Site from using the streets in the residential neighborhoods surrounding the Project Site.

(5) To limit the days and hours of construction activities as required by the City of St. Petersburg City Code.

6. Public Facilities: Traffic Concurrency. The following existing and needed public facilities are identified as serving the Project:

(a) Potable Water: The City will provide potable water to the Project Site. Sufficient supply capacity is available to service the Project, consistent with the requirements of the City's concurrency management regulations.

(b) Sanitary Sewer: The City will provide sanitary sewer service to the Project Site. Sufficient treatment capacity is available to service the Project, consistent with the requirements of the City's concurrency management regulations.

(c) Stormwater Management: Stormwater management level of service is project-dependent rather than based on the provision and use of public facilities and is not directly provided by the City. The design and construction of the proposed stormwater facilities on the Project Site shall be in compliance with the requirements of the City of St. Petersburg City Code and the Southwest Florida Water Management District, shall meet concurrency requirements for stormwater, and shall not result in degradation of the level of service below City's adopted level of service.

(d) Law Enforcement: Law Enforcement protection will be provided by the City of St. Petersburg Police Department using available facilities and service capacity already in place. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements, and no new public facilities will be needed to service the Project.

(e) Fire Protection and Emergency Medical Service: Fire protection and emergency medical services will be provided by the City using available facilities and service capacity already in place. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements, and no new public facilities will be needed to service the Project.

(f) Library Facilities and Services: Library facilities and services will be provided by the City using available facilities and service capacity already in place. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements and no new public library facilities will be needed to service the Project.

(g) Public Schools: Public school facilities and services will be provided by the Pinellas County School Board. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements and no new public facilities will be needed to service the Project.

(h) Solid Waste: Solid waste collection services will be provided by the City using facilities, equipment and service capacity already in place, while waste disposal services will be handled by Pinellas County. Capacity is sufficient to allow the Project to meet the applicable level of service requirements, and no new public facilities will be needed to service the Project.

(i) Transportation/Mass Transit: The determination of adequacy of public facilities, including transportation facilities, to serve the proposed development shall be made in accordance with the City's Concurrency requirements in existence as of the date of this Agreement.

(j) Utility Improvements: Utility improvements necessary to provide service to a structure shall be constructed by Developer at Developer's expense prior to issuance of certificates of occupancy for the structure.

7. Reservation or Dedication of Land. Owner and Developer shall not be required to reserve or dedicate land within the Property for municipal purposes other than: (a) public utility easements for utilities servicing the Property; (b) as applicable for roadways and other transportation facilities; and (c) subject to reasonable reservation and dedications during site plan review and approval.

8. Local Development Permits. The following local development approvals will be required to develop the Property for uses permitted in the NSM-1 and CRS-1 zoning districts:

- (a) Final site plan and, if applicable, special exception approval;
- (b) Water, sewer, paving and drainage permits;
- (c) Building permits;

- (d) Certificates of Occupancy;
- (e) Certificates of Concurrency;
- (f) Any other development permits that may be required by City ordinances and regulations; and
- (g) Such other City, County, State or Federal permits as may be required by law.

9. Consistency with Comprehensive Plan. Development of the Property for the purposes allowed in the NSM-1 and CRS-1 zoning districts will be consistent with the City's Comprehensive Plan once the Future Land Use element of the Plan is amended to Residential/Office General (R/OG) for the Commercial Property and to Residential Medium (RM) for the Residential Property.

10. Necessity of Complying with Local Regulations Relative to Permits. The Parties agree that the failure of this Agreement to address a particular permit, condition, fee, term or restriction shall not relieve Owner and/or Developer of the necessity of complying with regulations governing said permitting requirements, conditions, fees, terms or restrictions.

11. Binding Effect. The obligations imposed pursuant to this Agreement upon the Parties and upon the Property shall run with and bind the Property as covenants running with the Property. This Agreement shall be binding upon and enforceable by and against the Parties hereto, their personal representatives, heirs, successors, grantees and assigns, which shall include, but are not limited to, Sembler. Notwithstanding the foregoing, the rights and obligations under this Agreement of the owner of the Property shall pass to Developer upon the closing of Developer's purchase of the Property from such owner, and the owner of the Property shall be relieved of any further obligations under this Agreement upon Developer's acquisition of title to the Property.

12. Concurrency and Comprehensive Plan Findings. Based on the conceptual site plan incorporated herein as Exhibit "F", the City has determined that the concurrency requirements of Sections 16.03.050 and 16.03.060 of the City's LDRs and the City's Comprehensive Plan will be met for the Project. The City has found that the Project and this Agreement appear to be consistent with and further the goals, objectives, policies and action strategies of the City's Comprehensive Plan and with the City's LDRs.

13. Disclaimer of Joint Venture. The Parties represent that by the execution of this Agreement it is not the intent of the Parties that this Agreement be construed or deemed to represent a joint venture or common undertaking between any Parties, or between any Party and any third party. While engaged in carrying out and complying with the terms of this Agreement, Owner and Developer are independent principals and not contractors for or officers, agents, or employees of the City. Neither Owner nor Developer shall at any time or in any manner represent that it or any of its agents or employees are employees of the City.

14. Amendments. The Parties acknowledge that this Agreement may be amended by mutual consent of the Parties subsequent to execution in accordance with §163.3237, Florida Statutes and Section 16.05 of the City's LDRs. All amendments to this Agreement shall be ineffective unless reduced to writing and executed by the Parties in accordance with the City's LDRs.

15. Notices. All notices, demands, requests for approvals or other communications given by any Party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested, by a recognized national overnight courier service, or by facsimile transmission to the office for each Party indicated below and addressed as follows:

- (a) **To the Owner:**  
Diocese of St. Petersburg  
ATTN: Real Estate Department  
P.O. Box 40200  
St. Petersburg, FL 33743-0200  
**With a copy to:**  
DiVito & Higham  
ATTN: Joseph A. DiVito, Esq.  
4514 Central Avenue  
St. Petersburg, FL 33711

- (b) **To the Developer:**  
Clear Ocean Investments II Corporation  
ATTN: William H. Howell  
4701 Central Avenue, Suite A  
St. Petersburg, FL 33713  
**With a copy to:**  
Hayes Law Group  
ATTN: George L. Hayes, III, Esq.  
4701 Central Avenue, Suite A  
St. Petersburg, FL 33713
- (c) **To the City:**  
City of St. Petersburg  
Attn: Rick W. MacAulay, Manager  
Urban Planning, Design and Historic Preservation Division  
City of St. Petersburg Development Services Dept  
One 4<sup>th</sup> Street North  
St. Petersburg, FL 33701  
**With a copy to:**  
Assistant City Attorney, City of St. Petersburg  
Attn: Milton A. Galbraith, Jr., Esq.  
Municipal Services Center  
One 4<sup>th</sup> Street North  
St. Petersburg, FL 33701

16. **Effectiveness of Notice.** Notices given by courier service or by hand delivery shall be effective upon delivery and notices given by mail shall be effective on the fifth (5) business day after mailing. Refusal by any person to accept delivery of any notice delivered to the office at the address indicated above (or as it may be changed) shall be deemed to have been an effective delivery as provided in this Paragraph. The addresses to which notices are to be sent may be changed from time to time by written notice delivered to the other Parties and such notices shall be effective upon receipt. Until notice of change of address is received as to any particular Party hereto, all other Parties may rely upon the last address given. Notices given by facsimile transmission shall be effective on the date sent.

17. **Default.** In the event any Party is in default of any provision hereof, any non-defaulting Party, as a condition precedent to the exercise of its remedies, shall be required to give the defaulting Party written notice of the same pursuant to this Agreement. The defaulting Party shall have thirty (30) business days from the receipt of such notice to cure the default. If the defaulting Party timely cures the default, this Agreement shall continue in full force and effect. If the defaulting Party does not timely cure such default, the non-defaulting Party shall be entitled to pursue its remedies available at law or equity.

18. **Non-Action on Failure to Observe Provisions of this Agreement.** The failure of any Party to promptly or continually insist upon strict performance of any term, covenant, condition or provision of this Agreement, or any Exhibit hereto, or any other agreement, instrument or document of whatever form or nature contemplated hereby shall not be deemed a waiver of any right or remedy that the Party may have, and shall not be deemed a waiver of a subsequent default or nonperformance of such term, covenant, condition or provision.

19. **Applicable Law and Venue.** The laws of the State of Florida shall govern the validity, performance and enforcement of this Agreement. Venue for any proceeding arising under this Agreement shall be in the Sixth Judicial Circuit, in and for Pinellas County, Florida, for State actions and in the United States District Court for the Middle District of Florida for federal actions, to the exclusion of any other venue.

20. **Construction.** This Agreement has been negotiated by the Parties, and the Agreement, including, without limitation, the Exhibits, shall not be deemed to have been prepared by any Party, but by all equally.

21. Entire Agreement.

(a) This Agreement, and all the terms and provisions contained herein, including without limitation the Exhibits hereto, constitute the full and complete agreement between the Parties hereto to the date hereof, and supersedes and controls over any and all prior agreements, understandings, representations, correspondence and statements whether written or oral. With the exception of conditions that may be imposed by the City in approving any Development Permit, no Party shall be bound by any agreement, condition, warranty or representation other than as expressly stated in this Agreement, and this Agreement may not be amended or modified except by written instrument signed by the Parties hereto, in accordance with this Agreement, Florida Statutes Section 163.3237, and Section 16.05 of the City's LDRs.

(b) Any provisions of this Agreement shall be read and applied in para materia with all other provisions hereof.

22. Holidays. It is hereby agreed and declared that whenever a notice or performance under the terms of this Agreement is to be made or given on a Saturday or Sunday or on a legal holiday observed by the City, it shall be postponed to the next following business day.

23. Certification. The Parties shall at any time and from time to time, upon not less than ten (10) days prior notice by the other Party execute, acknowledge and deliver to the other Party (and, in the case of the City, to a Project Lender) a statement in recordable form certifying that this Agreement has not been modified and is in full force and effect (or if there have been modifications that this Agreement as modified is in full force and effect and setting forth a notation of such modifications), and that to the knowledge of such Party, neither it nor any other Party is then in default hereof (or if another Party is then in default hereof, stating the nature and details of such default), it being intended that any such statement delivered pursuant to this Paragraph may be conclusively relied upon by any prospective purchaser, mortgagee, successor, assignee of any mortgage or assignee of the respective interest in the Project, if any, of any Party made in accordance with the provisions of this Agreement.

24. Termination. This Agreement shall automatically terminate and expire upon the occurrence of the first of the following:

(a) The expiration of twenty (20) years from the Effective Date of this Agreement, as defined herein, unless the City extends the initial term for an additional twenty (20) year renewal term pursuant to the terms of this Agreement and subject to all necessary requirements in accordance with the Florida Statutes and the City's then-existing LDRs; or

(b) The revocation of this Agreement by the City Council in accordance with Section 163.3235, Florida Statutes and Section 16.05 of the City's LDRs; or

(c) The execution of a written agreement by all Parties, or by their successors in interest, providing for the cancellation and termination of this Agreement.

25. Deadline for Execution. The Owner and Developer shall execute this Agreement prior to the date on which the City Council considers this Agreement for final approval.

26. Covenant of Cooperation. The Parties shall cooperate with and deal with each other in good faith and assist each other in the performance of the provisions of this Agreement and in achieving the completion of development of the Project Site, including processing amendments to this Agreement.

27. Approvals.

(a) For the purposes of this Agreement any required written permission, consent, approval or agreement ("Approval") by the City means the Approval of the Mayor or his designee unless otherwise set forth herein and such approval shall be in addition to any and all permits and other licenses required by law or this Agreement.

(b) For the purposes of this Agreement any right of the City to take any action permitted, allowed or required by this Agreement, may be exercised by the Mayor or his designee, unless otherwise set forth herein.

28. Partial Invalidity. If any term or provision of this Agreement or the application thereof to any person or circumstance is declared invalid or unenforceable, the remainder of this Agreement, including any valid portion of the invalid term or provision and the application of such invalid term or provision to circumstances other than those as to which it is held invalid or unenforceable by a court of competent jurisdiction, shall not be affected thereby and shall with the remainder of this Agreement continue unmodified and in full force and effect.

29. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute a single instrument.

30. Failure of Development to Occur as Proposed. If development of the Property does not occur as proposed under this Agreement, both the City and the property owner have the right to initiate the process to change the land use and zoning designations of the Property to the designations that existed at the time of execution of this Agreement.

31. Cancellation. This Agreement shall become null and void as to any portion of the Property if any of the following occur: (1) the Developer fails to obtain the rezoning or Comprehensive Plan Amendment as more fully set forth above; (2) the Future Land Use designation of the Residential Property or any portion thereof changes to any designation other than RM; (3) the zoning of the Residential Property or any portion thereof changes to any designation other than NSM-1; (4) the Future Land Use Designation of the Commercial Property or any portion thereof changes to any designation other than R/OG; or (5) the zoning designation of the Commercial Property or any portion thereof changes to any designation other than CRS-1.

32. Third Party Beneficiaries. The rights and obligations of the Parties set forth in this Agreement are personal to the Parties, and no third parties are entitled to rely on or have an interest in any such rights and obligations.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

ATTEST:

Eva Andujar  
CITY CLERK

CITY  
CITY OF ST. PETERSBURG, FLORIDA

By: [Signature]

As Its: Mayor

19th day of July, 2010

Approved as to form and content [Signature]

By Office of City Attorney

Evea K. Smith



OWNER

WITNESSES:

ROBERT N. LYNCH, AS BISHOP OF  
THE DIOCESE OF ST. PETERSBURG,  
A CORPORATION SOLE

sign Maria T. Amigley  
print Maria T. Gonzalez  
sign Kathleen M. Fixter  
print Kathleen M. Fixter

By: [Signature]  
print Elizabeth M. Deptula  
title Secretary of Administration  
date 4/9/10

DEVELOPER

WITNESSES:

CLEAR OCEAN INVESTMENTS II CORPORATION,  
A FLORIDA CORPORATION

sign Cindy Fearon  
print CINDY FEARON  
sign [Signature]  
print LINDA FEARON

By: [Signature]  
print William H. Howell  
title PRES.  
date 4-9-10

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2010,  
by Elizabeth Deptula on behalf of Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, a  
Corporation Sole, who is personally known to me or produced \_\_\_\_\_ as identification.



NOTARY PUBLIC:

sign [Signature]  
print JOAN G. MORGAN

State of Florida at Large

My Commission Expires:

(SEAL)

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2010,  
by WILLIAM H. HOWELL as Pres. of Clear Ocean Investments II  
Corporation, a Florida corporation, on behalf of the corporation, who is personally known to me or produced  
\_\_\_\_\_ as identification.



NOTARY PUBLIC:

sign

print

State of Florida at Large

My Commission Expires:

(SEAL)

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13TH AVENUE NORTH; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89°48'25" EAST, 173.81 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00°06'23" EAST, 275.79 FEET; THENCE SOUTH 32°34'44" EAST, 228.12 FEET; THENCE SOUTH 00°03'55" WEST, 775.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9TH AVENUE NORTH; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 762.64 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66TH STREET NORTH; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, AND ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 980.52 FEET TO THE SOUTHWEST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 89°48'38" EAST, 472.12 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID SOUTH BOUNDARY, AND ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 00°06'23" WEST, 260.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17.991 ACRES, MORE OR LESS

**EXHIBIT "B"**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89°48'25" EAST, 173.82 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00°06'23" EAST, 275.79 FEET; THENCE SOUTH 32°34'44" EAST, 228.12 FEET; THENCE SOUTH 00°03'55" WEST, 775.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9<sup>TH</sup> AVENUE NORTH, THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 497.64 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 981.70 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE ALONG SAID SOUTH BOUNDARY, NORTH 89°48'38" EAST, 207.12 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID SOUTH BOUNDARY, AND ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 00°06'23" WEST, 260.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 12.92 ACRES, MORE OR LESS.

**EXHIBIT "C"**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET; THENCE NORTH 89°56'16" WEST, 265.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET TO THE SOUTHWEST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 89°48'38" EAST, 265.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

**PLUS**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> STREET NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°18'28" EAST, 490.85 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9<sup>TH</sup> AVENUE NORTH; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 265.01 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, AND ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, SOUTH 89°56'16" EAST, 265.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

TOTAL SAID PARCELS CONTAIN 5.96 ACRES, MORE OR LESS.

**EXHIBIT "D"**

**LEGAL DESCRIPTION:**

THE WEST 200 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET; THENCE NORTH 89°56'16" WEST, 265.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET TO THE SOUTHWEST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 89°48'38" EAST, 265.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

**PLUS**

THE WEST 200 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**EXHIBIT "E"**

**LEGAL DESCRIPTION:**

THE EAST 65 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET; THENCE NORTH 89°56'16" WEST, 265.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET TO THE SOUTHWEST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 89°48'38" EAST, 265.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

**PLUS**

THE EAST 65 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> STREET NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°18'28" EAST, 490.85 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9<sup>TH</sup> AVENUE NORTH; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 265.01 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, AND ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, SOUTH 89°56'16" EAST, 265.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS. TOTAL OF SAID PARCELS CONTAIN 5.96 ACRES, MORE OR LESS.

**EXHIBIT "F"**

**SITE PLAN**



EXHIBIT "B"  
LEGAL DESCRIPTION - PROPERTY

Crossroads at Tyrone, Block 1, Lots 1 - 3, Plat Book 137, Pages 75-76, as recorded in the Public Records of Pinellas County, Florida. (Containing 17.99 acres, mol.)

EXHIBIT "C"  
LEGAL DESCRIPTION – RESIDENTIAL PROPERTY

Crossroads at Tyrone, Block 1, Lot 3, Plat Book 137, Pages 75-76, as recorded in the Public Records of Pinellas County, Florida. (Containing 12.02 acres, mol.)

EXHIBIT "D"  
LEGAL DESCRIPTION – COMMERCIAL PROPERTY

Crossroads at Tyrone, Block 1, Lots 1 and 2, Plat Book 137, Pages 75-76, as recorded in the Public Records of Pinellas County, Florida. (Containing 5.96 acres, mol.)

EXHIBIT "E"  
FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT

ORDINANCE NO. 40-H

AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, CLEAR OCEAN INVESTMENTS II CORPORATION, AND THE CITY OF ST. PETERSBURG RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 6533 NINTH AVENUE NORTH WITHIN THE BOUNDARIES OF THE CITY; RECOGNIZING THAT THE SUBJECT AMENDMENT IS BETWEEN THE CITY, ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, AND HEARTLAND COMMUNITIES, LLC, WHICH HAS SUCCEEDED CLEAR OCEAN INVESTMENTS II CORPORATION AS DEVELOPER; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. An Amendment to the Development Agreement between Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, a Corporation Sole, Clear Ocean Investments II Corporation, a Florida Corporation, and the City of St. Petersburg relating to the development of property generally located at 6533 Ninth Avenue North within the boundaries of the City is hereby approved and adopted. The subject Amendment is between the City, Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, and Heartland Communities, LLC, a Florida Limited Liability Company, which has succeeded Clear Ocean Investments II Corporation as Developer. A copy of the Amendment is attached hereto and incorporated herein as Exhibit "1."

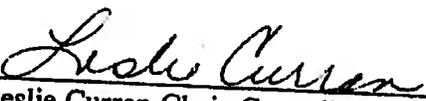
SECTION 2. The Mayor, or his designee, is authorized to execute the Amendment to the Development Agreement on behalf of the City.

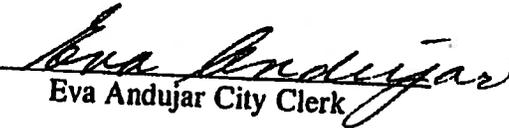
SECTION 3. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth (5<sup>th</sup>) business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that 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.

First reading conducted on the 2nd day of August, 2012.

Adopted by St. Petersburg City Council on second and final reading on the 16th day of August, 2012.

  
\_\_\_\_\_  
Leslie Curran Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:   
Eva Andujar City Clerk



Title Published: Times 1-t 8/5/2012

**Not vetoed. Effective date Thursday, August 23, 2012 at 5:00 p.m.**

**AMENDMENT TO DEVELOPMENT AGREEMENT**

THIS AMENDMENT TO DEVELOPMENT AGREEMENT ("Amendment") is made and entered into this 16<sup>th</sup> day of October, 2012, by and between ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, a Corporation Sole, whose mailing address is 6363 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 (hereinafter the "Owner"), HEARTLAND COMMUNITIES, LLC, a Florida Limited Liability Company, whose mailing address is P.O. Box 978, Doylestown, Pennsylvania 18901 (hereinafter the "Developer"), and the CITY OF ST. PETERSBURG, FLORIDA, a Florida municipal corporation, whose mailing address is City Attorney's Office, P.O. Box 2842, St. Petersburg, Florida 33731 (hereinafter the "City").

**WITNESSETH:**

WHEREAS, Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, Clear Ocean Investments II Corporation, and the City entered into that certain Development Agreement dated July 19, 2010 ("Development Agreement") and more particularly described in Exhibit "A," attached hereto and made a part hereof, pertaining to a certain approximately 17.99 acres of land located at 6533 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 within the boundaries of the City, more particularly described in the legal description in Exhibit "B," attached hereto and made a part hereof (hereinafter the "Property"); and

WHEREAS, the Development Agreement established certain terms and conditions relating to the proposed development of the Property in accordance with Sections 163.3220-163.3243, Florida Statutes, the Florida Local Government Development Agreement Act (hereinafter, the "Act"); and

WHEREAS, the Development Agreement was recorded in the Public Records of Pinellas County on August 5, 2010 at OR Book 16994, Page 385-405 and runs with the Property for a period of twenty (20) years from the Effective Date of that Agreement; and

WHEREAS, the Development Agreement is still in effect as of the Effective Date of this Amendment and is binding upon and enforceable by and against those parties who signed the Development Agreement, their personal representatives, heirs, successors, grantees, and assigns; and

WHEREAS, the Development Agreement discussed the development of the Property in terms of the development of the "Residential Property" (approximately 12.02 acres of the Property), more particularly described in the legal description in Exhibit "C," attached hereto and made a part hereof, and the development of the "Commercial Property" (approximately 5.96 acres of the Property), more particularly described in the legal description in Exhibit "D," attached hereto and made a part hereof; and

WHEREAS, this Amendment makes certain changes to the terms of development of the Residential Property only; and

WHEREAS, Clear Ocean Investments II Corporation, which previously had a contract to purchase the Property from the Owner and was acting as Developer, no longer has any interest in the Property; and

WHEREAS, Heartland Communities, LLC has succeeded Clear Ocean Investments II Corporation as the Developer of the Residential Property and has a contract to purchase the Residential Property from the Owner; and

WHEREAS, the Owner and the Developer desire to modify certain terms of the Development Agreement to decrease the maximum number of buildings that may be constructed on the Residential Property, to clarify the allowable height and number of stories for each building, and to clarify that each independent

living unit permitted under the Development Agreement, as amended, may be exchanged for three assisted living facility/skilled nursing beds and vice versa.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Parties, the Owner, the Developer, and the City agree as follows:

1. Recitals. The Recitals set forth above are true and correct and are hereby incorporated herein by reference. All exhibits to this Amendment are essential to this Amendment and are hereby deemed a part hereof.

2. Amendment to Section 5(c). The following language from Section 5(c) is hereby deleted:  
"The development uses proposed on the Residential Property include an apartment building for the elderly with eighty-three (83) units and no more than three (3) stories; a skilled nursing facility with approximately one hundred (100) beds and no more than two (2) stories; and an Assisted Living Facility/Independent Living Facility (ALF/ILF) with approximately one hundred fifty (150) beds and no more than three (3) stories. Together the skilled nursing facility and the ALF/ILF on the Residential Property shall have no more than two hundred fifty (250) beds total."

and in its place is substituted the following:

"The development uses proposed on the Residential Property shall include no more than two buildings: a building with approximately eighty-five (85) Assisted Living Facility (ALF)/skilled nursing beds and eighty-three (83) Independent Living (IL) units and no more than four (4) stories; and a building with approximately one hundred sixty-five (165) ALF/skilled nursing beds and no more than three (3) stories. Each IL unit may be exchanged for three (3) ALF/skilled nursing beds, and vice versa, pursuant to the City Code."

The following language from Section 5(c)(12) is hereby deleted:

"Development of the Residential Property shall be limited to an apartment building for the elderly with eighty-three (83) units and no more than three stories; a skilled nursing facility with approximately one hundred (100) beds and no more than two stories; and an Assisted Living Facility/Independent Living Facility (ALF/ILF) with approximately one hundred fifty (150) beds and no more than three stories. Together the skilled nursing facility and the ALF/ILF on the Residential Property shall have no more than two hundred fifty (250) beds total."

and in its place is substituted the following:

"Development of the Residential Property shall be limited to two buildings. One building shall be no more than four stories, not to exceed the height permitted by the City Code. The second building shall be no more than three stories. It is anticipated that the four story building will include eighty-five (85) ALF/skilled nursing beds and eighty-three (83) Independent Living (IL) units and that the three story building will include one hundred sixty-five (165) ALF/skilled nursing beds. Each IL unit may be exchanged for three (3) ALF/skilled nursing beds, and vice versa, pursuant to the City Code. Additional examples of an IL unit and ALF/skilled nursing bed development mix utilizing the 3:1 ratio permitted by the City Code are as follows: fifty (50) IL units and three hundred forty-nine (349) ALF/skilled nursing beds; one hundred (100) IL units and one hundred ninety-nine (199) ALF/skilled nursing beds; and one hundred twenty-five (125) IL units and one hundred twenty-four (124) ALF/skilled nursing beds. If the Residential Property is developed solely with ALF/skilled nursing beds, the maximum development potential shall not exceed four hundred ninety-nine (499) ALF/skilled nursing beds. If the Residential Property is developed solely with IL units, the maximum development potential shall not exceed one hundred sixty-six (166) IL units. These "not to exceed" limits are intended to allow flexibility in the mix of IL units and ALF/skilled nursing beds."

All other terms and conditions of Section 5(c) not specifically addressed or modified in this Paragraph 2 shall remain in full force and effect.

3. Amendment to Section 15. Section 15 of the Development Agreement is hereby deleted in its entirety and in its place is substituted the following:

Notices. All notices, demands, requests for approvals or other communications given by any Party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested, by a recognized national overnight courier service, or by facsimile transmission to the office for each Party indicated below and addressed as follows:

- (a) **To the Owner:**  
Diocese of St. Petersburg  
ATTN: Real Estate Department  
P.O. Box 40200  
St. Petersburg, FL 33743-0200  
**With a copy to:**  
DiVito & Higham  
ATTN: Joseph A. DiVito, Esq.  
4514 Central Avenue  
St. Petersburg, FL 33711
- (b) **To the Developer:**  
Heartland Communities, LLC  
P.O. Box 978  
Doylestown, Pennsylvania 18901
- (c) **To the City:**  
City of St. Petersburg  
Attn: Director  
Planning and Economic Development Department  
One 4<sup>th</sup> Street North  
St. Petersburg, FL 33701  
**With a copy to:**  
City Attorney's Office  
City of St. Petersburg  
P.O. Box 2842  
St. Petersburg, FL 33731

4. Amendment to Section 19. Section 19 of the Development Agreement is hereby deleted in its entirety and in its place is substituted the following:

Governing Laws. The laws of the State of Florida shall govern the validity, performance and enforcement of this Agreement. Venue for any proceeding arising under this Agreement shall be in the Sixth Judicial Circuit, in and for Pinellas County, Florida, for State actions and in the United States District Court for the Middle District of Florida, Tampa Division, for federal actions, to the exclusion of any other venue, unless a federal division shall be created in St. Petersburg or Pinellas County, in which case any federal action shall be brought in that division. The parties agree that in the event litigation is brought by any party, that the parties waive the right to a trial by jury.

5. Deadline for Execution. The Owner and Developer shall execute this Amendment prior to the date on which the City Council considers this Amendment for final approval.

6. Conceptual Site Plan. The conceptual site plan attached to the Development Agreement as Exhibit "F" is deleted and in its place is substituted a new conceptual site plan as set forth on Exhibit "E" attached to this Amendment. All references to Exhibit "F" in the Development Agreement shall instead now refer to Exhibit "E" in this Amendment.

7. References to "Agreement." References to "Agreement" in the Development Agreement shall mean the Development Agreement, including any Exhibits, and any amendments thereto, including this Amendment.

8. Effect of Amendments. All other terms and conditions of the Development Agreement not specifically addressed or modified in this Amendment shall remain in full force and effect.

9. Ratification. The parties hereto ratify and confirm that all of the terms, conditions and provisions of the Development Agreement as amended by this Amendment remain in full force and effect.

10. Recording and Effective Date. After this Amendment has been executed by the Parties, the City shall record the Agreement in the Public Records of Pinellas County, Florida, at the Owner's expense. This Amendment shall become effective upon such recordation.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Development Agreement as of the day and year set forth above.

**OWNER:**

**ROBERT N. LYNCH, AS BISHOP OF  
THE DIOCESE OF ST. PETERSBURG,  
A CORPORATION SOLE**

By: [Signature]  
Print: Elizabeth M DePrato  
As its: \_\_\_\_\_

12/11/11

**WITNESSES:**

Sign: [Signature]  
Print: Joseph A. DeVito  
Sign: [Signature]  
Print: DARREN AZWELL

**DEVELOPER:**

**HEARTLAND COMMUNITIES, LLC**

By: [Signature]  
Print: STUART D. MILLS  
As its: MANDALINE MEMBER

**WITNESSES:**

Sign: [Signature]  
Print: F. Thomas Hester  
Sign: [Signature]  
Print: Donna L. Weber

**CITY:**

**CITY OF ST. PETERSBURG, FLORIDA**

By: [Signature]  
Print: TISH ELSTON  
As its: City Administrator

**WITNESSES:**

Sign: [Signature]  
Print: Amelia Preston  
Sign: [Signature]  
Print: Patricia Beahy

ATTEST: [Signature]  
City Clerk

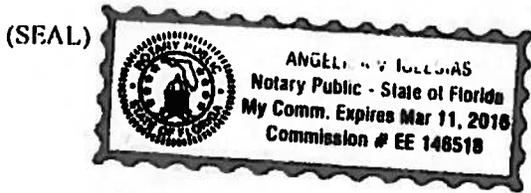
**ACKNOWLEDGMENT - OWNER**

STATE OF Florida  
COUNTY OF Pinellas



The foregoing instrument was acknowledged before me this 13 day of July, 2012, by Elizabeth M DePrato, on behalf of Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, a

Corporation Sole, who is personally known to me or who has produced \_\_\_\_\_ as identification.



NOTARY PUBLIC  
Sign: Angelica V. Telefina  
Print: ANGELICA V. TELEFINA  
Notary Public, State of FLORIDA  
My commission expires: March 11, 2016

STATE OF Florida  
COUNTY OF Orange  
**ACKNOWLEDGMENT - DEVELOPER**

The foregoing instrument was acknowledged before me this 25 day of July, 2012, by Stuart A. Mills, in his/her capacity as Managing Member of Heartland Communities, LLC., who is personally known to me or who has produced \_\_\_\_\_ as identification.



NOTARY PUBLIC  
Sign: Donna L. Weber  
Print: Donna L. Weber  
Notary Public, State of Florida  
My commission expires: 10-25-2014

**ACKNOWLEDGMENT - CITY OF ST. PETERSBURG, FLORIDA**  
STATE OF Florida  
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of October, 2012, by Patricia Elston, in his/her capacity as City Administrator and Eva Andujar, City Clerk, on behalf of the City of St. Petersburg, Florida, who are personally known to me or who have produced \_\_\_\_\_ as identification.



NOTARY PUBLIC  
Sign: Cathy E. Davis  
Print: Cathy E. Davis  
Notary Public, State of Florida  
My commission expires: 3/12/2013

APPROVED AS TO CONTENT: APPROVED AS TO FORM:

City Attorney (or designee)  
By: [Signature]  
Assistant City Attorney

City Attorney (or designee)  
By: [Signature]  
Assistant City Attorney

**EXHIBIT "A"**  
**DEVELOPMENT AGREEMENT**

ORDINANCE NO. 973-G

AN ORDINANCE APPROVING AND ADOPTING A DEVELOPMENT AGREEMENT WITH ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, A CORPORATION SOLE, AND CLEAR OCEAN INVESTMENTS II CORPORATION, A FLORIDA CORPORATION, RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 9<sup>TH</sup> AVENUE NORTH AND 66<sup>TH</sup> STREET NORTH; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The Development Agreement between the City of St. Petersburg, the Diocese of St. Petersburg and Clear Ocean Investments II, Corporation, a copy of which is attached hereto and incorporated herein as Exhibit "A," is hereby approved and adopted.

SECTION 2. The Mayor is authorized to execute the Development Agreement on behalf of the City.

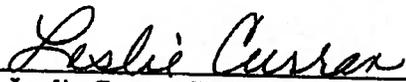
SECTION 3. The Development Agreement shall be valid for a period of twenty years from the date of execution.

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 (5<sup>th</sup>) 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.

973-G  
Page 2

First reading conducted on the 4<sup>th</sup> day of March, 2010.

Adopted by St. Petersburg City Council on second and final reading on the 20th day of May, 2010.

  
\_\_\_\_\_  
Leslie Curran Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:   
\_\_\_\_\_  
Amelia Preston, Deputy City Clerk

FLUM-7



Not vetoed. Effective date Thursday, May 27, 2010 at 5:00 p.m.

## DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (hereinafter the "Agreement") is made and entered into this 19<sup>th</sup> day of JULY 2010, by and between ROBERT N. LYNCH, AS BISHOP OF THE DIOCESE OF ST. PETERSBURG, a Corporation Sole, whose mailing address is 6363 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 (hereinafter "Owner"), CLEAR OCEAN INVESTMENTS II CORPORATION, a Florida Corporation, whose mailing address is 4701 Central Avenue, St. Petersburg, Florida 33713 (hereinafter the "Developer") and the CITY OF ST. PETERSBURG, FLORIDA, a Florida municipal corporation, whose mailing address is P. O. Box 2842, St. Petersburg, Florida 33731 (hereinafter the "City") (collectively hereinafter "the Parties").

### WITNESSETH:

WHEREAS, Owner is the fee simple title owner of approximately 17.99 acres of land located at 6533 9<sup>th</sup> Avenue North, St. Petersburg, Florida 33710 within the boundaries of the City, the legal description of which is attached hereto as Exhibit "A" (hereinafter the "Property"); and

WHEREAS, Owner has contracted to sell the Property and Developer has contracted to purchase the Property; and

WHEREAS, SEMBLER FLORIDA, INC., a Florida Corporation, whose address is 5858 Central Avenue, St. Petersburg, Florida 33707 (hereinafter "Sembler") has some existing contractual rights related to the Property that are not expected to survive the closing by the Developer on the Property; and

WHEREAS, Developer desires to develop approximately 12.02 acres of the Property described on Exhibit "B" attached hereto (hereinafter the "Residential Property") as permitted in the City's Neighborhood Suburban Multifamily (NSM-1) zoning district with a Residential Medium (RM) comprehensive land use designation; and

WHEREAS, Owner has filed an application with the City requesting a Comprehensive Plan Change Amendment to change the Future Land Use Plan Category for the Residential Property from Institutional to Residential Medium (RM); and

WHEREAS, Owner has filed a Rezoning Application with the City to change the zoning of the Residential Property from Neighborhood Suburban - 2 (NS-2) to Neighborhood Suburban Multifamily (NSM-1); and

WHEREAS, Developer desires to develop approximately 5.96 acres of the Property described on Exhibit "C" attached hereto (hereinafter the "Commercial Property") as permitted in the City's Corridor Residential Suburban (CRS-1) zoning district, subject to the limitations set forth in this Agreement, with a Residential/Office General (R/OG) comprehensive land use designation; and

WHEREAS, Owner has filed an application with the City requesting a Comprehensive Plan Change Amendment to change the Future Land Use Plan Category for the Commercial Property from Institutional to Residential/Office General (R/OG); and

WHEREAS, approximately 4.50 acres, described on Exhibit "D" attached hereto, of the Commercial Property is currently zoned Corridor Residential Suburban (CRS-1); and

WHEREAS, Owner has filed a Rezoning Application with the City to change the zoning of remaining approximately 1.46 acres, described on Exhibit "E" attached hereto, of the Commercial Property from Neighborhood Suburban - 2 (NS-2) to Corridor Residential Suburban (CRS-1); and

WHEREAS, Owner, Developer and the City desire to establish certain terms and conditions relating to the proposed development of the Property in accordance with Sections 163.3220-163.3243, Florida Statutes, the Florida Local Government Development Agreement Act (hereinafter the "Act"); and

WHEREAS, in accordance with Section 163.3220, Florida Statutes, et. seq. and Section 16.05 of the City's LDRs, the City is authorized to enter into a Development Agreement; and

WHEREAS, the first public hearing on this Agreement was held by the Planning and Visioning Commission on February 9, 2010; and

WHEREAS, the first reading of this Agreement was held by the City Council on March 4, 2010; and

WHEREAS, the second reading of and public hearing on this Agreement is scheduled to be held by the City Council on May 20, 2010; and

WHEREAS, the Developer desires to develop the Property in accordance with the conditions and limitations set forth in this Agreement.

### DEFINITIONS

The terms defined in this Agreement shall have the following meanings, except as herein otherwise expressly provided:

**"Agreement"** means this Development Agreement, including any Exhibits, and any amendments hereto or thereto.

**"Authorized Representative"** means the person or persons designated and appointed from time to time as such by the Owner, Developer, or the City.

**"City Council"** means the governing body of the City, by whatever name known or however constituted from time to time.

**"City's Comprehensive Plan"** means the City of St. Petersburg Comprehensive Plan, as most recently amended prior to the date hereof.

**"City's LDRs"** means the City of St. Petersburg Land Development Regulations, as most recently amended prior to the date hereof.

**"Development"** means all improvements to real property, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved real property.

**"Development Permit"** includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

**"Exhibits"** means those agreements, diagrams, drawings, specifications, instruments, forms of instruments, and other documents attached hereto and designated as exhibits to, and incorporated in and made a part of, this Agreement.

**"Florida Statutes"** means all references herein to "Florida Statutes" are to Florida Statutes (2009), as amended from time to time.

**"Governmental Authority"** means the City, the County or any other governmental entity having regulatory authority over the Project and that issues a Development Permit for the Project to be constructed and opened for business.

**"Project"** means the proposed development to be located on the Property as contemplated by this Agreement and as more particularly shown in the Diocese of St. Petersburg Site Plan, attached hereto and incorporated herein as Exhibit "F".

**"Property"** means the real property more particularly described in the legal description in Exhibit "A".

## AGREEMENT

NOW, THEREFORE, in consideration of the terms, conditions, covenants and mutual promises hereinafter set forth, the Parties agree as follows:

1. Recitals, Definitions, and Exhibits. The foregoing recitations are true and correct and are hereby incorporated herein by reference. The foregoing Definitions are hereby incorporated herein by reference. All exhibits to this Agreement are essential to this Agreement and are hereby deemed a part hereof.
2. Intent. It is the intent of the Parties that this Agreement shall be adopted in conformity with the Act and that this Agreement should be construed and implemented so as to effectuate the purposes and intent of the Act. This Agreement shall not be executed by or binding upon any Party until adopted in conformity with the Act.
3. Recording and Effective Date. After the Agreement has been executed by the Parties, and after the date the Comprehensive Plan Amendment and Zoning Designation Amendment become effective, the City shall record the Agreement in the Public Records of Pinellas County, Florida, at the Developer's expense and shall forward a copy of the recorded Agreement to the Florida Department of Community Affairs ("DCA"). Thirty (30) days after receipt of the recorded Agreement by the DCA, this Agreement shall become effective (the "Effective Date").
4. Duration. The initial term of this Agreement shall be for twenty (20) years from the Effective Date. Owner and Developer agree that this Agreement may be extended by the City at the end of the initial term for an additional twenty (20) year renewal term, subject to all necessary requirements in accordance with the Florida Statutes and the City's then-existing LDRs.
5. Permitted Development Uses and Building Intensities.
  - (a) Permitted Development Uses. The Property currently holds an Institutional comprehensive land use designation. Owner has applied to the City to rezone the Residential Property from NS-2 to NSM-1, with a concurrent application to amend the Future Land Use designation to P.M. Currently approximately 4.50 acres of the Commercial Property is zoned CRS-1. Owner has applied to the City to rezone the remaining approximately 1.46 acres of Commercial Property from NS-2 to CRS-1, with a concurrent application to amend the Future Land Use designation of the Commercial Property to R/OG. Upon such rezoning and land use plan amendments being adopted, the Property may be used for the purposes permitted in the applicable zoning districts subject to the additional limitations and conditions set forth in this Agreement.
  - (b) Maximum Density, Intensity, and Height of Proposed Uses. For the purposes of this Development Agreement, maximum density, intensity, and height shall be as provided by the City of St. Petersburg City Code, including the City's LDRs, and all applicable laws and regulations of the State of Florida, including but not limited to the Florida Statutes, the Florida Building Code, and all applicable regulations of the Florida Department of Transportation. A workforce housing density bonus of six (6) units per acre is also allowable, subject to the City's Workforce Housing Ordinance. Additional building height can be achieved pursuant to the Large Tract Planned Development Overlay regulations, set forth in Chapter 16 of the City Code.
  - (c) Limitations and Conditions on Use. A conceptual site plan for the Property is attached hereto as Exhibit "P". This site plan is conceptual only to provide a conceptual layout for the general location of the proposed uses and is subject to full site plan review in accordance with existing procedures and requirements established by the City's LDRs. The development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. bank branch; a fifteen thousand (15,000) sq. ft. one (1) story medical office building; a six thousand (6,000) sq. ft. daycare facility; and a thirty thousand (30,000) sq. ft. two (2) story medical office building. In the alternative, the development uses proposed on the Commercial Property and their approximate sizes include a four thousand (4,000) sq. ft. one (1) story bank branch and a fifty-one thousand (51,000) sq. ft. medical office building with no more than three (3) stories, and the Developer agrees that such uses are to be located on the portion of the Commercial Property fronting 66<sup>th</sup> Street. Under either proposed development scenario, total development of the Commercial Property shall not exceed fifty-five thousand (55,000) sq. ft. of development uses. The development uses proposed on the Residential

Property include an apartment building for the elderly with eighty-three (83) units and no more than three (3) stories; a skilled nursing facility with approximately one hundred (100) beds and no more than two (2) stories; and an Assisted Living Facility/Independent Living Facility (ALF/ILF) with approximately one hundred fifty (150) beds and no more than three (3) stories. Together the skilled nursing facility and the ALF/ILF on the Residential Property shall have no more than two hundred fifty (250) beds total. Owner and Developer agree that the following limitations and conditions shall apply to any site plan approved for the Property:

- (1) Any buildings shall be prohibited within the northern one hundred forty (140) feet of the Property.
- (2) Residential buildings located on the 9<sup>th</sup> Avenue North perimeter of the Residential Property facing the abutting single family neighborhoods shall be designed in accordance with the Redevelopment Plan criteria set forth in the City's LDRs.
- (3) No motor vehicular access to or from the Property shall be allowed to or from 13<sup>th</sup> Avenue North.
- (4) The following uses shall be prohibited on any part of the Property:
  - a. Restaurants and bars (where the predominant business is the sale of alcoholic beverages) and liquor stores.
  - b. Outdoor sound system, loud speakers or live outdoor music.
  - c. Service truck deliveries between 10:00 pm and 6:00 am.
  - d. Pawn shops.
- (5) Developer shall incorporate the most current technology and applications to address site lighting spillage, including, but not limited to, flat lens, shields, low profile baffled lighting, and low profile poles. A photometric plan shall be developed to ensure that no source of illumination shall be directly visible from any window in any residence abutting the Property.
- (6) Any solid wall installed along 9<sup>th</sup> Avenue North shall be no higher than three (3) feet unless required to be higher by City Code.
- (7) Developer shall provide a bus pull-off area on 66<sup>th</sup> Street between 9<sup>th</sup> Avenue North and 13<sup>th</sup> Avenue North, if agreed to by the City, the Florida Department of Transportation, and Pinellas Suncoast Transit Authority (PSTA).
- (8) Developer shall provide enhanced bus shelters on 66<sup>th</sup> Street between 9<sup>th</sup> Avenue North and 13<sup>th</sup> Avenue North, if agreed to by the City, the Florida Department of Transportation, and PSTA.
- (9) Developer shall provide a pedestrian connection from the bus stops on 66<sup>th</sup> Street to the site, if agreed to by the City, the Florida Department of Transportation, and PSTA.
- (10) Developer shall provide pedestrian connections between the buildings within the site and 13<sup>th</sup> Avenue North, 9<sup>th</sup> Avenue North, and 66<sup>th</sup> Street, if agreed to by the City.
- (11) Developer shall provide bicycle racks within the site as required by City Code.
- (12) Development of the Residential Property shall be limited to an apartment building for the elderly with eighty-three (83) units and no more than three stories; a skilled nursing facility with approximately one hundred (100) beds and no more than two stories; and an Assisted Living Facility/Independent Living Facility (ALF/ILF) with approximately one hundred fifty (150) beds and no more than three stories. Together the skilled nursing facility and the ALF/ILF on the Residential Property shall have no more than two hundred fifty (250) beds total.

(13) The final site plan shall clearly identify the points of vehicular access into the Residential Property and between the Residential Property and the Commercial Property.

(d) Additional Development Requirements. In addition to the site plan requirements set forth above, Developer agrees:

(1) To seek any required approvals from the Florida Department of Transportation and any other governmental entity for the following improvements and to make such improvements if the required approvals are received:

- a. Close the existing northern median opening on 66<sup>th</sup> Street between 9<sup>th</sup> Avenue North and 13<sup>th</sup> Avenue North.
- b. Extend the southbound left turn lane on 66<sup>th</sup> Street at 9<sup>th</sup> Avenue North.
- c. Extend the northbound left turn lane on 66<sup>th</sup> Street at 13<sup>th</sup> Avenue North.
- d. Provide directional median opening and southbound left turn lane on 66<sup>th</sup> Street at the main Project driveway located between the northern and southern driveways.
- e. Provide a northbound right turn lane on 66<sup>th</sup> Street at the main Project driveway located between the northern and southern driveways.
- f. Provide a northbound right turn lane on 66<sup>th</sup> Street at the northern Project driveway.
- g. Provide an eastbound left turn lane on 9<sup>th</sup> Avenue North at the eastern Project driveway.
- h. Provide a westbound right turn lane on 9<sup>th</sup> Avenue North at the eastern Project driveway.
- i. Extend the westbound right turn lane and westbound left turn lane on 9<sup>th</sup> Avenue North at 66<sup>th</sup> Street.

(2) To design and construct any access to or egress from the Property onto 9<sup>th</sup> Avenue North so as to eliminate or deter vehicular traffic from and through to 65<sup>th</sup> Street North into the Eagle Crest Neighborhood. Developer will assist, support and cooperate with the Eagle Crest Neighborhood Association to obtain modifications at the southernmost intersection of 9<sup>th</sup> Avenue North and 65<sup>th</sup> Street North to eliminate or deter through traffic access onto the Property from 65<sup>th</sup> Street North.

(3) To assist, support and cooperate with the appropriate neighborhood associations to obtain "No U-Turn" approval and signage at the intersection of 66<sup>th</sup> Street and 13<sup>th</sup> Avenue North from the Florida Department of Transportation and any other governmental authority/jurisdiction from which approval of such signage must be obtained.

(4) To limit, as reasonably practicable, vehicular traffic related to construction activities at the Project Site from using the streets in the residential neighborhoods surrounding the Project Site.

(5) To limit the days and hours of construction activities as required by the City of St. Petersburg City Code.

6. Public Facilities: Traffic Concurrency. The following existing and needed public facilities are identified as serving the Project:

- (a) **Potable Water:** The City will provide potable water to the Project Site. Sufficient supply capacity is available to service the Project, consistent with the requirements of the City's concurrency management regulations.
- (b) **Sanitary Sewer:** The City will provide sanitary sewer service to the Project Site. Sufficient treatment capacity is available to service the Project, consistent with the requirements of the City's concurrency management regulations.
- (c) **Stormwater Management:** Stormwater management level of service is project-dependent rather than based on the provision and use of public facilities and is not directly provided by the City. The design and construction of the proposed stormwater facilities on the Project Site shall be in compliance with the requirements of the City of St. Petersburg City Code and the Southwest Florida Water Management District, shall meet concurrency requirements for stormwater, and shall not result in degradation of the level of service below City's adopted level of service.
- (d) **Law Enforcement:** Law Enforcement protection will be provided by the City of St. Petersburg Police Department using available facilities and service capacity already in place. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements, and no new public facilities will be needed to service the Project.
- (e) **Fire Protection and Emergency Medical Service:** Fire protection and emergency medical services will be provided by the City using available facilities and service capacity already in place. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements, and no new public facilities will be needed to service the Project.
- (f) **Library Facilities and Services:** Library facilities and services will be provided by the City using available facilities and service capacity already in place. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements and no new public library facilities will be needed to service the Project.
- (g) **Public Schools:** Public school facilities and services will be provided by the Pinellas County School Board. Such capacity is sufficient to allow the Project to meet the applicable level of service requirements and no new public facilities will be needed to service the Project.
- (h) **Solid Waste:** Solid waste collection services will be provided by the City using facilities, equipment and service capacity already in place, while waste disposal services will be handled by Pinellas County. Capacity is sufficient to allow the Project to meet the applicable level of service requirements, and no new public facilities will be needed to service the Project.
- (i) **Transportation/Mass Transit:** The determination of adequacy of public facilities, including transportation facilities, to serve the proposed development shall be made in accordance with the City's Concurrency requirements in existence as of the date of this Agreement.
- (j) **Utility Improvements:** Utility improvements necessary to provide service to a structure shall be constructed by Developer at Developer's expense prior to issuance of certificates of occupancy for the structure.
7. **Reservation or Dedication of Land.** Owner and Developer shall not be required to reserve or dedicate land within the Property for municipal purposes other than: (a) public utility easements for utilities servicing the Property; (b) as applicable for roadways and other transportation facilities; and (c) subject to reasonable reservation and dedications during site plan review and approval.
8. **Local Development Permits.** The following local development approvals will be required to develop the Property for uses permitted in the NSM-1 and CRS-1 zoning districts:
- (a) Final site plan and, if applicable, special exception approval;
  - (b) Water, sewer, paving and drainage permits;
  - (c) Building permits;

- (d) Certificates of Occupancy;
- (e) Certificates of Concurrency;
- (f) Any other development permits that may be required by City ordinances and regulations; and
- (g) Such other City, County, State or Federal permits as may be required by law.

9. Consistency with Comprehensive Plan. Development of the Property for the purposes allowed in the NSM-1 and CRS-1 zoning districts will be consistent with the City's Comprehensive Plan once the Future Land Use element of the Plan is amended to Residential/Office General (R/OG) for the Commercial Property and to Residential Medium (RM) for the Residential Property.

10. Necessity of Complying with Local Regulations Relative to Permits. The Parties agree that the failure of this Agreement to address a particular permit, condition, fee, term or restriction shall not relieve Owner and/or Developer of the necessity of complying with regulations governing said permitting requirements, conditions, fees, terms or restrictions.

11. Binding Effect. The obligations imposed pursuant to this Agreement upon the Parties and upon the Property shall run with and bind the Property as covenants running with the Property. This Agreement shall be binding upon and enforceable by and against the Parties hereto, their personal representatives, heirs, successors, grantees and assigns, which shall include, but are not limited to, Sembler. Notwithstanding the foregoing, the rights and obligations under this Agreement of the owner of the Property shall pass to Developer upon the closing of Developer's purchase of the Property from such owner, and the owner of the Property shall be relieved of any further obligations under this Agreement upon Developer's acquisition of title to the Property.

12. Concurrency and Comprehensive Plan Findings. Based on the conceptual site plan incorporated herein as Exhibit "F", the City has determined that the concurrency requirements of Sections 16.03.050 and 16.03.060 of the City's LDRs and the City's Comprehensive Plan will be met for the Project. The City has found that the Project and this Agreement appear to be consistent with and further the goals, objectives, policies and action strategies of the City's Comprehensive Plan and with the City's LDRs.

13. Disclaimer of Joint Venture. The Parties represent that by the execution of this Agreement it is not the intent of the Parties that this Agreement be construed or deemed to represent a joint venture or common undertaking between any Parties, or between any Party and any third party. While engaged in carrying out and complying with the terms of this Agreement, Owner and Developer are independent principals and not contractors for or officers, agents, or employees of the City. Neither Owner nor Developer shall at any time or in any manner represent that it or any of its agents or employees are employees of the City.

14. Amendments. The Parties acknowledge that this Agreement may be amended by mutual consent of the Parties subsequent to execution in accordance with §163.3237, Florida Statutes and Section 16.05 of the City's LDRs. All amendments to this Agreement shall be ineffective unless reduced to writing and executed by the Parties in accordance with the City's LDRs.

15. Notices. All notices, demands, requests for approvals or other communications given by any Party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested, by a recognized national overnight courier service, or by facsimile transmission to the office for each Party indicated below and addressed as follows:

- (a) **To the Owner:**  
Diocese of St. Petersburg  
ATTN: Real Estate Department  
P.O. Box 40200  
St. Petersburg, FL 33743-0200  
**With a copy to:**  
DiVito & Higham  
ATTN: Joseph A. DiVito, Esq.  
4514 Central Avenue  
St. Petersburg, FL 33711

- (b) **To the Developer:**  
Clear Ocean Investments II Corporation  
ATTN: William H. Howell  
4701 Central Avenue, Suite A  
St. Petersburg, FL 33713  
With a copy to:  
Hayes Law Group  
ATTN: George L. Hayes, III, Esq.  
4701 Central Avenue, Suite A  
St. Petersburg, FL 33713
- (c) **To the City:**  
City of St. Petersburg  
Attn: Rick W. MacAulay, Manager  
Urban Planning, Design and Historic Preservation Division  
City of St. Petersburg Development Services Dept  
One 4<sup>th</sup> Street North  
St. Petersburg, FL 33701  
With a copy to:  
Assistant City Attorney, City of St. Petersburg  
Attn: Milton A. Galbraith, Jr., Esq.  
Municipal Services Center  
One 4<sup>th</sup> Street North  
St. Petersburg, FL 33701

16. **Effectiveness of Notice.** Notices given by courier service or by hand delivery shall be effective upon delivery and notices given by mail shall be effective on the fifth (5) business day after mailing. Refusal by any person to accept delivery of any notice delivered to the office at the address indicated above (or as it may be changed) shall be deemed to have been an effective delivery as provided in this Paragraph. The addresses to which notices are to be sent may be changed from time to time by written notice delivered to the other Parties and such notices shall be effective upon receipt. Until notice of change of address is received as to any particular Party hereto, all other Parties may rely upon the last address given. Notices given by facsimile transmission shall be effective on the date sent.

17. **Default.** In the event any Party is in default of any provision hereof, any non-defaulting Party, as a condition precedent to the exercise of its remedies, shall be required to give the defaulting Party written notice of the same pursuant to this Agreement. The defaulting Party shall have thirty (30) business days from the receipt of such notice to cure the default. If the defaulting Party timely cures the default, this Agreement shall continue in full force and effect. If the defaulting Party does not timely cure such default, the non-defaulting Party shall be entitled to pursue its remedies available at law or equity.

18. **Non-Action on Failure to Observe Provisions of this Agreement.** The failure of any Party to promptly or continually insist upon strict performance of any term, covenant, condition or provision of this Agreement, or any Exhibit hereto, or any other agreement, instrument or document of whatever form or nature contemplated hereby shall not be deemed a waiver of any right or remedy that the Party may have, and shall not be deemed a waiver of a subsequent default or nonperformance of such term, covenant, condition or provision.

19. **Applicable Law and Venue.** The laws of the State of Florida shall govern the validity, performance and enforcement of this Agreement. Venue for any proceeding arising under this Agreement shall be in the Sixth Judicial Circuit, in and for Pinellas County, Florida, for State actions and in the United States District Court for the Middle District of Florida for federal actions, to the exclusion of any other venue.

20. **Construction.** This Agreement has been negotiated by the Parties, and the Agreement, including, without limitation, the Exhibits, shall not be deemed to have been prepared by any Party, but by all equally.

21. Entire Agreement.

(n) This Agreement, and all the terms and provisions contained herein, including without limitation the Exhibits hereto, constitute the full and complete agreement between the Parties hereto to the date hereof, and supersedes and controls over any and all prior agreements, understandings, representations, correspondence and statements whether written or oral. With the exception of conditions that may be imposed by the City in approving any Development Permit, no Party shall be bound by any agreement, condition, warranty or representation other than as expressly stated in this Agreement, and this Agreement may not be amended or modified except by written instrument signed by the Parties hereto, in accordance with this Agreement, Florida Statutes Section 163.3237, and Section 16.05 of the City's LDRs.

(b) Any provisions of this Agreement shall be read and applied in para materia with all other provisions hereof.

22. Holidays. It is hereby agreed and declared that whenever a notice or performance under the terms of this Agreement is to be made or given on a Saturday or Sunday or on a legal holiday observed by the City, it shall be postponed to the next following business day.

23. Certification. The Parties shall at any time and from time to time, upon not less than ten (10) days prior notice by the other Party execute, acknowledge and deliver to the other Party (and, in the case of the City, to a Project Lender) a statement in recordable form certifying that this Agreement has not been modified and is in full force and effect (or if there have been modifications that this Agreement as modified is in full force and effect and setting forth a notation of such modifications), and that to the knowledge of such Party, neither it nor any other Party is then in default hereof (or if another Party is then in default hereof, stating the nature and details of such default), it being intended that any such statement delivered pursuant to this Paragraph may be conclusively relied upon by any prospective purchaser, mortgagee, successor, assignee of any mortgage or assignee of the respective interest in the Project, if any, of any Party made in accordance with the provisions of this Agreement.

24. Termination. This Agreement shall automatically terminate and expire upon the occurrence of the first of the following:

(a) The expiration of twenty (20) years from the Effective Date of this Agreement, as defined herein, unless the City extends the initial term for an additional twenty (20) year renewal term pursuant to the terms of this Agreement and subject to all necessary requirements in accordance with the Florida Statutes and the City's then-existing LDRs; or

(b) The revocation of this Agreement by the City Council in accordance with Section 163.3235, Florida Statutes and Section 16.05 of the City's LDRs; or

(c) The execution of a written agreement by all Parties, or by their successors in interest, providing for the cancellation and termination of this Agreement.

25. Deadline for Execution. The Owner and Developer shall execute this Agreement prior to the date on which the City Council considers this Agreement for final approval.

26. Covenant of Cooperation. The Parties shall cooperate with and deal with each other in good faith and assist each other in the performance of the provisions of this Agreement and in achieving the completion of development of the Project Site, including processing amendments to this Agreement.

27. Approvals.

(a) For the purposes of this Agreement any required written permission, consent, approval or agreement ("Approval") by the City means the Approval of the Mayor or his designee unless otherwise set forth herein and such approval shall be in addition to any and all permits and other licenses required by law or this Agreement.

(b) For the purposes of this Agreement any right of the City to take any action permitted, allowed or required by this Agreement, may be exercised by the Mayor or his designee, unless otherwise set forth herein.

28. Partial Invalidity. If any term or provision of this Agreement or the application thereof to any person or circumstance is declared invalid or unenforceable, the remainder of this Agreement, including any valid portion of the invalid term or provision and the application of such invalid term or provision to circumstances other than those as to which it is held invalid or unenforceable by a court of competent jurisdiction, shall not be affected thereby and shall with the remainder of this Agreement continue unmodified and in full force and effect.

29. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute a single instrument.

30. Failure of Development to Occur as Proposed. If development of the Property does not occur as proposed under this Agreement, both the City and the property owner have the right to initiate the process to change the land use and zoning designations of the Property to the designations that existed at the time of execution of this Agreement.

31. Cancellation. This Agreement shall become null and void as to any portion of the Property if any of the following occur: (1) the Developer fails to obtain the rezoning or Comprehensive Plan Amendment as more fully set forth above; (2) the Future Land Use designation of the Residential Property or any portion thereof changes to any designation other than RM; (3) the zoning of the Residential Property or any portion thereof changes to any designation other than NSM-1; (4) the Future Land Use Designation of the Commercial Property or any portion thereof changes to any designation other than R/OG; or (5) the zoning designation of the Commercial Property or any portion thereof changes to any designation other than CRS-1.

32. Third Party Beneficiaries. The rights and obligations of the Parties set forth in this Agreement are personal to the Parties, and no third parties are entitled to rely on or have an interest in any such rights and obligations.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

ATTEST:

*Iris Andujar*  
CITY CLERK

CITY  
CITY OF ST. PETERSBURG, FLORIDA

By: *[Signature]*

As Its: Mayor

19th day of July, 2010

Approved as to form and content *[Signature]*

By Office of City Attorney

*Erica K. Smick*



OWNER

WITNESSES:

ROBERT N. LYNCH, AS BISHOP OF  
THE DIOCESE OF ST. PETERSBURG,  
A CORPORATION SOLE

sign Maria T. Gonzalez  
print Maria T. Gonzalez  
sign Kathleen M. Fisher  
print Kathleen M. Fisher

By: E. M. Deptula  
print Eusebio M. Deptula  
title Secretary of Administration  
date 4/9/10

DEVELOPER

WITNESSES:

CLEAR OCEAN INVESTMENTS II CORPORATION,  
A FLORIDA CORPORATION

sign Cindy Fearon  
print CINDY FEARON  
sign [Signature]  
print LINDA FEARON

By: William H. Howell  
print William H. Howell  
title Pres.  
date 4-9-10

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2010,  
by Eusebio M. Deptula on behalf of Robert N. Lynch, as Bishop of the Diocese of St. Petersburg, a  
Corporation Sole, who is personally known to me or produced \_\_\_\_\_ as identification.



NOTARY PUBLIC:

sign [Signature]  
print JOAN G. MORGAN

State of Florida at Large  
My Commission Expires:

(SEAL)



**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13TH AVENUE NORTH; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89°48'25" EAST, 173.81 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00°06'23" EAST, 275.79 FEET; THENCE SOUTH 32°34'44" EAST, 228.12 FEET; THENCE SOUTH 00°03'55" WEST, 775.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9TH AVENUE NORTH; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 762.64 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66TH STREET NORTH; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, AND ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 980.52 FEET TO THE SOUTHWEST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 89°48'38" EAST, 472.12 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID SOUTH BOUNDARY, AND ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 00°06'23" WEST, 260.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17.991 ACRES, MORE OR LESS

**EXHIBIT "B"**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89°48'25" EAST, 173.82 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00°06'23" EAST, 275.79 FEET; THENCE SOUTH 32°34'44" EAST, 228.12 FEET; THENCE SOUTH 00°03'55" WEST, 775.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9<sup>TH</sup> AVENUE NORTH, THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 497.64 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 981.70 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE ALONG SAID SOUTH BOUNDARY, NORTH 89°48'38" EAST, 207.12 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID SOUTH BOUNDARY, AND ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 00°06'23" WEST, 260.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 12.32 ACRES, MORE OR LESS.

**EXHIBIT "C"**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET; THENCE NORTH 89°56'16" WEST, 265.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET TO THE SOUTHWEST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 89°48'38" EAST, 265.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

**PLUS**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> STREET NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°18'28" EAST, 490.85 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9<sup>TH</sup> AVENUE NORTH; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 265.01 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, AND ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, SOUTH 89°56'16" EAST, 265.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

TOTAL SAID PARCELS CONTAIN 5.96 ACRES, MORE OR LESS.

**EXHIBIT "D"**

**LEGAL DESCRIPTION:**

THE WEST 200 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 00°06'23" EAST, 260.21 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST BOUNDARY, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, SOUTH 89°48'38" WEST, 207.12 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID SOUTH BOUNDARY, SOUTH 00°18'28" EAST, 490.85 FEET; THENCE NORTH 89°56'16" WEST, 265.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 66<sup>TH</sup> STREET NORTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 490.26 FEET TO THE SOUTHWEST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, AND ALONG THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 89°48'38" EAST, 265.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

**PLUS**

THE WEST 200 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**EXHIBIT "E"**

**LEGAL DESCRIPTION:**

THE EAST 65 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

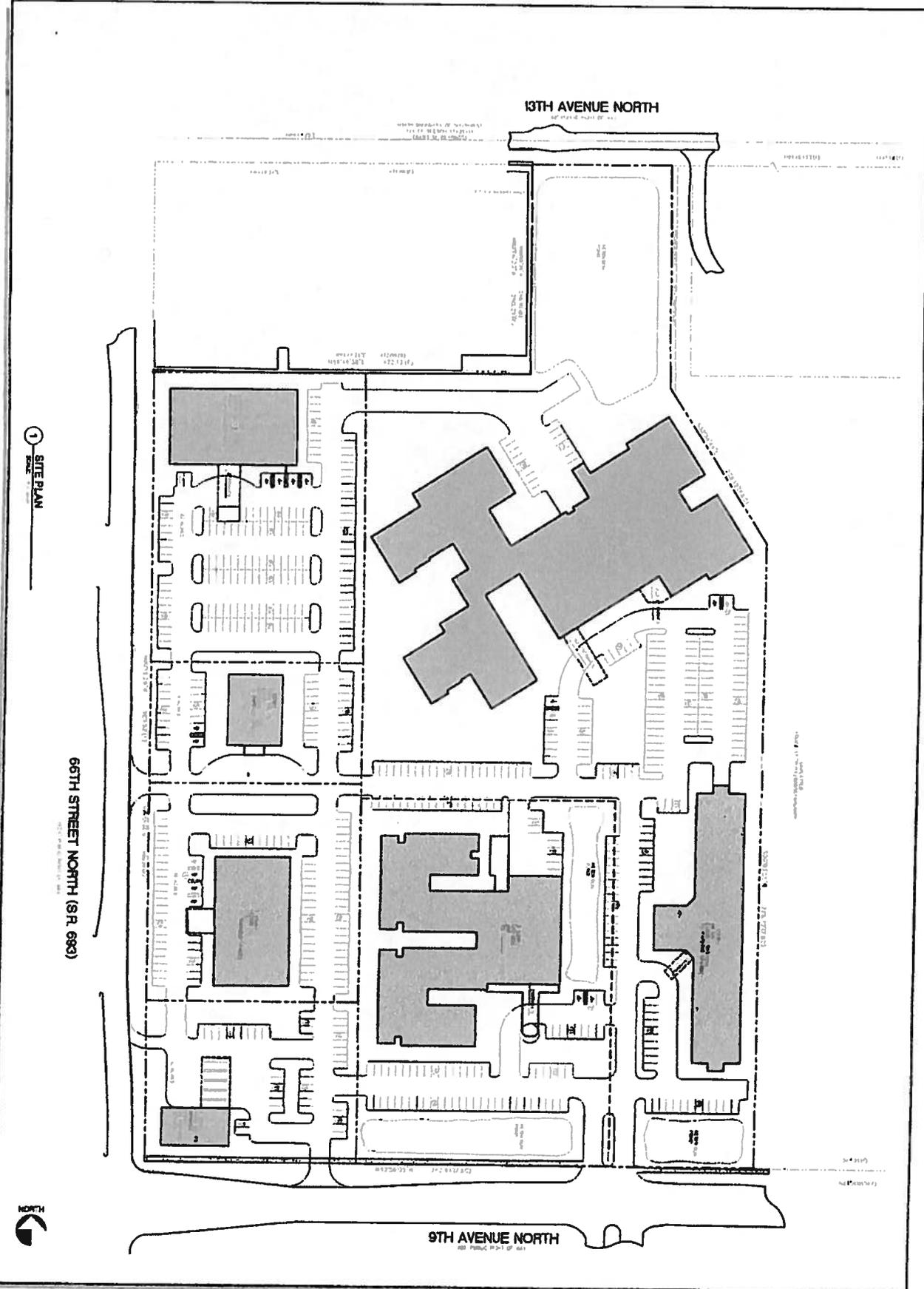
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**PLUS**

THE EAST 65 FEET OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**EXHIBIT "F"**  
**SITE PLAN**



**AS101**  
MASTER  
PLOT PLAN

NO. 1	DATE

NO. 2	DATE

NO. 3	DATE

**DIocese of ST. PETERSBURG**  
60TH ST. N. @ 9TH AVE. N.  
ST. PETERSBURG FL.

**CLIENT APPROVAL:**  
DATE

**OWNER APPROVAL:**  
DATE

**PROFESSIONAL SEAL**  
**BESSOLO**  
REGISTERED PROFESSIONAL ENGINEER  
No. 12345  
State of Florida  
1000 Bessolo Drive  
St. Petersburg, FL 33702  
Tel: (727) 123-4567  
Fax: (727) 123-4568  
www.bessolo.com

**EXHIBIT "B"**  
**LEGAL DESCRIPTION - PROPERTY**

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 17.991 ACRES, MORE OR LESS

EXHIBIT "C"  
LEGAL DESCRIPTION - RESIDENTIAL PROPERTY

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GARDEN MANOR SECTION TWO ADDITION, AS RECORDED IN PLAT BOOK 75, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF 13<sup>TH</sup> AVENUE NORTH; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89°48'25" EAST, 173.82 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00°06'23" EAST, 275.79 FEET; THENCE SOUTH 32°34'44" EAST, 228.12 FEET; THENCE SOUTH 00°03'55" WEST, 775.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 9<sup>TH</sup> AVENUE NORTH, THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°56'05" WEST, 497.64 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 00°18'28" WEST, 981.70 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE ALONG SAID SOUTH BOUNDARY, NORTH 89°48'38" EAST, 207.12 FEET TO THE SOUTHEAST CORNER OF SAID GARDEN MANOR SECTION TWO ADDITION; THENCE DEPARTING SAID SOUTH BOUNDARY, AND ALONG THE EAST BOUNDARY OF SAID GARDEN MANOR SECTION TWO ADDITION, NORTH 00°06'23" WEST, 260.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 12.02 ACRES, MORE OR LESS.

EXHIBIT "D"  
LEGAL DESCRIPTION – COMMERCIAL PROPERTY

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

PLUS

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA. SAID PARCEL BEING A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 17, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 2.98 ACRES, MORE OR LESS.

TOTAL SAID PARCELS CONTAIN 5.96 ACRES, MORE OR LESS.

**EXHIBIT "E"**  
**CONCEPTUAL SITE PLAN**



**IASIS**  
HEALTHCARE

**PALMS OF PASADENA**  
Hospital

**H**earthland

**MASTER DEVELOPMENT PLAN - MEDICAL OFFICE & ASSISTED LIVING**  
**ST. PETERSBURG, FLORIDA**

11.09.11

EXHIBIT "F"  
CONCEPTUAL SITE PLAN



ARCHITECTURAL CONCEPTS  
 1000 West 10th Street, Suite 100  
 Anchorage, Alaska 99501  
 CONTACT: WALSHE

PROPOSED

BEACHSIDE VILLAGE  
 A RETIREMENT CONTINUUM

PROPOSED  
 BEACHSIDE VILLAGE  
 A RETIREMENT CONTINUUM

PROJECT LOCATION  
 PROJECT DESCRIPTION  
 PROJECT ARCHITECT  
 PROJECT ENGINEER  
 PROJECT DATE

PROJECT DATE  
 FILE LOCATION  
 PROJECT DESCRIPTION

PROJECT NO.  
 SCALE  
 DRAWING NO. A1.1

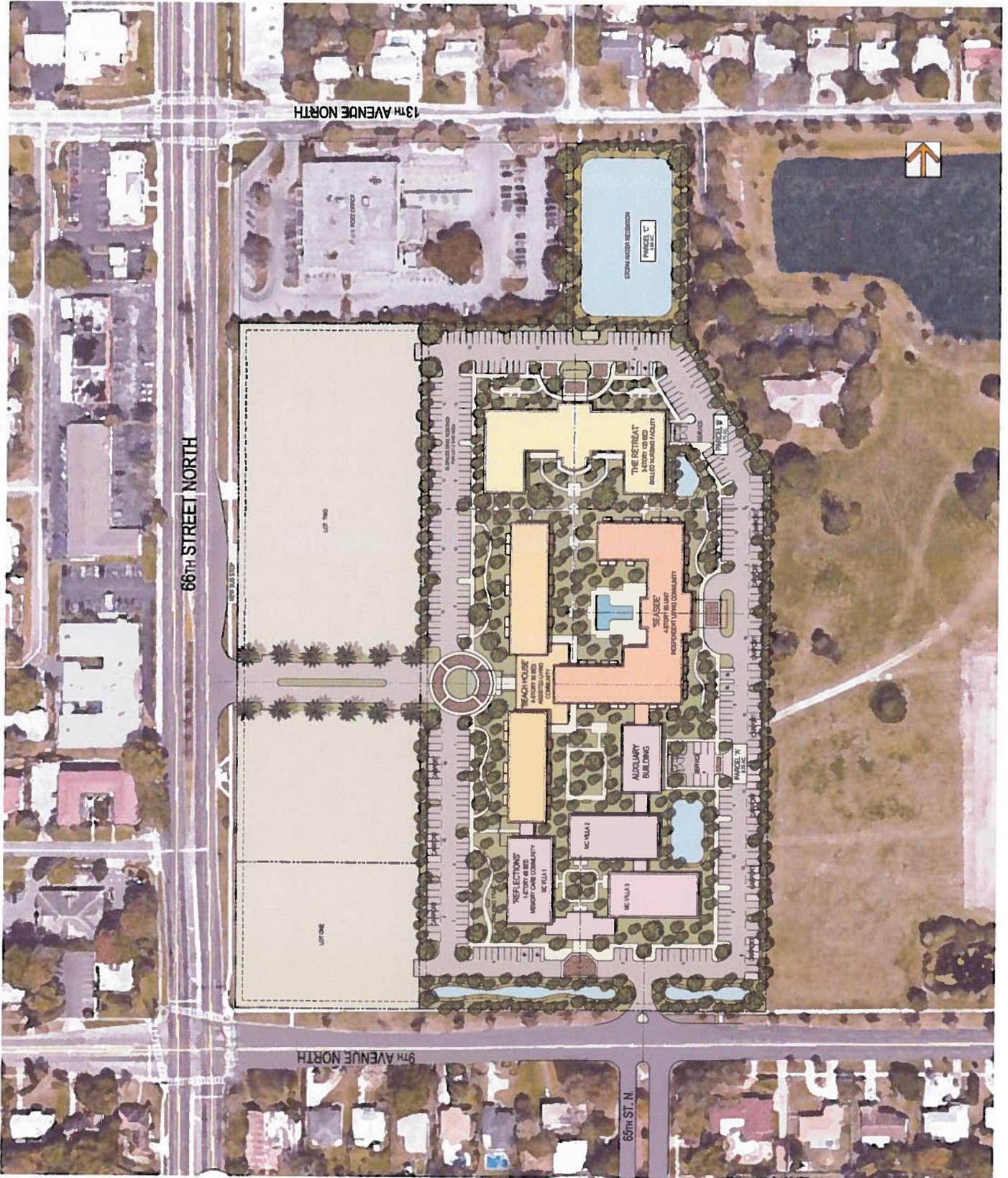


EXHIBIT "G"  
ALTERNATIVE CONCEPTUAL SITE PLAN



**CAMRITT WALSH**  
ARCHITECTURAL CONCEPTS

PROPOSED

**BEACHSIDE VILLAGE  
A RETIREMENT CONTINUUM**

13th Avenue North  
66th Street North  
66th St. N

PROJECT NO. 1301  
DATE: 10/1/10  
SCALE: 1/8" = 1'-0"

**ALTERNATE CONCEPTUAL SITE PLAN**

**A1.1A**





**SAINT PETERSBURG CITY COUNCIL**

**Meeting of February 4, 2016**

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

**SUBJECT:** Approval of a vacation of one three (3) foot north/south public right-of-way and utility easement at the rear of lots 14, 15, 16, and 17, and two three (3) foot east/west public right-of-way and utility easements at the rear of lots 12, 13, 18, and 19 of Grady Swope's Harris School Subdivision No. 2, Block 1, generally located at 4344 21st Street North. (City File No.: 15-33000014)

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

**RECOMMENDED CITY COUNCIL ACTION:**

- 1) Conduct the first reading of the attached proposed ordinance; and
- 2) Set the second reading and public hearing for February 18, 2016

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**The Request:** The request is to vacate one three (3) foot north/south public right-of-way and utility easement at the rear of lots 14, 15, 16, and 17, and two three (3) foot east/west public right-of-way and utility easements at the rear of lots 12, 13, 18, and 19 of Grady Swope's Harris School Subdivision No. 2, Block 1.

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

**Agency Review:** The application was routed to the standard list of City departments and outside utility providers. No objections were noted, provided that the applicant be required to dedicate any necessary easements, a suggested condition of approval is the dedication of a new easement.

**Public Comments:** Several inquiries were received from the public, but no objections were indicated.

**DRC Action/Public Comments:** On January 6, 2016, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the

request. After the public hearing, the DRC voted 7-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

**RECOMMENDATION:**

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

1. Prior to recording the vacation ordinance, the applicant shall dedicate one (1) seven and a half (7.5) foot north/south public utility easement immediately adjacent to the western boundary of Lots 12 and 19 of Grady Swope's Harris School Subdivision No 2, Block 1.

Attachments: Ordinance, Parcel Map, Aerial, Development Review Commission Staff Report

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A VACATION OF ONE THREE (3) FOOT NORTH/SOUTH PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT AT THE REAR OF LOTS 14, 15, 16, AND 17, AND TWO THREE (3) FOOT EAST/WEST PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENTS AT THE REAR OF LOTS 12, 13, 18, AND 19 OF GRADY SWOPE'S HARRIS SCHOOL SUBDIVISION NO. 2, BLOCK 1, GENERALLY LOCATED AT 4344 21ST STREET NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission on January 6, 2016. (City File No. 15-33000014):

One three (3) foot north/south public right-of-way and utility easement at the rear of lots 14, 15, 16, and 17, and two three (3) foot east/west public right-of-way and utility easements at the rear of lots 12, 13, 18, and 19 of Grady Swope's Harris School Subdivision No. 2, Block 1, see attached Exhibit "A".

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

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

1. Prior to recording the vacation ordinance, the applicant shall dedicate one (1) seven and a half (7.5) foot north/south public utility easement immediately adjacent to the western boundary of Lots 12 and 19 of Grady Swope's Harris School Subdivision No 2, Block 1.

Section 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

LEGAL:

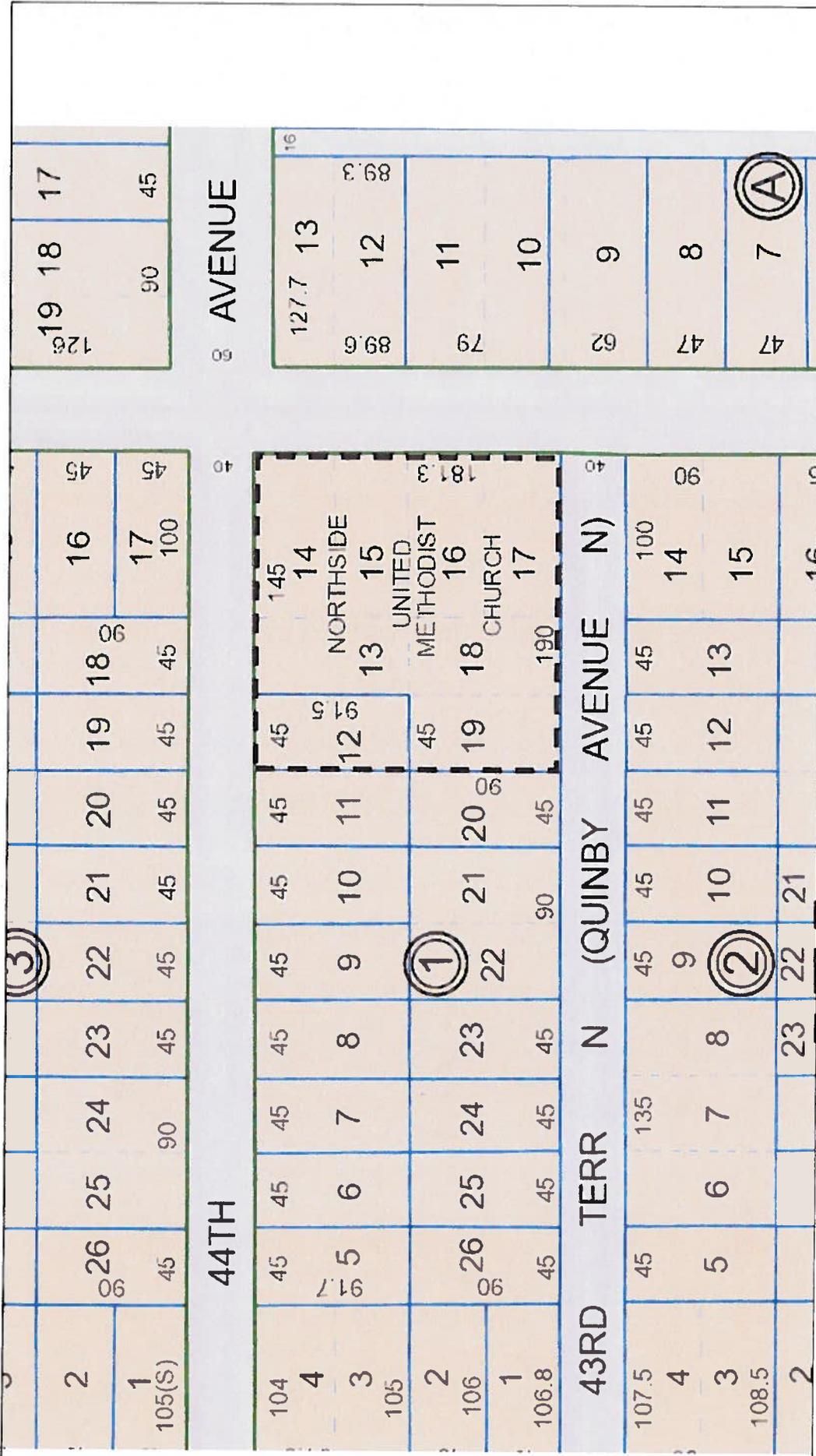


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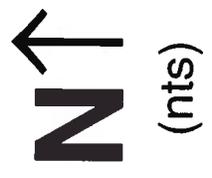
PLANNING & ECONOMIC DEVELOPMENT  
DEPARTMENT:



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Attachment "A"  
 City of St. Petersburg, Florida  
 Planning and Economic Development  
 Department  
 Case No.: 15-33000014  
 Address: 4344 21<sup>st</sup> Street North





Attachment "B"  
City of St. Petersburg, Florida  
Planning and Economic Development  
Department  
Case No.: 15-33000014  
Address: 4344 21<sup>st</sup> Street North







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

**st.petersburg**  
**www.stpete.org**

**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

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**VACATION OF RIGHT-OF-WAY  
PUBLIC HEARING**

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

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**, for Public Hearing and Executive Action on **January 6, 2016, at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 15-33000014 PLAT SHEET: H-24

REQUEST: Approval of a vacation of one three (3) foot north/south public utility easement at the rear of lots 14, 15, 16, and 17, and two three (3) foot east/west public utility easements at the rear of lots 12, 13, 18, and 19 of Grady Swope's Harris School Subdivision No. 2, Block 1, also dedicated as right-of-way.

OWNER: Vietnamese Evangelical Church  
4344 21st Street North  
Saint Petersburg, FL 33714-4142

ARCHITECT: Jim Bedinghaus  
2963 1st Avenue South  
Saint Petersburg, FL 33712

ADDRESS: 4344 21<sup>st</sup> Street North

PARCEL ID NO.: 01-31-16-37044-001-0120 & 0130

LEGAL DESCRIPTION: On File  
ZONING: Neighborhood Traditional-1 (NT-1)

**DISCUSSION AND RECOMMENDATION:**

**Request** The request is to vacate one three (3) foot north/south public utility easement at the rear of lots 14, 15, 16, and 17, and two three (3) foot east/west public utility easements at the

---

rear of lots 12, 13, 18, and 19 of Grady Swope's Harris School Subdivision No. 2, Block 1. These were dedicated by plat language as right-of-way but function like utility easements and are wholly contained within the site boundaries.

The area of the right-of-way proposed for vacation is depicted on the attached maps and aerials (Attachments "A" and "B"), Sketch (Attachment "C") and Survey (Attachment "D"). The applicant's goal is to vacate these unused right-of-way / easements in order to expand and repair the buildings on site. The City's property card records show that development on the site began in 1926 and that buildings on site were enlarged and expanded during the 1950's and since then have been located over the north south three foot easement.

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

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

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant **does** provide background or analysis supporting a conclusion that vacating the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

#### A. Land Development Regulations

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

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

The subject right-of-ways / easements have been reviewed by both City Departments and Utility providers and there is no objection to their vacation.

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

The requested vacation, if approved, is not anticipated to substantially impair or deny access to any other lot of record.

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

The requested vacation, if approved, is not anticipated to adversely impact the existing roadway network. Given that the land has previously been assembled and the right-of-way easements cannot function as right-of-way due to their three foot widths, the right-of-way / easements proposed for vacation are no longer necessary.

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

The right-of-way / easements proposed for vacation were presumably dedicated to provide utility access between the individual lots within the block. The assembly of the individual lots eliminates the need for which the easements were originally dedicated. The Engineering and Transportation Planning Departments have reviewed the proposed plan and agree that there is no present or future need for the easements to remain. A new easement to protect the City's existing infrastructure is required as a suggested condition of approval.

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

No other factors have been raised for consideration.

#### B. Comprehensive Plan

Transportation Element Policies T 2.3 and 2.4 support the elimination of unnecessary right-of-way to promote efficient use of land where right-of-way is not necessary for present or future public use. The assembly of the lots makes the originally dedicated easements unnecessary. Vacation of these unnecessary encumbrances will facilitate continued use of the site. The circumstances in this case support the determination that approval of the requested vacation would be consistent with the Comprehensive Plan.

#### C. Adopted Neighborhood or Special Area Plans

There are no neighborhood or special area plans which affect this type of vacation of right-of-way.

**Comments from Agencies and the Public** The application was routed to the standard list of City departments and outside utility providers. No objections were noted, provided that the applicant be required to dedicate any necessary easements. The special condition of approval in this report have been designed to address this requirement. Facilities for Duke Energy Florida and WOW have been relocated out of the east/west easement.

#### RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed right-of-way / easement vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the applicant shall dedicate a seven and one-half (7.5) foot utility easement along the western edge of the property on lots 19 and 21.

**REPORT PREPARED BY:**

  
KATHRYN YOUNKIN, AICP, LEED AP BD+C, Deputy Zoning Official      12-28-15  
Development Review Services Division      DATE  
Planning & Economic Development Department

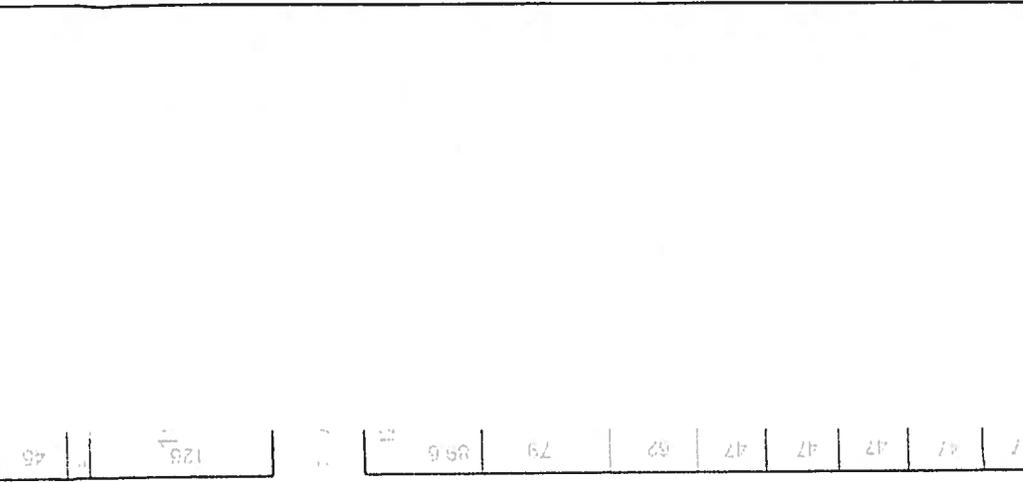
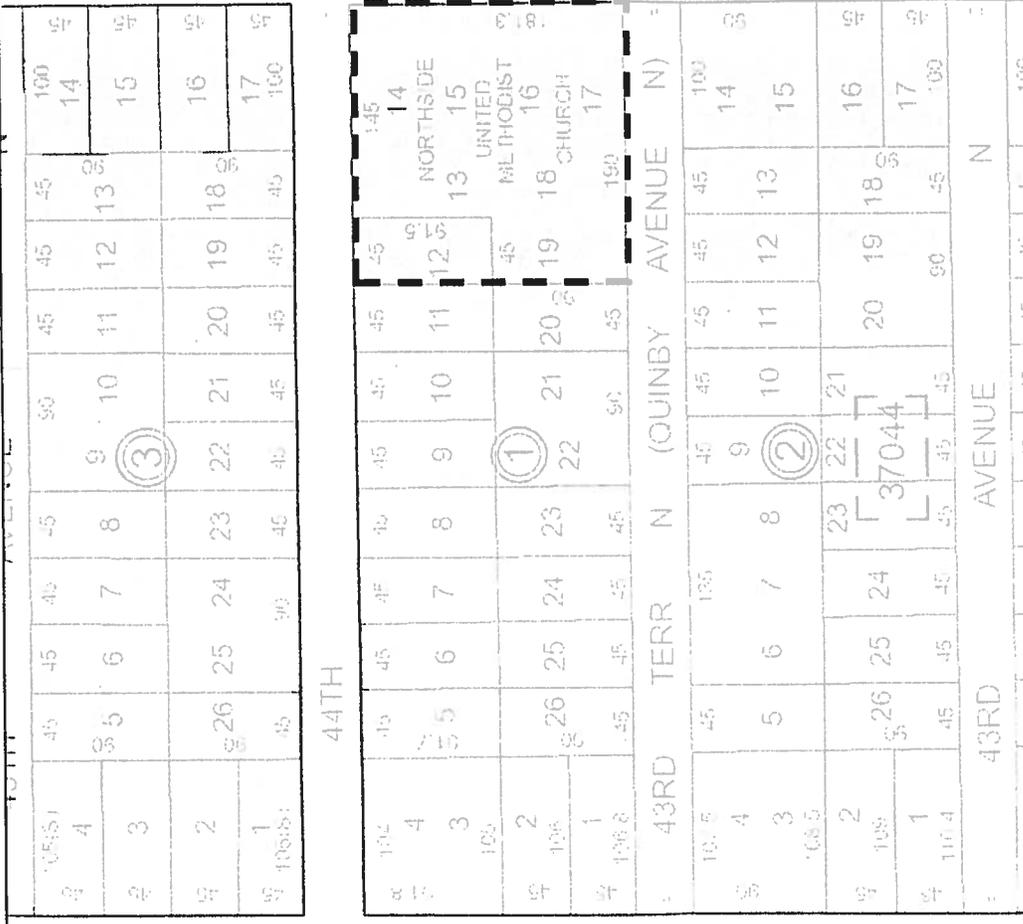
**REPORT APPROVED BY:**

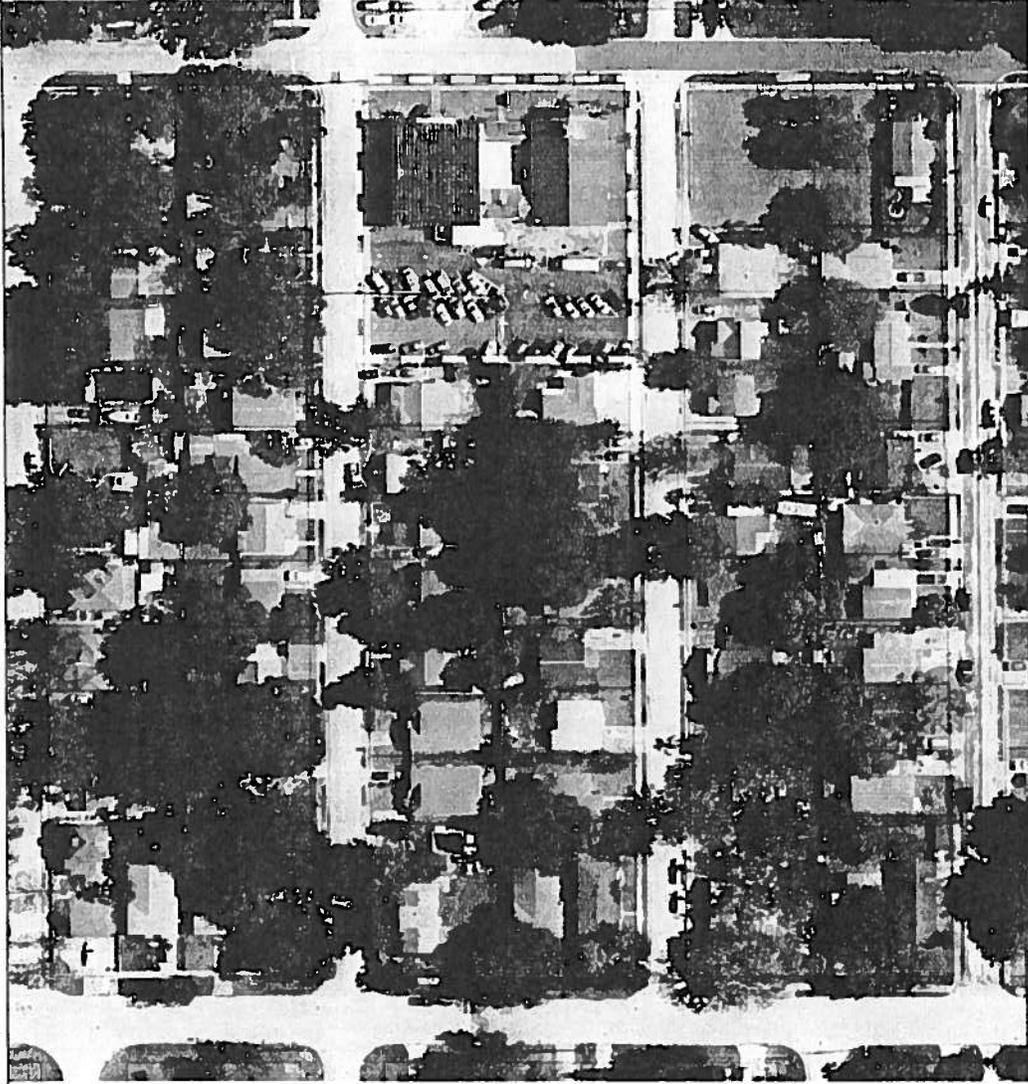
  
ELIZABETH ABERNETHY, AICP, Zoning Official (POD)      12-28-15  
Planning and Economic Development      DATE  
Development Review Services Division

Attachments: A – Parcel Map, B – Aerial Map, C – Sketch of Right-of-Way / Easements, D-Survey



Attachment "A"  
 City of St. Petersburg, Florida  
 Planning and Economic Development  
 Department  
 Case No.: 15-33000014  
 Address: 4344 21<sup>st</sup> Street North

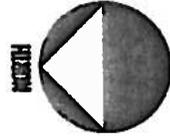




Attachment "B"  
City of St. Petersburg, Florida  
Planning and Economic Development  
Department  
Case No.: 15-33000014  
Address: 4344 21<sup>st</sup> Street North



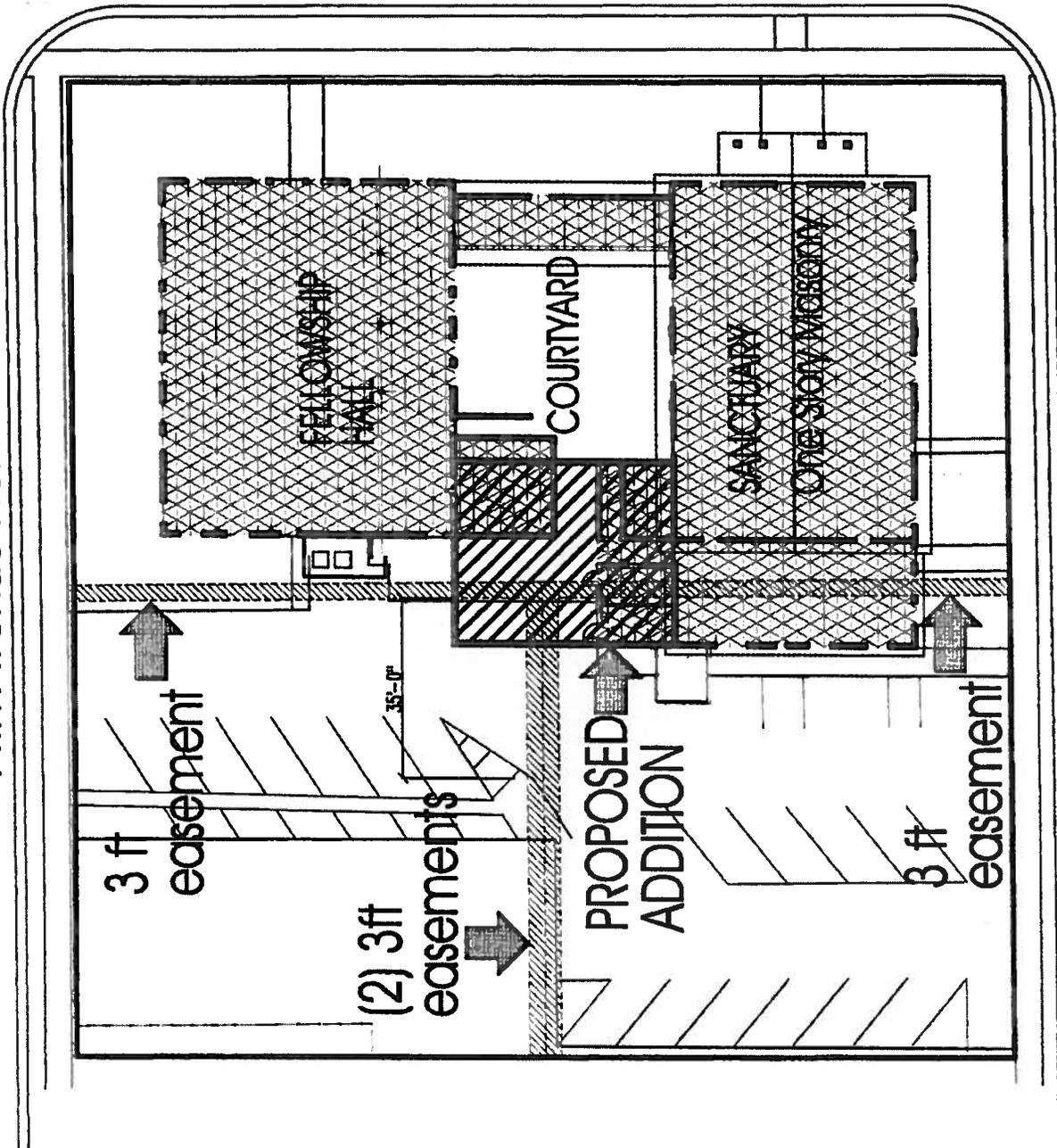
ATTACHMENT C

 Site Plan  
1" = 30'-0"

21st Street North

44th Avenue North

43rd Terrace North







**SAINT PETERSBURG CITY COUNCIL**

**Meeting of February 4, 2016**

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

**SUBJECT:** Ordinance approving a vacation of a twenty (20) foot east/west alley in the block bounded by 2nd Avenue South and 3rd Avenue South between 3rd Street South and 4th Street South. (City File No.: 15-33000023)

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

**RECOMMENDED CITY COUNCIL ACTION:**

- 1) Conduct the first reading of the attached proposed ordinance; and
- 2) Set the second reading and public hearing for February 18, 2016.

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**The Request:** The request is to vacate a twenty (20) foot east/west alley in the block bounded by 2nd Avenue South and 3rd Avenue South between 3rd Street South and 4th Street South.

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

**Agency Review:** The application was routed to City departments and non-City utility agencies. One City Department, the City of St. Petersburg's Water Resources Department indicated that they objected to the vacation of the alley. Private utilities requested that the alley be retained as a public utility easement or that their facilities be relocated at the applicant's expense. The City's Fire Department has requested that continued access be ensured. Suggested conditions of approval have been added to address these concerns.

**Public Comments:** As of the date of this report, no inquiries have been received from the public.

**DRC Action/Public Comments:** On January 6, 2016, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 6-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

**RECOMMENDATION:**

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

1. Prior to recording of the vacation ordinance, the applicant shall address the location of public utilities and services by providing a public utility easement covering the entire area to be vacated, or relocating City and private utilities at the owner's expense. In either case a written letter of no objection from the utility providers is required stating that the easement is sufficient for their interest, or that the facilities have been relocated.
2. Prior to recording of the vacation ordinance, the applicant shall provide an alternative approved by the City of St Petersburg's Sanitation Department for sanitation pickup locations. Future sanitation locations shall be located behind proposed structures and shall not be visible from Avenues and shall not be located in the City right-of-way.
3. Prior to the recording of the vacation ordinance, comply with the Conditions of Approval in the Engineering Memorandum dated December 1, 2015.
4. Prior to the recording of the vacation ordinance, provide written correspondence from the City's Fire Department that access has been ensured or the required fire department connections on the alley have been relocated at the owner's expense.
5. Prior to the recording of the vacation ordinance, the alley along with the abutting properties shall be replatted.
6. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

Attachments: Ordinance, Parcel Map, Aerial, Development Review Commission Staff Report

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A VACATION OF A TWENTY (20) FOOT EAST/WEST ALLEY IN THE BLOCK BOUNDED BY 2ND AVENUE SOUTH AND 3RD AVENUE SOUTH BETWEEN 3RD STREET SOUTH AND 4TH STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission on January 6, 2016 (City File No. 15-33000023):

That certain 20 foot alley lying between Lots 1 through 9, Block 54 and Lots 12 through 20, Block 54, REVISED MAP OF THE CITY OF ST. PETERSBURG, as recorded in Plat Book 1, Page 49 of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part. See attached Exhibit "A" – 2 pages.

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

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

1. Prior to recording of the vacation ordinance, the applicant shall address the location of public utilities and services by providing a public utility easement covering the entire area to be vacated, or relocating City and private utilities at the owner's expense. In either case a written letter of no objection from the utility providers is required stating that the easement is sufficient for their interest, or that the facilities have been relocated.
2. Prior to recording of the vacation ordinance, the applicant shall provide an alternative approved by the City of St Petersburg's Sanitation Department for sanitation pickup locations. Future sanitation locations shall be located behind proposed structures and shall not be visible from Avenues and shall not be located in the City right-of-way.
3. Prior to the recording of the vacation ordinance, comply with the Conditions of Approval in the Engineering Memorandum dated December 1, 2015.
4. Prior to the recording of the vacation ordinance, provide written correspondence from the City's Fire Department that access has been ensured or the required fire department connections on the alley have been relocated at the owner's expense.
5. Prior to the recording of the vacation ordinance, the alley along with the abutting properties shall be replatted.
6. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon is recorded in the public

records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

SECTION 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

LEGAL:



A handwritten signature in black ink, appearing to be 'M. D. Q.', written over a horizontal line.

PLANNING & ECONOMIC DEVELOPMENT  
DEPARTMENT:



A handwritten signature in black ink, appearing to be 'A.', written over a horizontal line.





**Attachment "B"**  
**City of St. Petersburg, Florida**  
**Planning and Economic Development**  
**Department**

**Case No.: 15-33000023**

**Address: 211 3rd Street South, 334 2nd Avenue  
South, 352 2nd Avenue South and 235 3rd Avenue  
South**



# EXHIBIT "A"

## LEGAL DESCRIPTION

That certain 20 foot alley lying between Lots 1 through 9, Block 54 and Lots 12 through 20, Block 54, REVISED MAP OF THE CITY OF ST. PETERSBURG, as recorded in Plat Book 1, Page 49 of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

St. Petersburg, Florida

## NOTES

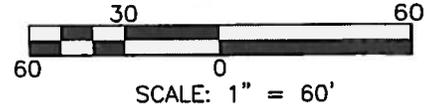
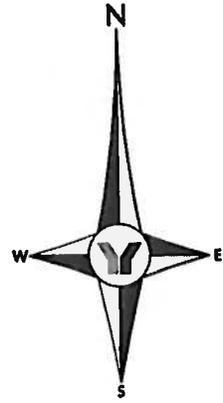
1. Basis of Bearings: SOUTHERLY along the West right-of-way line of 3rd Street South (assumed).
2. NOT A BOUNDARY SURVEY.
3. This sketch is a graphic illustration for informational purposes only and is not intended to represent a field survey.
4. This sketch is made without the benefit of a title report or commitment for title insurance.
5. Additions or deletions to survey maps and reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.
6. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

## LEGEND

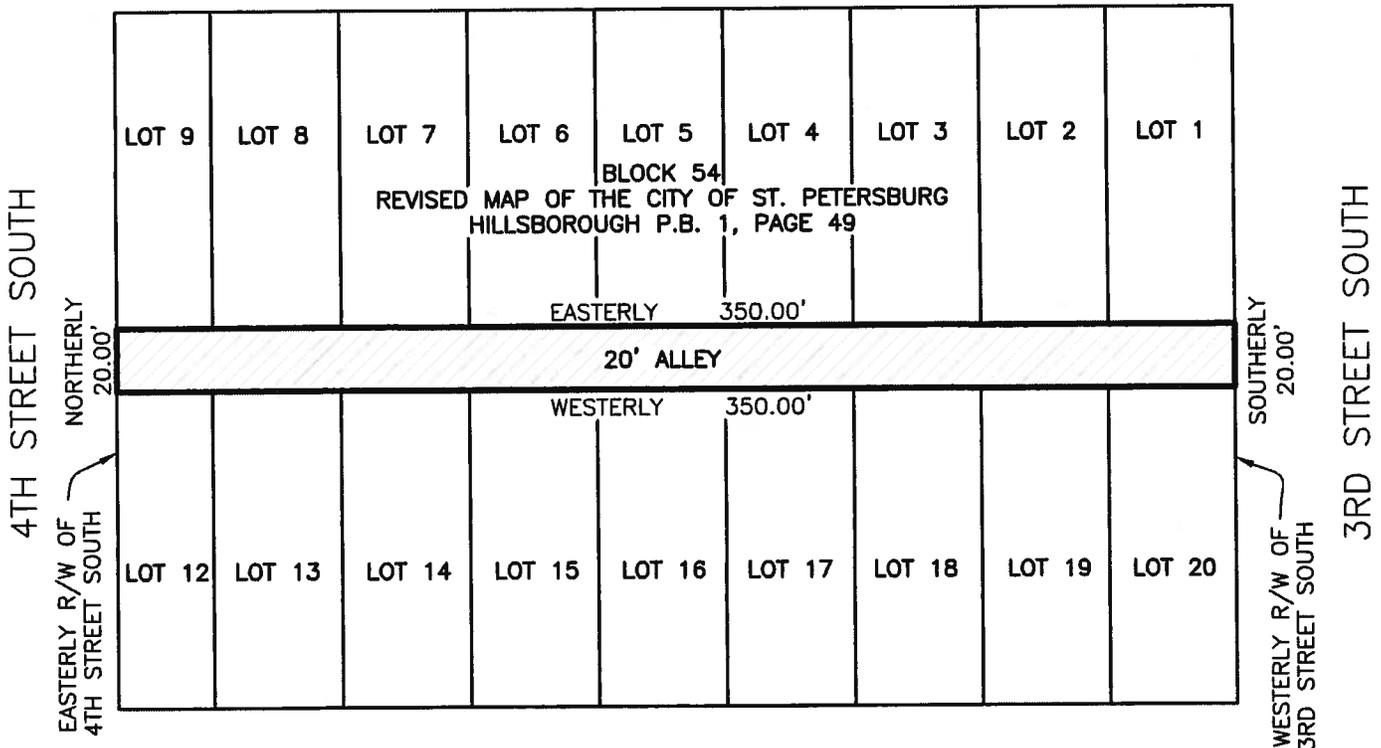
LB Licensed Business	PG. Page
LS Land Surveyor	PSM Professional Surveyor and Mapper
P.B. Plat Book	R/W Right-of-way

PREPARED FOR:		<b>LEGAL DESCRIPTION</b>			REVISED	BY	DATE	DESCRIPTION	
		SECTION 19	TOWNSHIP 31 S.	RANGE 17 E.					
CREW CHIEF	INITIALS	DATE	Catherine A. Bosco PSM LS 6257 December 29, 2015			<b>George F. Young, Inc.</b> 299 DR. MARTIN LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33701-3126 PHONE (727) 822-4317 FAX (727) 822-2919 LICENSED BUSINESS LB021 ARCHITECTURE • ENGINEERING • ENVIRONMENTAL • LANDSCAPE • PLANNING • SURVEYING • UTILITIES GAINESVILLE • LAKEWOOD RANCH • ORLANDO • PALM BEACH • ST. PETERSBURG • TAMPA			JOB NO.
DRAWN	WDK	11/02/15							15021900SS
CHECKED	CAB	11/03/15							SHEET NO.
FIELD BOOK									1 OF 2
SCALE	1" = 60'	DATE							

FILE: I:\PROJECT\SUR\15021900SC\DWG\15021900SC00SK.DWG LOGIN: CBOSCO PLOTTED: 12/29/15 11:17:32



2ND AVENUE SOUTH



3RD AVENUE SOUTH

PREPARED FOR:

**LEGAL DESCRIPTION**

SECTION 19      TOWNSHIP 31 S.      RANGE 17 E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	WDK	11/02/15
CHECKED	CAB	11/03/15
FIELD BOOK		
SCALE		1" = 60'

SEE SHEET ONE OF TWO FOR SIGNATURE, SEAL, DESCRIPTION, LEGEND AND NOTES



**George F. Young, Inc.**

299 DR. MARTIN LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33701-3126  
 PHONE (727) 822-4317 FAX (727) 822-2919  
 LICENSED BUSINESS LB021  
 ARCHITECTURE • ENGINEERING • ENVIRONMENTAL • LANDSCAPE • PLANNING • SURVEYING • UTILITIES  
 GAINESVILLE • LAKEWOOD RANCH • ORLANDO • PALM BEACH • ST. PETERSBURG • TAMPA

JOB NO.  
**15021900SS**

SHEET NO.  
**2 OF 2**



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

**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

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**VACATION OF RIGHT-OF-WAY  
PUBLIC HEARING**

According to Planning & Economic Development Department records, Commissioner Richard Doyle resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**, for Public Hearing and Executive Action on **January 6, 2016, at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

**CASE NO.:** 15-33000023 **PLAT SHEET:** E-1

**REQUEST:** Approval of a vacation of a twenty (20) foot east/west alley in the block bounded by 2<sup>nd</sup> Avenue South and 3<sup>rd</sup> Avenue South between 3<sup>rd</sup> Street South and 4<sup>th</sup> Street South

**OWNER:** 334 2<sup>nd</sup> Avenue South Investors  
125 5<sup>th</sup> Street South #201  
Saint Petersburg, Florida 33701-4196

**OWNER:** Echelon Realty Investments, LLC  
235 3<sup>rd</sup> Street South #200  
Saint Petersburg, Florida 33701-4242

**AGENT:** R. Donald Mastry, Esq.  
200 Central Avenue #1600  
Saint Petersburg, Florida 33701

**ADDRESS:** 211 3rd Street South; 19-31-17-74466-054-0010  
334 2nd Avenue South; 19-31-17-74466-054-0030  
0 2nd Avenue South; 19-31-17-74466-054-0060  
352 2nd Avenue South; 19-31-17-74466-054-0070  
0 3rd Avenue South; 19-31-17-74466-054-0120  
235 3rd Avenue South; 19-31-17-74466-054-0150

**LEGAL DESCRIPTION:** On File

**ZONING:** Downtown Center-1 (DC-1)

## **DISCUSSION AND RECOMMENDATION:**

**Request** The request is to vacate an east/west alley in the block bounded by 2<sup>nd</sup> Avenue South and 3<sup>rd</sup> Avenue South between 3<sup>rd</sup> Street South and 4<sup>th</sup> Street South.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Sketch and Legal (Exhibit "A"). The applicant's goal is to consolidate the block for redevelopment.

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

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

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant (Attachment "C") **does** provide background or analysis supporting a conclusion that vacating the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

### **A. Land Development Regulations**

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

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

The application was routed to all affected City departments and outside utilities for review and comment. The City of St. Petersburg Water Resources Department objected to the vacation on the grounds that they have facilities in the area to be vacated. The City's Engineering Department also required an easement or relocation of facilities in the alley. Four utility providers, Bright House Networks, TECO/Peoples Gas, Verizon Florida LLC and Duke Energy Florida requested that an easement be provided or utilities be relocated at the owner's expense. The City's Fire Department has requested that the alley not be vacated unless access to the fire department connections is ensured or the fire department connections are relocated. Associated special conditions of approval have been suggested at the end of this report.

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

The entire block is under the ownership of two corporations. The east-west alley, which is proposed for vacation, is currently used to access properties to the north and south of the alley. During redevelopment of the block, and through the platting process, traffic circulation and utilities will be addressed. Vacation of the alley will not detrimentally impact or impair access to any other lot of record on the block. An associated special condition of approval has been suggested at the end of this report.

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

Vacation of the alley, if approved, is not anticipated to adversely impact the existing roadway network or substantially alter utilized travel patterns. Other similar requests have been approved in the surrounding blocks, to facilitate land assembly.

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

The alley was originally dedicated to provide a secondary means of access to the rear yards of the lots within the block and for public utilities. In the DC Zoning districts surface parking, ancillary equipment, loading and service operations shall be placed to the rear or internal to the property and shall not be visible from streets. Redevelopment of the subject block will eliminate the need for access from the alley for vehicular traffic.

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

The subject block is included in the Intown Activity Center area. Please see comments below under Special Area Plans.

#### B. Comprehensive Plan

*Future Land Use Element Policy T1.6 The City shall support high-density mixed-use developments and redevelopments in and adjacent to Activity Centers, redevelopment areas and locations that are supported by mass transit to reduce the number and length of automobile trips and encourage transit usage, bicycling and walking.*

*Future Land Use Element Policy T2.4 The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.*

The vacation of this alley will foster redevelopment which is a goal of the Comprehensive Plan. The City's Neighborhood Transportation Division has reviewed the proposed vacation and has no objection.

#### C. Adopted Neighborhood or Special Area Plans

The subject right-of-way is within the boundaries of the Downtown Neighborhood Association. There are no adopted neighborhood plans which affect vacation of right-of-way in this area of the City.

The subject property is within the boundaries of the Intown Activity Center. The Intown Activity Center plan has three elements which may apply to the vacation of right-of-way:

*One Objective is to provide greater accessibility to Intown activity areas and visual assets through the development of an integrated movement system for vehicles, transit, pedestrians and parking and one of those elements is to "utilize existing sidewalks and alleys for establishing a pedestrian system base".*

The vacation of the subject alley will not enhance pedestrian options.

*Under the Residential Development Program it is noted that the "City may initiate vacation of alleys and streets for development".*

While this is not a City initiated vacation, the policy allows vacation of alleys specifically for residential development.

*One of the Development Guidelines is to "To encourage consolidation of blocks and promote a unified development concept, the City will consider the closing of selected streets and alleyways in accordance with an appropriate proposal".*

This proposed vacation is in support of redevelopment of the block. The northern half of the block is proposed for a 244 unit apartment building and parking garage. The southern half of the block is planned for redevelopment, but there are not yet specific plans.

#### **Comments from Agencies and the Public**

The application was routed to City departments and non-City utility agencies. The applicant will provide an additional public notice prior to the public hearing before the City Council.

One City Department, the City of St. Petersburg's Water Resources Department indicated that they objected to the vacation of the alley. Private utilities requested that the alley be retained as a public utility easement or that their facilities be relocated at the applicant's expense. The City's Fire Department has requested that continued access be ensured.

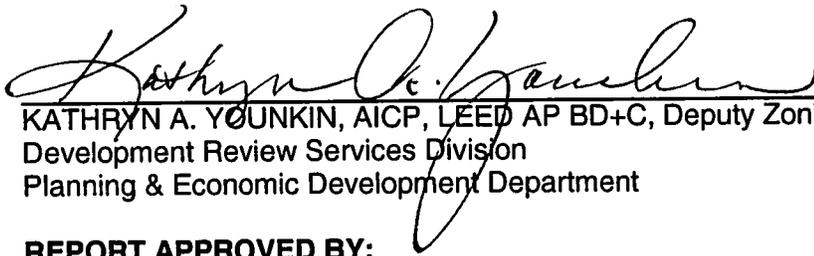
No inquiries were received from the public.

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

1. Prior to recording of the vacation ordinance, the applicant shall address the location of public utilities and services by providing a public utility easement covering the entire area to be vacated, or relocating City and private utilities at the owner's expense. In either case a written letter of no objection from the utility providers is required stating that the easement is sufficient for their interest, or that the facilities have been relocated.
2. Prior to recording of the vacation ordinance, the applicant shall provide an alternative approved by the City of St Petersburg's Sanitation Department for sanitation pickup locations. Future sanitation locations shall be located behind proposed structures and shall not be visible from Avenues and shall not be located in the City right-of-way.

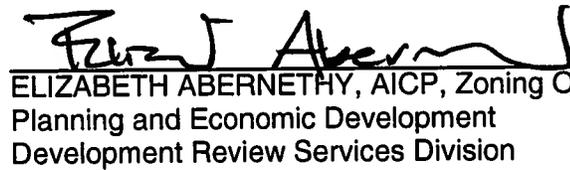
3. Prior to the recording of the vacation ordinance, comply with the Conditions of Approval in the Engineering Memorandum dated December 1, 2015.
4. Prior to the recording of the vacation ordinance, provide written correspondence from the City's Fire Department that access has been ensured or the required fire department connections on the alley have been relocated at the owner's expense.
5. Prior to the recording of the vacation ordinance, the alley along with the abutting properties shall be replatted.
6. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

**REPORT PREPARED BY:**

  
KATHRYN A. YOUNKIN, AICP, LEED AP BD+C, Deputy Zoning Official  
Development Review Services Division  
Planning & Economic Development Department

12-28-15  
DATE

**REPORT APPROVED BY:**

  
ELIZABETH ABERNETHY, AICP, Zoning Official (POD)  
Planning and Economic Development  
Development Review Services Division

12-28-15  
DATE

Attachments: A – Parcel Map, B – Aerial Map, C – Applicant's Narrative, D – Engineering Memorandum dated December 1, 2015, Exhibit "A" – Sketch and Legal





ATTACHMENT C

NARRATIVE

The Applicants own the entire block bounded by 2<sup>ND</sup> Avenue S., 3<sup>rd</sup> Avenue S., 3<sup>rd</sup> Street S. and 4<sup>th</sup> Street S. 334 Second Avenue South Investors, LLC owns all of the block north of the subject alley and Echelon Realty Investments, LLC owns all of the block south of the subject alley.

The subject alley runs east and west from 3<sup>rd</sup> Street S. to 4<sup>th</sup> Street S. and it does not connect to an alley to the east or west.

334 Second Avenue South Investors, LLC has entered into a contract to sell all of the block north of the subject alley to American Land Ventures, LLC. American Land Ventures intends to demolish all of the existing buildings north of the subject block and to construct a 22 story, 244 unit apartment building and a parking garage. In order to construct the parking garage it requires an encroachment into the subject alley.

Echelon Realty Investments, LLC does not have any final plans to develop its part of the subject block but it is in the process of developing plans to develop its part of the subject block and would like to

incorporate its one half of the vacated alley into its future site plan and its property will have access from 3<sup>rd</sup> Avenue S.

In the event the alley contains any public utilities including stormwater drainage, the applicants will dedicate easements requested by the various departments or utility companies or will relocate the utilities at their cost, under a separate cost sharing agreement between the Applicants.

The vacation of the alley will not cause a substantial detrimental affect upon or substantially impair or deny access to any lot of record. The Applicants own the entire block and there is access to their properties from 3<sup>rd</sup> St. South. 4<sup>th</sup> Street South, 2<sup>nd</sup> Avenue South and 3<sup>rd</sup> Avenue South.

Vacation of the alley, if approved, is not anticipated to cause an adverse impact to the existing roadway network because the alley does not connect to an alley to the east or west. It is believed the alleys to the east and west were previously vacated.

The primary intended purpose of the subject alley is to provide secondary access to the rear of the separate and numerous parcels on 2<sup>nd</sup> Avenue South and 3<sup>rd</sup> Avenue South and now that each side of the

subject block has been consolidated, the need to provide each parcel with a rear access no longer exists. The redevelopment of each half of the block will provide the access needed.

It does not appear that the vacation of the alley will result in any negative impact to the public, safety and welfare.

Attached is a legal description and sketch of the subject alley, both were prepared by George F. Young., Inc.

ATTACHMENT D  
MEMORANDUM  
CITY OF ST. PETERSBURG  
ENGINEERING DEPARTMENT

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**TO:** Pamela Smith, Development Services  
**FROM:** Nancy Davis, Engineering Plan Review Supervisor  
**DATE:** December 1, 2015  
**SUBJECT:** Alley Vacation  
**FILE:** 15-33000023

---

**LOCATION:** 211 3rd Street South; 334 2<sup>nd</sup> Avenue South;  
352 2<sup>nd</sup> Avenue South; 369 3<sup>rd</sup> Avenue South;  
321 3<sup>rd</sup> Avenue South

**PIN:** 19/31/17/74466/054/0010; 19/31/17/74466/054/0030;  
19/31/17/74466/054/0060; 19/31/17/74466/054/0070;  
19/31/17/74466/054/0120; 19/31/17/74466/054/0150

**ATLAS:** E-1  
**PROJECT:** Alley Vacation

**REQUEST:** Approval of a vacation of an east/west alley in the block bounded by 2<sup>nd</sup> Avenue South and 3<sup>rd</sup> Avenue South between 3<sup>rd</sup> Street South and 4<sup>th</sup> Street South.

**COMMENTS:** The Engineering and Capital Improvements Department has no objection to the alley vacation request provided the following are included as conditions of the approval:

1. The applicant is required to relocate the 8" public sanitary sewer currently located with the east/west alley around the subject site. All construction shall be in compliance with current City Engineering Standards and Specifications and subject to City approval. Necessary design, permitting and construction for the abandonment of the existing sanitary main and reconstruction of the new sanitary main shall be by and at the sole expense of the applicant / developer.
2. In designing the new sanitary sewer route, the applicant must provide sanitary sewer service to each lot of record. Since the land to the north and south of the alley are currently platted as individual lots and no redevelopment plans have yet been approved and permitted by the City, each lot of record must be provided with a sanitary sewer service lateral. Alternatively, a replat must be pursued to consolidate the lots to suit the future development plans and to assure that each replatted lot has its own individual sanitary sewer service lateral.
3. This project is within the Downtown National Historic District. All existing roadway brick, granite roadway curbing, and hexagon block sidewalk must be preserved. Any existing brick, granite curbing, or hexagon block which will not be utilized or is contained within streets or alleys to be vacated shall remain the property of the City and shall be neatly stacked, palletized and returned to the City's Maintenance yard by and at the expense of the developer.

NED/MJR/jw

pc: Kelly Donnelly  
Reading File  
Correspondence File

## LEGAL DESCRIPTION

That certain 20 foot alley lying between Lots 1 through 9, Block 54 and Lots 12 through 20, Block 54, REVISED MAP OF THE CITY OF ST. PETERSBURG, as recorded in Plat Book 1, Page 49 of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

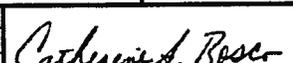
St. Petersburg, Florida

## NOTES

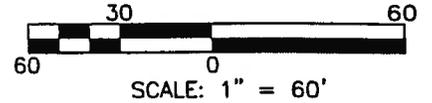
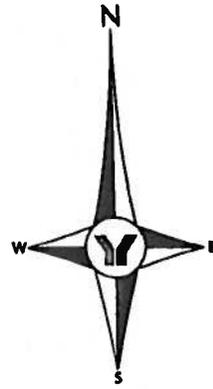
1. Basis of Bearings: SOUTHERLY along the West right-of-way line of 3rd Street South (assumed).
2. NOT A BOUNDARY SURVEY.
3. This sketch is a graphic illustration for informational purposes only and is not intended to represent a field survey.
4. This sketch is made without the benefit of a title report or commitment for title insurance.
5. Additions or deletions to survey maps and reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.
6. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

## LEGEND

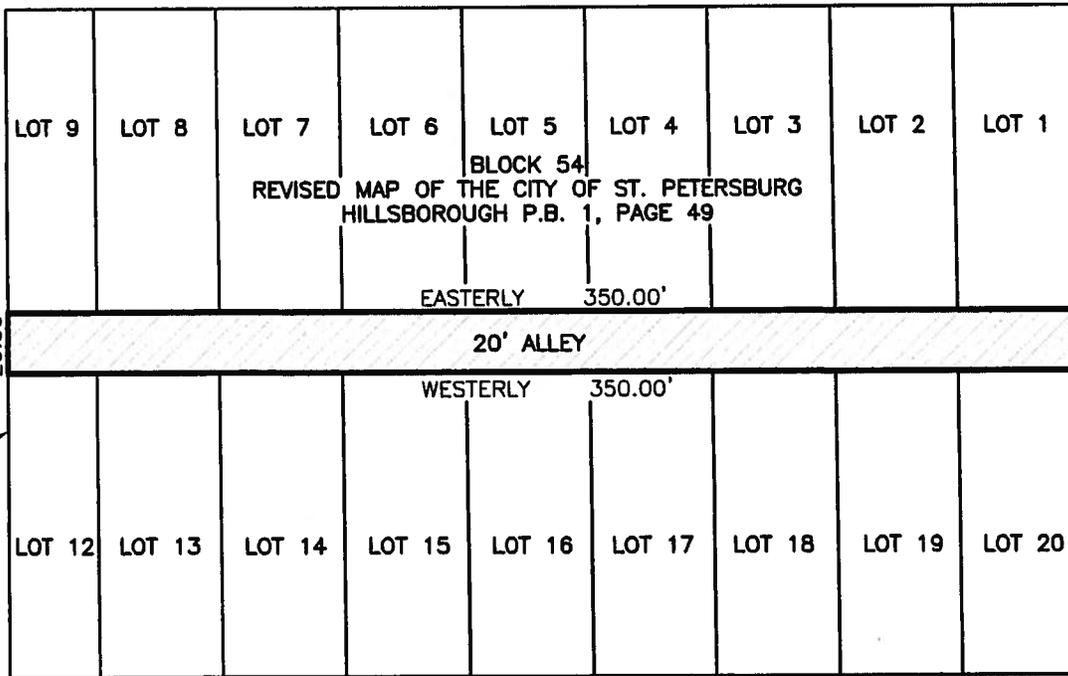
LB Licensed Business	PG. Page
LS Land Surveyor	PSM Professional Surveyor and Mapper
P.B. Plat Book	R/W Right-of-way

PREPARED FOR:		<b>LEGAL DESCRIPTION</b>			REVISED	BY	DATE	DESCRIPTION		
		SECTION 19	TOWNSHIP 31 S.	RANGE 17 E.						
CREW CHIEF	INITIALS	DATE				<b>George F. Young, Inc.</b> 299 DR. MARTIN LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33701-3126 PHONE (727) 822-4317 FAX (727) 822-2919 LICENSED BUSINESS LB021 ARCHITECTURE • ENGINEERING • ENVIRONMENTAL • LANDSCAPE • PLANNING • SURVEYING • UTILITIES GAINESVILLE • LAKEWOOD RANCH • ORLANDO • PALM BEACH • ST. PETERSBURG • TAMPA			JOB NO.	
DRAWN	WOK	11/02/15							 Catherine A. Bosco PSM LS 6257	15021900SS
CHECKED	CAB	11/03/15							December 29, 2015	SHEET NO.
FIELD BOOK										1 OF 2
SCALE	1" = 60'	DATE								

FILE: I:\PROJECT\SUR\15021900SC\DWG\15021900SC005K.DWG LOGIN: CBOSCO PLOTTED: 12/29/15 11:17:32



2ND AVENUE SOUTH



4TH STREET SOUTH

EASTERLY R/W OF  
4TH STREET SOUTH

3RD STREET SOUTH

WESTERLY R/W OF  
3RD STREET SOUTH

3RD AVENUE SOUTH

BLOCK 54  
REVISED MAP OF THE CITY OF ST. PETERSBURG  
HILLSBOROUGH P.B. 1, PAGE 49

20' ALLEY

EASTERLY 350.00'

WESTERLY 350.00'

EASTERLY R/W OF  
4TH STREET SOUTH

WESTERLY R/W OF  
3RD STREET SOUTH

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LOGIN: WMK

12/29/15 11:13:07 PLOTTED:

PREPARED FOR:

**LEGAL DESCRIPTION**

SECTION 19 TOWNSHIP 31 S RANGE 17 E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN	WOK	11/02/15
CHECKED	CAB	11/03/15
FIELD BOOK		
SCALE		1" = 60'

SEE SHEET ONE OF TWO FOR SIGNATURE, SEAL, DESCRIPTION, LEGEND AND NOTES



**George F. Young, Inc.**

299 DR. MARTIN LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33701-3126  
 PHONE (727) 822-4317 FAX (727) 822-2919  
 LICENSED BUSINESS LB021  
 ARCHITECTURE • ENGINEERING • ENVIRONMENTAL • LANDSCAPE • PLANNING • SURVEYING • UTILITIES  
 GAINESVILLE • LAKEWOOD RANCH • ORLANDO • PALM BEACH • ST. PETERSBURG • TAMPA

JOB NO.  
**15021900SS**

SHEET NO.  
**2 OF 2**



**SAINT PETERSBURG CITY COUNCIL**

**Meeting of February 4, 2016**

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

**SUBJECT:** Ordinance approving a vacation of a portion of an east/west ten (10) foot alley, south of 2931 11th Street North and north of 2921 11th Street North. (City File No.: 15-33000024)

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

**RECOMMENDED CITY COUNCIL ACTION:**

- 1) Conduct the first reading of the attached proposed ordinance; and
- 2) Set the second reading and public hearing for February 18, 2016.

---

**The Request:** The request is to vacate a portion of an east/west ten (10) foot alley, south of 2931 11<sup>th</sup> Street North and north of 2921 11<sup>th</sup> Street North.

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

**Agency Review:** The application was routed to City Departments and Utility Providers. The City's Engineering Department has requested that the sanitary sewer line be field located, and that a ten foot utility easement be provided centered over the line. In addition Bright House Networks and Verizon Florida LLC indicated that they have facilities in the alley which may be affected. A suggested condition of approval to address these concerns has been added.

**Public Comments:** One call was received from a property owner who was noticed about the case. He indicated that he had no opinion at the time and would discuss this further with the applicant.

**DRC Action/Public Comments:** On January 6, 2016, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 7-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

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

1. Prior to recording the vacation ordinance, the applicant shall comply with the conditions of approval of the Engineering Memorandum dated December 1, 2015.
2. Relocate facilities or provide a private easement to Bright House Networks and to Verizon Florida LLC, or as an alternative provide a letter stating that the easement granted to the City in the condition above is adequate for their use.
3. Parking on site to be in compliance with the standards of Section 16.20.010.11.

Attachments: Ordinance, Parcel Map, Aerial, Development Review Commission Staff Report

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A VACATION OF A PORTION OF AN EAST/WEST TEN (10) FOOT ALLEY, SOUTH OF 2931 11TH STREET NORTH AND NORTH OF 2921 11TH STREET NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission on January 6, 2016 (City File No. 15-33000024):

Ten (10) foot alley lying North and adjoining Lot 16, Block 3, MAP OF PINELLAS ADDITION TO ST. PETERSBURG, FLA as recorded in Plat Book 1, Page 9 of the Public Records of Pinellas County, Florida. From the Northwest corner of said Lot 16 as a Point of Beginning, run N 89° 47' 18" E a distance of 150.00 feet to the Northeast corner of said Lot 16; thence run N 00° 00' 00" W a distance of 10.00 feet; thence S 89° 47' 18" W a distance of 150.00 feet; thence run S 00° 00' 00" E a distance of 10.00 feet to the Point of Beginning. See attached Exhibit "A".

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

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

1. Prior to recording the vacation ordinance, the applicant shall comply with the conditions of approval of the Engineering Memorandum dated December 1, 2015.
2. Relocate facilities or provide a private easement to Bright House Networks and to Verizon Florida LLC, or as an alternative provide a letter stating that the easement granted to the City in the condition above is adequate for their use.
3. Parking on site to be in compliance with the standards of Section 16.20.010.11.

Section 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

LEGAL:

PLANNING & ECONOMIC DEVELOPMENT  
DEPARTMENT:



Two handwritten signatures are present, each followed by a horizontal line. The signature on the left is more stylized and cursive, while the signature on the right is more formal and blocky.



  
 (nts)

**Attachment "A"**  
 City of St. Petersburg, Florida  
 Planning and Economic Development  
 Department  
 Case No.: 15-3300024  
 Address: 2921 11<sup>th</sup> Street North  
 and 2931 11<sup>th</sup> Street North



**st.petersburg**  
www.stpete.org

6

1

3

2

1



Attachment "B"  
City of St. Petersburg, Florida  
Planning and Economic Development  
Department  
Case No.: 15-3300024  
Address: 2921 11<sup>th</sup> Street North  
and 2931 11<sup>th</sup> Street North



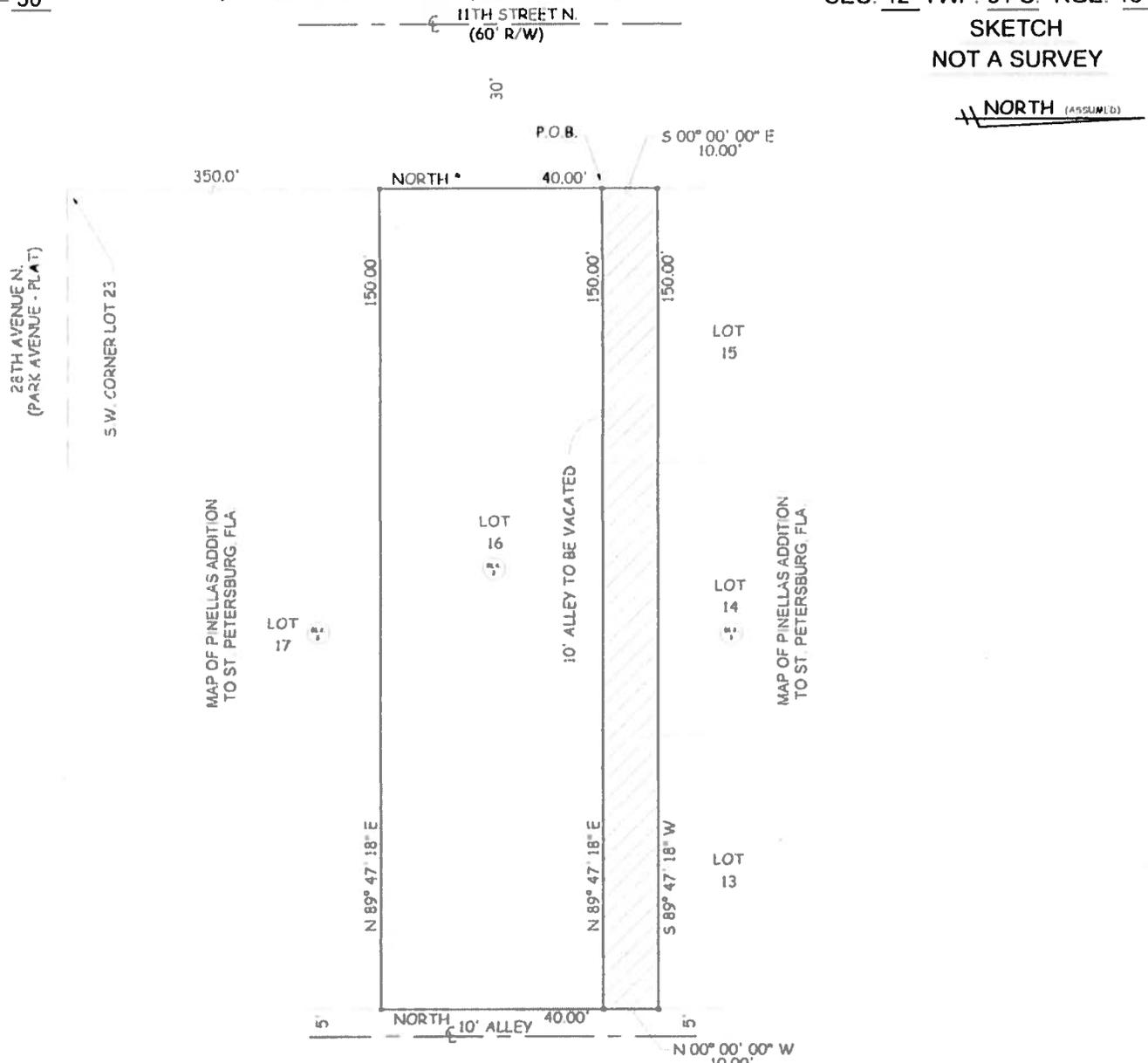
JOB NO 151712  
 DRAWN BY MRB CHECKED BY EDM  
 DATE OF FIELD WORK 11/16/15

**MURPHY'S LAND SURVEYING, INC.**  
**PROFESSIONAL LAND SURVEYORS**  
 5760 11TH AVENUE NORTH  
 ST. PETERSBURG, FLORIDA 33710  
 WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410  
 PH. (727) 347-8740  
 FAX (727) 344-4640

CERTIFIED TO Rebecca Irving EXHIBIT "A" - Case No. 15-3300024

SCALE: 1" = 30' Survey not valid for more than one (1) year from date of field work. SEC. 12 TWP. 31 S. RGE. 16 E.



A SKETCH AND DESCRIPTION OF 10' ALLEY TO BE VACATED: Lying North and adjoining Lot 16, Block 3, MAP OF PINELLAS ADDITION TO ST. PETERSBURG, FLA., as recorded in Plat Book 1, Page 9 of the Public Records of Pinellas County, Florida. From the Northwest corner of said Lot 16 as a Point of Beginning, run N 89° 47' 18" E a distance of 150.00 feet to the Northeast corner of said Lot 16; thence run N 00° 00' 00" W a distance of 10.00 feet; thence S 89° 47' 18" W a distance of 150.00 feet; thence run S 00° 00' 00" E a distance of 10.00 feet to the Point of Beginning.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in  
 Flood zone: X Comm. Panel No. : 125148 0217 G Map Date : 9/03/03 Base Flood Elev : NA

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(ES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SKETCH AND DESCRIPTION NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

*Edward D. Murphy*  
 EDWARD D. MURPHY REG. P.L.S. #5333

★ BEARINGS SHOWN ARE ASSUMED

<b>LEGEND:</b>	N & D - NAIL AND DISK	FD - FOUND	ALUM - ALUMINUM	WWW - WING WALL	ESMT - EASEMENT	O H - OVERHANG
F.I.P. - FOUND IRON PIPE	P.O.B. - POINT OF BEGINNING	R - RADIUS	WH - WATER HEATER	CL - CENTERLINE	M.H. - MANHOLE	GAR - GARAGE
F.C.M. - FOUND CONCRETE MONUMENT	P.O.L. - POINT ON LINE	A - ARC	P.S. - PATIO STONE	M/S - METAL SHED	CONC. - CONCRETE	C/W - COVERED WOOD
F.I.R. - FOUND IRON ROD	P.C. - POINT OF CURVATURE	C - CHORD	C.P. - CARPORT	(P) - PLAT	CLR - CLEAR	C/P.S. - COVERED PATIO STONE
S.I.R. - SET IRON ROD 1/2" LB #7410	P.T. - POINT OF TANGENCY	Δ - DELTA	PL - PLANTER	(C) - CALCULATION	COL - COLUMN	C/C - COVERED CONCRETE
P.R.C. - POINT OF REVERSE CURVATURE	P.I. - POINT OF INTERSECTION	R/W - RIGHT OF WAY	B.C. - BACK OF CURB	(D) - DEED	WD - WOOD	A/C - AIR CONDITIONER
P.C.C. - POINT OF COMPOUND CURVATURE	X.X.X. - FENCE	# - NUMBER	E.P. - EDGE OF PAVEMENT	(M) - MEASURED	BLK. - BLOCK	S.P. - SCREENED PORCH
FIN.F.L.R. - FINISHED FLOOR ELEVATION	#/# - ADJACENT FENCE	MAS - MASONRY	E.R. - EDGE OF ROAD	N - NORTH	S/W - SEAWALL	O.P.P. - OVERHEAD POWER LINES
P.O.C. - POINT OF COMMENCEMENT	C.L.F. - CHAIN LINK FENCE	FRM - FRAME	E.O.W. - EDGE OF WATER	S - SOUTH	ASPH - ASPHALT	O.T.T. - OVERHEAD TELEPHONE LINES
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	FE. - FENCE	GI - GRATE INLET	T.O.B. - TOP OF BANK	E - EAST	UTIL - UTILITY	P.P. - POWER POLE
	ADJ. - ADJACENT	CB - CATCH BASIN		W - WEST	DR - DRAINAGE	L.P. - LIGHT POLE



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

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**DEVELOPMENT REVIEW COMMISSION  
STAFF REPORT**

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**VACATION OF RIGHT-OF-WAY  
PUBLIC HEARING**

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

**REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**, for Public Hearing and Executive Action on **January 6, 2016, at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 15-33000024 PLAT SHEET: G-16

REQUEST: Approval of a vacation of a portion of an east/west 10-foot alley, south of 2931 11<sup>th</sup> Street North and north of 2921 11<sup>th</sup> Street North

OWNER: Rebecca Irving  
2921 11<sup>th</sup> Street North  
Saint Petersburg, Florida 33704-2506

OWNER: OCP Green Street, LLC  
142 West Platt Street  
Tampa, Florida 33606-2315

ADDRESS: 2931 11<sup>th</sup> Street North; 12-31-16-69570-003-0130  
1921 11<sup>th</sup> Street North; 12-31-16-69570-003-0160

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional (NT-2)

**DISCUSSION AND RECOMMENDATION:**

**Request** The request is to vacate a portion of an east/west 10-foot alley, south of 2931 11<sup>th</sup> Street North and north of 2921 11<sup>th</sup> Street North. This is an unimproved alley which was dedicated to serve three north/south lots facing on 30<sup>th</sup> Avenue North. In the last year, these three lots were refaced to face 11<sup>th</sup> Street North, eliminating the need for the alley for access to

those three lots. 2921 11<sup>th</sup> Street North has always had access available to their property from the north/south alley within the block.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Sketch and Legal (Exhibit "A"). The applicant's goal is to vacate the right-of-way in order to add width to the substandard lot at 2921 11<sup>th</sup> Street North and to discourage activities in this unimproved alley.

- Analysis** Staff's review of a vacation application is guided by:
- A. The City's Land Development Regulations (LDR's);
  - B. The City's Comprehensive Plan; and
  - C. Any adopted neighborhood or special area plans.

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant (Attachment "C") **does** provide background or analysis supporting a conclusion that vacating the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

#### A. Land Development Regulations

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

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

The City's Engineering Department has requested that a 10 foot wide public utility easement be dedicated over the field located and centered over the existing sanitary sewer main. In addition Bright House Networks and Verizon Florida LLC have requested utility easements. This condition is included in the recommended conditions of approval at the end of this report.

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

The lots which would use this alley as access have been refaced and the transportation use for which the alley was intended is no longer necessary.

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

The vacation of the subject right-of-way will not have an effect on the existing roadway network, as all of the affected lots have access to a north/south alley within the block.

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

There is no longer a need for the alley for pedestrian or vehicular access. The City's Engineering Department has requested that a 10 foot wide public utility easement be dedicated in the area of the vacated alley. This condition is included in the recommended conditions of approval at the end of this report.

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

No other factors have been raised for consideration.

#### **B. Comprehensive Plan**

*Future Land Use Element Policy T2.4 States: The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.*

There is an existing north south alley that will serve the lots on this block. Vacation of the subject alley portion will not be in conflict with this policy.

#### **C. Adopted Neighborhood or Special Area Plans**

The subject properties are located within the Greater Woodlawn Neighborhood Association. A letter of support from the Neighborhood Association is included in this report (Attachment E). There are no neighborhood or special area plans which affect vacation of right-of-way in this area of the City.

**Comments from Agencies and the Public** The application was routed to City Departments and Utility Providers. The City's Engineering Department has requested that the sanitary sewer line be field located, and that a ten foot utility easement be provided centered over the line. In addition Bright House Networks and Verizon Florida LLC indicated that they have facilities in the alley which may be affected. A condition of approval to address these concerns has been added at the end of this report.

A call was received from a property owner who was noticed about the case. He indicated that he had no opinion at the time and would discuss this further with the applicant.

#### **RECOMMENDATION:**

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

1. Prior to recording the vacation ordinance, the applicant shall comply with the conditions of approval of the Engineering Memorandum dated December 1, 2015.
2. Relocate facilities or provide a private easement to Bright House Networks and to Verizon Florida LLC, or as an alternative provide a letter stating that the easement granted to the City in the condition above is adequate for their use.
3. Parking on site to be in compliance with the standards of Section 16.20.010.11.

**REPORT PREPARED BY:**



12-28-15

KATHRYN A. VOUNKIN, AICP, LEED AP BD+C, Deputy Zoning Official  
Development Review Services Division  
Planning & Economic Development Department

DATE

**REPORT APPROVED BY:**

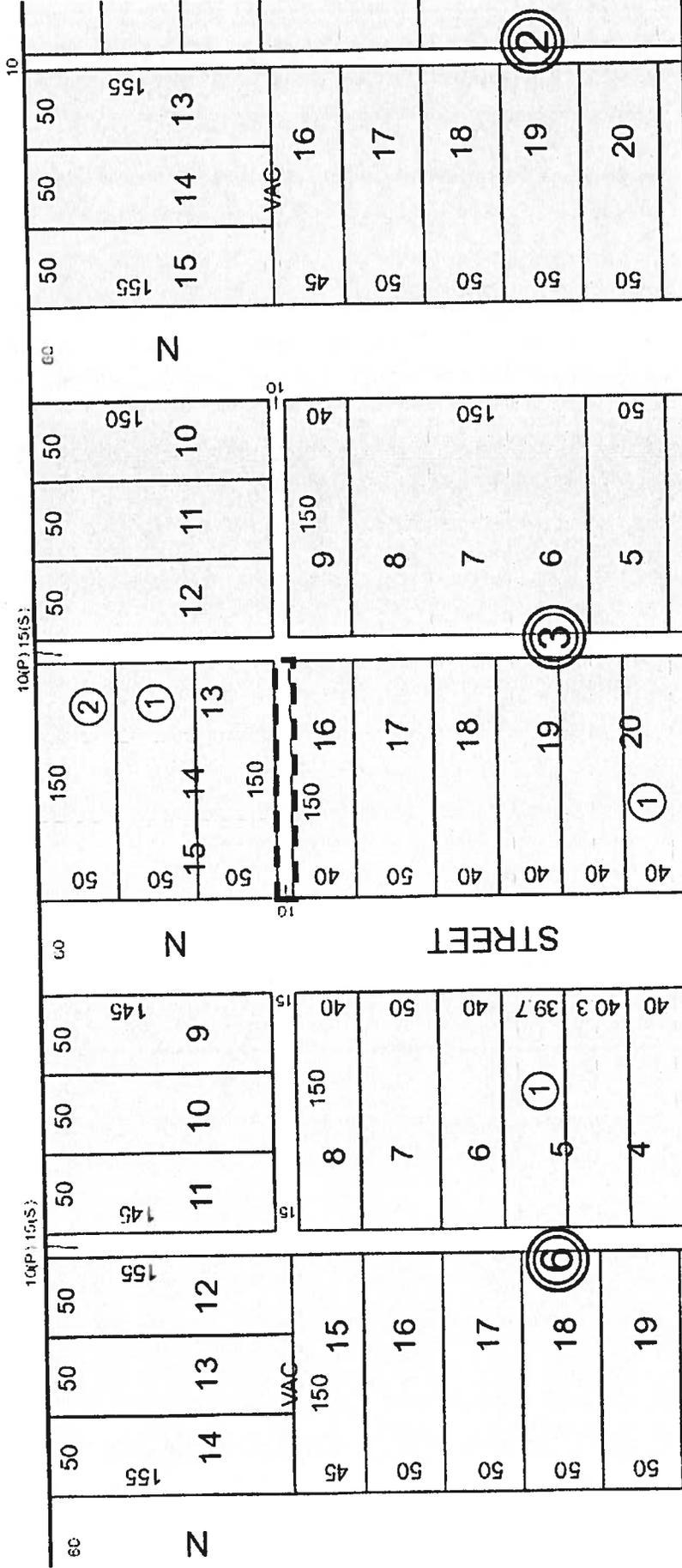
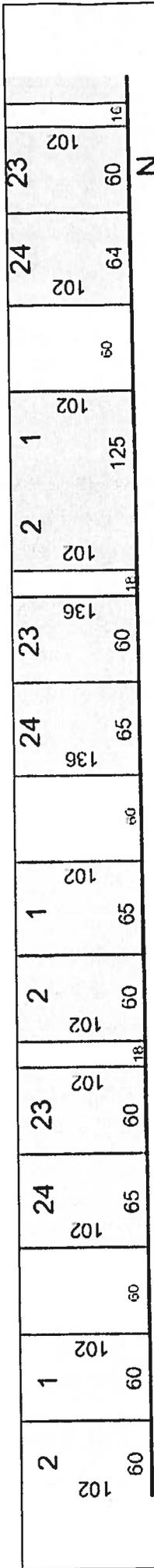


12-28-15

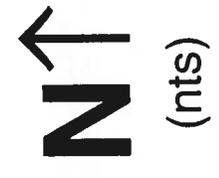
ELIZABETH ABERNETHY, AICP, Zoning Official (POD)  
Planning and Economic Development  
Development Review Services Division

DATE

Attachments: A – Parcel Map, B – Aerial Map, C – Applicants Attachment, D – Engineering Conditions of Approval dated December 1, 2015, E – Letter of Support from the Neighborhood Association, Exhibit “A” Sketch and Legal



Attachment "A"  
 City of St. Petersburg, Florida  
 Planning and Economic Development  
 Department  
 Case No.: 15-3300024  
 Address: 2921 11<sup>th</sup> Street North  
 and 2931 11<sup>th</sup> Street North





Attachment "B"  
City of St. Petersburg, Florida  
Planning and Economic Development  
Department

Case No.: 15-33000024  
Address: 2921 11<sup>th</sup> Street North  
and 2931 11<sup>th</sup> Street North



(nts)

## ATTACHMENT C

### ATTACHMENT A

The applicants own the properties on the north and south sides of the alley. Until recently the three lots to the north of the alley were facing north. Those lots were undeveloped until recently, and the alley was never developed. The current owner of those lots (OCP Greenstreet) successfully petitioned the City to reposition those lots to face west, with the front of those properties now on 11th Street North and with the rear of those properties being serviced by the existing alley that runs north/south behind those properties and the other houses on 11th Street North. With the realignment of the three parcels north of the alley, there is no longer an apparent purpose for the alley.

The alley is being maintained at the front by applicant, Rebecca Irving. The back half is overgrown and is not being maintained. It is now being used by unknown persons for dumping and as a passageway for homeless or other individuals, who also go onto the applicants' land unauthorized. If approved, the undeveloped land would be fenced and maintained.

Applicant OCP Greenstreet has agreed that any interest it may have in the alley shall become the property of applicant, Rebecca Irving, if the application is approved so that Ms. Irving's property will become the same width as the Greenstreet properties, 50 feet wide, which appears to be the standard width in the neighborhood.

The vacation would not cause any detrimental effect upon or substantially impair or deny access to any lot of record. Also, the vacation would not adversely impact the existing roadway network in any way, as the alley was never developed and is not being used now for any purpose. The only use the applicants are aware of is the partial use of the back of the alley for sewage lines that were recently installed for the new construction on the lots owned by Greenstreet.

ATTACHMENT D  
MEMORANDUM  
CITY OF ST. PETERSBURG  
ENGINEERING DEPARTMENT

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**TO:** Pamela Smith, Development Services  
**FROM:** Nancy Davis, Engineering Plan Review Supervisor  
**DATE:** December 1, 2015  
**SUBJECT:** Alley Vacation  
**FILE:** 15-33000024

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**LOCATION:** 2931 11<sup>th</sup> Street North,      2921 11<sup>th</sup> Street North  
**PIN:** 12/31/16/69570/003/0130;    12/31/16/69570/003/0160  
**ATLAS:** G-16  
**PROJECT:** Alley Vacation

**REQUEST:** Approval of a vacation of a portion of an east/west 10 foot alley, south of 2931 11<sup>th</sup> Street North and north of 2921 11<sup>th</sup> Street North.

**COMMENTS:** The Engineering and Capital Improvements Department has no objection to the alley vacation request provided the following are made a condition of the approval;

1. The Engineering department has no objection to the vacation of the described east-west alley provided that a 10-foot wide Public Utility Easement is retained/dedicated which is centered over the existing sanitary sewer main. Note that per the attached City utility map the sanitary sewer main exists to the north of the alley centerline and possibly north of the southern boundary of parcel 12/31/16/69570/003/0130. The actual field verified location of the sanitary sewer main must be determined by the applicant to set the boundaries of the necessary public utility easement dedication.

To initiate new Public Utility Easement dedication the applicant must:

- A. Provide a legal description and sketch of the required easement.
- B. Provide property ownership information (including the property owners name, address, contact person, phone number).
- C. Provide a check made out to the "City of St. Petersburg" in the total amount of \$750.00 for the cost of title insurance and recording fees. The applicant is responsible to pay all costs associated with granting of the easement to the City so if costs are less the difference will be rebated and if costs are more the applicant will be billed.

The above listed information and the check for easement dedication should be provided to the City Real Estate and Property Management department (c/o Alfred Wendler, phone 727-893-7183, email Alfred.Wendler@stpete.org) who will draft the required easement instrument, obtain necessary signatures, and ultimately record the document.

2. Any vegetation planted in a utility easement shall be herbaceous vegetation and shall not interfere with the use of the easement for utility purposes which includes the maintenance and replacement of underground utilities.
3. Fences placed within or across a utility easement shall be removable (wood, vinyl, etc.) and shall not

interfere with the use of the easement for its intended purpose which includes the maintenance and replacement of underground utilities. Fences shall not block access to any public sanitary sewer manhole structure ring and cover. If any manhole structure is located within a private fence boundary a gated access or easily removable fence panel sections is recommended across the easement area to maintain ease of access should public maintenance of the pipeline be required. It should be noted that City Utility maps indicate that the sanitary sewer main in this area is relatively shallow (approximately 3.5' below grade) so owners should be sure to call for utility locates (Call 811 before you dig; sunshine811.com) prior to any excavation.

NED/MJR/jw

pc: Kelly Donnelly  
Reading File  
Correspondence File



ATTACHMENT E

Greater Woodlawn Neighborhood Association

June 1, 2015

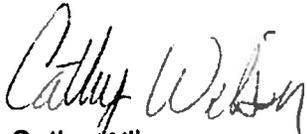
Development Review Commission &  
Development Review Services Staff  
City of St Petersburg  
Post Office Box 2842  
St Petersburg, FL 33731-2842

Re: 2921 11<sup>th</sup> Street N Rebecca Irving

Dear Development Review Commission Members & City Staff,

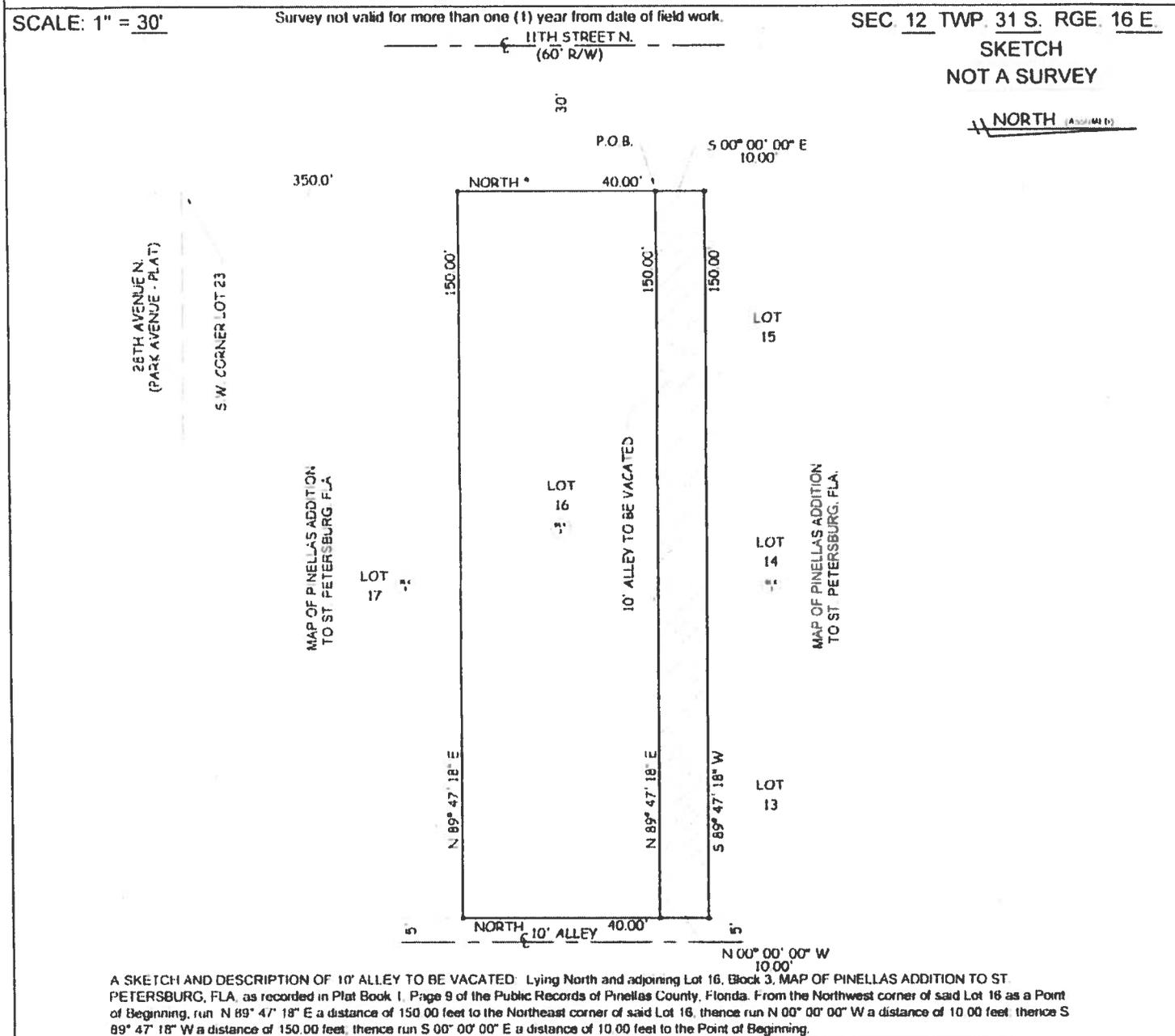
Please accept this letter as proof of our support and agreement with the referenced applicant's request to vacate the east/west alley directly abutting her premises at 2921 11<sup>th</sup> Street N. With the lots directly to the north having been reoriented west facing along 11<sup>th</sup> Street instead of their original siting as north facing along 30<sup>th</sup>, the need for this alley is no longer evident. Further, vacating this alley will enlarge the applicant's property to the more standard 50 foot lot width from its current 40 foot width.

Regards,

  
Cathy Wilson,  
Acting President

JOB NO <b>151712</b>		<b>MURPHY'S LAND SURVEYING, INC.</b> <b>PROFESSIONAL LAND SURVEYORS</b> 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY MRB	CHECKED BY EDM		PH. (727) 347-8740
DATE OF FIELD WORK 11/16/15			FAX (727) 344-4640

CERTIFIED TO **Rebecca Irving**  
**EXHIBIT "A" - Case No. 15-3300024**



A SKETCH AND DESCRIPTION OF 10' ALLEY TO BE VACATED: Lying North and adjoining Lot 16, Block 3, MAP OF PINELLAS ADDITION TO ST PETERSBURG, FLA, as recorded in Plat Book 1, Page 9 of the Public Records of Pinellas County, Florida. From the Northwest corner of said Lot 16 as a Point of Beginning, run N 89° 47' 18" E a distance of 150.00 feet to the Northeast corner of said Lot 16, thence run N 00° 00' 00" W a distance of 10.00 feet, thence S 89° 47' 18" W a distance of 150.00 feet, thence run S 00° 00' 00" E a distance of 10.00 feet to the Point of Beginning.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in  
 Flood zone: X      Comm. Panel No. : 125148 0217 G      Map Date : 9/03/03      Base Flood Elev : NA

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(ES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J 17, FLORIDA ADMINISTRATIVE CODE, TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SKETCH AND DESCRIPTION NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

*Edward D. Murphy*  
 EDWARD D. MURPHY REG. P.L.S. #5333

<p>★ BEARINGS SHOWN ARE ASSUMED</p> <p><b>LEGEND</b></p> <p>F.I.P. FOUND IRON PIPE          F.C.M. FOUND CONCRETE MONUMENT          F.I.R. FOUND IRON ROD          S.I.R. SET IRON ROD 1/2" LB #7410          P.R.C. POINT OF REVERSE CURVATURE          P.C.C. POINT OF COMPOUND CURVATURE          F.H.E. FINISHED FLOOR ELEVATION          P.O.C. POINT OF COMMENCEMENT          N.A.V.D. NORTH AMERICAN VERTICAL DATUM OF 1988</p>	<p>N.A.D. NAIL AND DISK          P.O.B. POINT OF BEGINNING          P.O.L. POINT ON LINE          P.C. POINT OF CURVATURE          P.T. POINT OF TANGENCY          P.I. POINT OF INTERSECTION          #.K.K. FENCE          #.B. ADJACENT FENCE          C.L.F. CHAIN LINK FENCE          F.E. FENCE          ADJ. ADJACENT</p>	<p>F.D. FOUND          R. RADIUS          A. ARC          C. CHORD          DELTA          R.A.M. HEIGHT OF WAY          #. NUMBER          M.A.S. MASONRY          F.R.M. FRAME          G.I. GRATE INLET          C.B. CATCH BASIN</p>	<p>ALUM. ALUMINUM          W.H. WATER HEATER          P.S. PAVEMENT          C.P. CARPORT          P.L. PLASTER          B.C. BACK OF CURB          B.P. EDGE OF PAVEMENT          E.R. EDGE OF ROAD          E.O.W. EDGE OF WATER          T.O.B. TOP OF BANK</p>	<p>W.W. WING WALL          C. CENTERLINE          M.S. METAL SHED          (P) PLAT          (C) CALCULATION          (I) I.F.E.D.          (M) MEASURED          N. NORTH          S. SOUTH          E. EAST          W. WEST</p>	<p>ESMT. EASEMENT          M.H. MANHOLE          CONC. CONCRETE          C.I.R. CLEAR          C.C.L. COLLAR          W.D. WOOD          B.L.K. BLOCK          S.A.W. SEAWALL          ASPH. ASPHALT          UTIL. UTILITY          DR. DRAINAGE</p>	<p>O.H. OVERHANG          GAR. GARAGE          C.W.D. COVERED WOOD          C.P.S. COVERED PATIO/STONE          C.C. COVERED CONCRETE          A.C. AIR CONDITIONER          S.P. SEPIENED PORT          P.P. OVERHEAD POWER LINES          T.T. OVERHEAD TELEPHONE LINES          P.P. POWER POLE          L.P. LIGHT POLE</p>
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## COUNCIL AGENDA NEW BUSINESS ITEM

TO: **Members of City Council**

DATE: **January 21, 2016**

COUNCIL DATE: **February 4, 2016**

RE: ***Explanation of Mayor's Sustainability Executive Order vs. Purchasing Chevy Tahoes***

---

### **ACTION DESIRED:**

Respectfully request a referral to the ENR&S Committee for an explanation of how the above Executive Order and purchase of Chevy Tahoes further our energy efficiency policies, and what we are carrying that mandates a 6,000 pound vehicle.

### **RATIONALE:**

Mayor Kriseman updated a long standing executive order on sustainability initiatives last year. The policy includes a policy to "reduce greenhouse gas emissions and increase energy efficiency to include... transportation retrofits for efficiency improvements." My understanding of this policy has been to buy the most efficient vehicle that meets the use for which it was purchased. Attached is the list of December purchases of under \$100,000. Please see the purchase of two Chevy Tahoes for the police department.

*Attachments*

Karl Nurse  
Council Member

**EO - 2015-07 (takes place of EO-08-01)  
Sustainable St. Petersburg**

**AN EXECUTIVE ORDER ESTABLISHING  
POLICIES CONSISTENT WITH THE CITY  
OF ST. PETERSBURG SUSTAINABILITY  
INITIATIVES**

**WHEREAS**, I, Rick Kriseman, upon taking office established the Office of Sustainability in the City of St. Petersburg; and

**WHEREAS**, our Sustainability Vision is a city with the capacity to endure by finding the balance between environmental stewardship, economic vitality and social equity; and

**WHEREAS**, our Sustainability Mission Statement is to make St. Petersburg the city to work, live and play through innovative and collaborative sustainability practices; and

**WHEREAS**, our Sustainability Core Values are community collaboration and partnerships, creativity and quality outcomes, cost effective economics, environmental stewardship, and leadership in innovation; and

**WHEREAS**, our Sustainability Goals are net zero energy, zero waste, protection and enhancement of natural systems, the protection and promulgation of shade and green space, sustainable built environment practices, safe and efficient multimodal transportation networks, improvement of our local economy, and a healthier community.

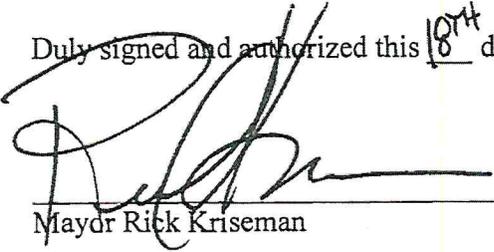
**NOW, THEREFORE**, I Rick Kriseman, do hereby promulgate through this Executive Order the following actions, policies and procedures to take effect immediately:

- Become a member of Star Communities.
- Seek out and obtain a Star Community Rating leadership certification.
- Develop and implement a citywide Climate Action Plan that includes collaborative efforts to address and adapt to sea level rise as well as emergency preparedness and resiliency.
- Apply the U.S. Green Building Council's LEED® green building program or the Green Building Initiative's Green Globes program to all new and existing city-owned and occupied buildings over 10,000 square feet that meet minimum project requirements for certification; buildings less than 10,000 square feet may apply green building standards based on environmental benefit and budget.
- Reduce greenhouse gas emissions and increase energy efficiencies to include evaluation of water resource pumping and processes, facility, space planning and transportation retrofits for efficiency improvements. Utilize renewable energy sources like solar power, biosolids, and geothermal technology to contribute to the City's net zero energy goal, with residential and commercial construction and demolition debris recycling, composting, mulch to energy, special event recycling,

pre and post-consumer food waste recycling and production of Class A (fertilizer grade) sludge programs used to contribute to the City's zero waste goal.

- Protect and enhance the City's natural systems through collaboration with industrial organizations and regional transportation management for improved air quality, an urban canopy initiative, water conservation programs, expanded reclaimed water systems, stormwater BMPs and green infrastructure, water loss reduction, clean streets and streams programs, land management plans for preserves and estuaries, parks and recreation planning, and implementation of the Downtown Waterfront Master Plan.
- Review land development regulations for barriers to sustainability, and use of the FEMA Community Rating System Program and land use planning tools such as the Comprehensive Plan to contribute to sustainable built environment practices.
- Implement key initiatives such as targeted industries, quality jobs and living wages, Greenhouse programs, the Grow Smarter Initiative, and the South St. Petersburg CRA Redevelopment Plan to contribute to the City's goal of improving the local economy and fostering job growth.
- Achieve our Healthier Community initiative through city and neighborhood planning for a balance of compact centers, affordable housing, walkability, food access and nutrition programs, associated education and outreach, and encouraging related partnerships and collaboration.
- Develop a city website in coordination with city departments, dedicated to sustainability initiatives.
- Set goals and monitor performance by requiring city departments or office directors to:
  - a. Continue to pursue existing directives on social equity contracting, such as the Inclusion Policy, and integrate progress on those directives into the department's annual work program;
  - b. Make attainment of sustainability goals part of the performance evaluation for each city department or office director; and
  - c. Report to the Mayor on performance and attainment of sustainability goals and other directives.

Duly signed and authorized this 18<sup>th</sup> day of AUGUST, 2015.

  
\_\_\_\_\_  
Mayor Rick Kriseman

**MEMORANDUM**

**TO:** The Honorable Amy Foster, Chair, and Members of City Council  
**FROM:** Louis Moore, Director, Procurement and Supply Management  
**DATE:** January 13, 2016  
**RE:** Purchases \$10,000 to \$100,000 for December 2015



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Attached for your review are purchases from \$10,000 to \$100,000 made by the city during the month of December 2015. This information is provided pursuant to City Council's approval on May 19, 2005 wherein the procurement policy was amended to increase the upper level of non-blanket purchase contracts from \$50,000 to \$100,000. At that time, City Council requested Procurement to report monthly on purchases made between \$10,000 and \$100,000.

LM:np

Attachment

cc: Gary Cornwell, City Administrator  
Tom Gibson, Interim Administrator, Public Works  
Alan DeLisle, City Development Administrator  
Chan Srinivasa, City Clerk  
Brad Scott, City Auditor  
Cindy Sheppard, City Council  
Distribution List  
(Administrators, Chiefs and Directors)

December 2015 Purchases Between \$10,000 and \$100,000

Number	Description	Supplier	Department	Created Date	PO Amount
186842	SAF, FY16 Disbursement	Directions For Mental Health Inc	Neighborhood Affairs	2-Dec-15	\$10,000
186847	Assorted Marine Dive Equipment, New	Bauer Compressors Inc	Fire	3-Dec-15	\$13,651
186876	Microcomputer, Software	Insourse Software Solutions	Water Resources	4-Dec-15	\$15,100
186922	Database, Library	Lynda.com	Library	7-Dec-15	\$16,675
186923	Membership, St. Petersburg Chamber of Commerce	St Petersburg Area Chamber Of Commerce	Planning & Economic Development	7-Dec-15	\$18,000
186964	Ad Valorem Tax, Sunken Gardens	Diane Nelson, Tax Collector	Downtown Enterprise Facilities	9-Dec-15	\$14,193
186954	Aerator/Diffuser System	Heyward Florida Inc	Water Resources	9-Dec-15	\$15,000
186963	Trailer, 7'x 16' Enclosed Cargo	Rick Croft Enterprises, Inc	Fleet	9-Dec-15	\$15,994
186960	Concrete, Ready Mix 3000 PSI	Cemex	Parks & Recreation	9-Dec-15	\$16,800
186965	Consultant Services, Sundial Parking Garage	Biller Reinhardt Engineering Group Inc	Engineering	9-Dec-15	\$17,200
186995	Tuition, Paramedic Certification (3)	St Petersburg College	Fire	11-Dec-15	\$23,706
187048	Yaskawa Model IQ000, 200 HP Kits (7)	Icon Technologies	Water Resources	14-Dec-15	\$46,108
187080	Maintenance, Citylaw Software, One Year	Cycom Data Systems Inc	Legal	16-Dec-15	\$10,820
187107	Service Repairs, Unite R601	Bay Area Truck Sales Inc dba	Fleet	17-Dec-15	\$13,684
187148	5 Year Community Driven Strategic Plan, Administration & Facilitation	Center for Public Safety Excellence Inc	Fire	18-Dec-15	\$14,580
187149	Directional Boring Machine & Vacuum Excavation System	Vermeer SE Sales & Services Inc	Fleet	18-Dec-15	\$89,497
187196	Active Directory Software, Administrative Suite	Cayo Software LLC	Technology Services	22-Dec-15	\$10,000
187192	Software and Support, ACISS Software	ACISS Systems Inc	Police	22-Dec-15	\$10,420
187195	Consulting, Jennie Hall Pool Improvement	Wannemacher Jensen Architects Inc	Engineering	22-Dec-15	\$16,500
187188	Hardware & Software Maintenance, Extreme Networks Systems	PC Solutions & Integration Inc	Technology Services	22-Dec-15	\$39,532
187194	Vehicle, SUV, Chevy Tahoe (2)	Alan Jay Chevrolet Cadillac Inc	Fleet	22-Dec-15	\$81,553
187198	Off-Road Utility Vehicles (21)	GHC Motorsports	Fleet	22-Dec-15	\$99,960
187212	User Fees, October 2015	Parkmobile USA Inc	Transportation & Pkg. Mgt.	23-Dec-15	\$10,996
187204	Regulatory Program & Surveillance Fee, Stormwater Management	Florida Department of Environmental Protection	Engineering	23-Dec-15	\$19,348
187265	Maintenance & Support, Dragon Naturally Speaking Software	Shi International Corp	Police	29-Dec-15	\$10,045
187278	Installation Services, Chiller at Police Facility	Air Mechanical & Service Corp	Engineering	30-Dec-15	\$69,920

Purchases listed exclude all blanket purchase orders, include only goods and services and have been procured in accordance with competitive bidding requirements as established by Council approved policy.

**COUNCIL AGENDA  
NEW BUSINESS ITEM**

**TO: Members of City Council**

**DATE: January 27, 2016**

**COUNCIL DATE: February 4, 2016**

**RE: *Resolution Supporting Restoration of Local Control of Smoke-Free Air  
and Other Tobacco-Related Laws in the State of Florida***

---

**ACTION DESIRED:**

Respectfully requesting City Council support a resolution to restore local control of smoke-free air and other tobacco-related laws in the state of Florida.

*Attachment*

Karl Nurse  
Council Member

**REVISED**  
**JAN 28 2016**

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ST. PETERSBURG, FLORIDA,  
SUPPORTING RESTORATION OF LOCAL  
CONTROL OF SMOKE-FREE AIR AND OTHER  
TOBACCO-RELATED LAWS IN THE STATE  
OF FLORIDA; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, tobacco use and secondhand smoke are public health hazards, and smoking is a safety hazard, linked to increased fires and accidents; and

WHEREAS, in 2010 the U.S. Surgeon General reported for the first time the damage smoking can do at the cellular and organ level, and the evidence on the mechanisms by which smoking causes disease indicates that there is no risk-free level of exposure to tobacco smoke; and

WHEREAS, tobacco use imposes economic costs, borne by governments, proprietors and nonsmokers; and

WHEREAS, smoke-free air policies and laws protect health and safety, and reduce costs; and

WHEREAS, the tobacco industry, in an effort to negate local legislation, has long had as its chief legislative strategy the preemption of local authority to regulate tobacco; and

WHEREAS, the State of Florida has preempted the regulation of smoking to the state since 1985 and has specifically provided that municipal ordinances on the subject shall have no force and effect; and

WHEREAS, the City is currently unable to prohibit smoking in the City's playgrounds; and

WHEREAS, protecting people from the harmful effects of tobacco use and secondhand smoke is best accomplished by local communities working directly with the people most affected by smoke-free air and other tobacco-related laws; and

WHEREAS, local governments should have the right to adopt laws that protect the health and safety of their residents against the harmful effects of tobacco use and secondhand smoke.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that City Council urges the Florida Legislature to repeal the State's

preemption of local smoke-free air and other tobacco-related laws, and restore the right of local governments to enact and enforce smoke-free air and other tobacco-related laws.

This Resolution shall become effective immediately upon its adoption.

Approved as to form and content:

---

City Attorney (designee) *Citylaw A14-00932*

**COUNCIL AGENDA  
NEW BUSINESS ITEM**

**TO: Members of City Council**

**DATE: January 29, 2016**

**COUNCIL DATE: February 4, 2016**

**RE: *Referral to the Public Services & Infrastructure Committee***

---

**ACTION DESIRED:**

Respectfully request a referral to the February 25, 2016 Public Services & Infrastructure Committee (PS&I) to continue the discussion on the Bike Share program.

Jim Kennedy, Council Member  
District 2

Resolution No. \_\_\_\_\_

A RESOLUTION APPROVING THE REFERRAL OF CONTINUED DISCUSSION REGARDING A BIKE SHARE PROGRAM TO THE PUBLIC SERVICES AND INFRASTRUCTURE COMMITTEE FOR THE MEETING TO BE HELD ON FEBRUARY 25, 2016; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 28, 2016, City Council held a workshop to discuss a bike share program in St. Petersburg; and

WHEREAS, during such workshop Council members discussed referral of continued discussion regarding a bike share program to the Public Services and Infrastructure Committee for the meeting to be held on February 25, 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the referral of continued discussion regarding a bike share program to the Public Services and Infrastructure Committee for the meeting to be held on February 25, 2016, is hereby approved.

This resolution shall become effective immediately upon its adoption.

LEGAL:

  
\_\_\_\_\_  
City Attorney (Designee)  
257681

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

**Committee Report**

**January 28, 2016  
8:00 a.m. - City Hall Room 100**

Present: Chair James R. "Jim" Kennedy, Jr.; Vice Chair Karl Nurse; Councilmembers Darden Rice and Ed Montanari (alternate).

Also: Chief Assistant City Attorney, Jeannine Williams; City Administrator, Gary Cornwell; City Council Chair Amy Foster, Councilmember Lisa Wheeler-Brown; City Development Administrator, Alan DeLisle; Director Planning & Economic Development, Dave Goodwin; Manager Economic Development, Sophia Sorolis; Finance Director, Anne Fritz; and Senior Deputy Clerk, Cathy E. Davis.

Absent: Councilmember Gerdes.

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 Nurse motioned that the agenda be approved as written. All were in favor of the motion. Ayes: Kennedy, Nurse, Rice, Montanari (Alternate). Nays. None. Absent: Gerdes.

**C. Approval of Minutes**

In connection with the approval of the January 14<sup>th</sup> meeting minutes Councilmember Nurse motioned that the minutes be approved as written. All were in favor of the motion. Ayes. Kennedy. Nurse. Rice. Montanari (Alternate). Nays. None. Absent. Gerdes.

**D. New/Deferred Business**

1. January 28, 2016

a. Neighborhood Commercial Corridor Public Private Partnership Fund

Alan DeLisle, City Development Administrator along with Dave Goodwin, Director of Planning and Economic Development and Sophia Sorolis, Manager of and Economic Development provided an overview of the Commercial Revitalization Program proposed to provide grant awards to commercial projects located within defined commercial corridors. The program is to be made available to support projects on commercial corridors, outside of the downtown core, that provide visible improvements to a building or site, decrease vacancy rates of the area, retain or create jobs, and/or create new commercial space. Eligible projects must demonstrate that but/for the City's investment, the project would not occur. There are to be three funding thresholds; up to \$25,000, up to \$50,000, and up to \$100,000.

Projects eligible for a grant award of up to \$25,000 must be located in a commercial corridor within the City, exclusive of downtown, must have a minimum private capital investment of \$100,000, and must involve the rehabilitation or improvement of commercial structures.

To be granted an award of up to \$50,000, the project must meet all of the above criteria and also be located in a Census Tract eligible for New Markets Tax credits (poverty in these Census Tracts is at least 20% and the median household income does not exceed 80% of the area median household income) or be located in the City's Skyway Marina District.

To be considered for a grant award of up to \$100,000, an eligible project must have a minimum private capital investment of \$500,000 and must create or retain at least 10 full time jobs. Projects funded at the \$100,000 level would also require City Council approval.

For projects under the \$100,000 threshold, application packages will be reviewed by a staff committee that will conduct an eligibility analysis, and final approval of a project will be made by the Mayor.

Funding for the Commercial Revitalization Program will be provided by previously appropriated funding of \$100,000, of which \$50,000 has been budgeted from the General Fund and \$50,000 will come from Tax Increment funding from the South St. Petersburg Community Redevelopment Area. Additionally \$167,466, from CIP Award 81038 and Project #15006 will be appropriated, along with the previously referenced appropriated funding of \$100,000 to establish the Commercial Revitalization Program Project (TBD).

Councilmember Foster expressed the need for flexibility in the criteria as some aspects of the criteria may be eligible and some aspects may not be quite as clear. Councilmember Nurse commented that Property Assessed Clean Energy ("PACE") financing is something that should be considered here and suggested that the presenting group discuss same with the Mayor. Council Member Rice commented that there are some areas that would flourish with just a little help with the City, and that there be verbiage that would include the importance of vitality, and that we are working to attract businesses that would actually benefit the neighborhood. Councilmember Wheeler-Brown inquired to verify that 22<sup>nd</sup> St South is included as an eligible corridor, and to verify that the funds for this area would be CRA funds. Councilmember Montanari questioned the funding from the \$167, 466 from the CIP award. Sophia Sorolis explained that tax credits from the cleanup from a property contained within the City were acquired from the State of Florida and these tax credits were auctioned netting \$167,466. Councilmember Kornell commented that he would like to see how we might be able to make this available to smaller business. Dave Goodwin explained that the award amounts are "up to" and could be used by smaller businesses. Councilmember Kennedy asked that measurement indicators be included in the program.

Councilmember Nurse made a motion to move forward with the program and have the agenda item presented to full City Council for approval. The motion passed unanimously.

#### **E. Continued Business**

**F. Upcoming Meetings Agenda Tentative Issues**

1. February 11, 2016

- a. Debt Financing (Fritz)
- b. 1<sup>st</sup> Quarter Financial Report (Fritz, Green)

2. February 25, 2016

- a. External Audit Services RFP Evaluation and Short Listing (Scott)
- b. Promoting a form of democracy that will support small, local campaign contributions during City elections. (Wolfgram)
- c. 2016 1<sup>st</sup> Quarter Grant Writer's Report (Ojah-Maharaj)

1. March 10, 2016

- a. Property Insurance Renewal (Guella)
- d. External Audit Services RFP Short5 Listed Vendor Presentations (Scott)

**G. New Business Item Referrals**

**H. Adjournment**

The meeting was adjourned at 9:05 am.

RESOLUTION No. 2016-\_\_\_\_\_

A RESOLUTION ESTABLISHING THE COMMERCIAL REVITALIZATION PROGRAM; TRANSFERRING AN APPROPRIATION OF \$167,466 FROM THE GENERAL CIP FUND (3001) AWARD 81038 AND PROJECT 15006 TO PLANNING & ECONOMIC DEVELOPMENT (3702609); TRANSFERRING AN APPROPRIATION OF \$50,000 FROM THE SOUTH ST. PETERSBURG REDEVELOPMENT DISTRICT (1104) TO PLANNING & ECONOMIC DEVELOPMENT (3702609); APPROVING A SUPPLEMENTAL APPROPRIATION OF \$217,466 FROM THE TRANSFERS TO PLANNING & ECONOMIC DEVELOPMENT (3702609); ESTABLISHING THE COMMERCIAL REVITALIZATION PROGRAM IN THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has declared that it constitutes a public purpose to expend public funds for economic development activities, including improving local infrastructure and making grants to private enterprises for the expansion of businesses in the community or the attraction of new business to the community which serves a public purpose; and

WHEREAS, the Florida legislature has declared that the development, redevelopment, and revitalization of communities are public purposes for which public money may be granted; and

WHEREAS, the Florida legislature has declared that the elimination of blight in communities is a public purpose for which public funds may be expended; and

WHEREAS, the South St. Petersburg Community Redevelopment Plan cited lack of access to capital as a barrier to redevelopment in the South St. Petersburg Community Redevelopment Area (SSPCRA); and

WHEREAS, Administration finds that lack of or access to capital also hinders development and redevelopment in other areas of St. Petersburg, including commercial corridors, that are outside of the downtown core, the Skyway Marina District, and the City's Census Tracts that are eligible for the New Markets Tax Credit Program as defined by the attached Map; and

WHEREAS, the Administration desires to provide a funding source to assist eligible applicants in developments that will provide visible improvements to a building or site, decrease commercial vacancy rates of the area, retain and create jobs, and/or create new commercial space; and

WHEREAS, the Commercial Revitalization Program is being established by this Resolution; and

WHEREAS, the Commercial Revitalization Program will provide grant funding in award maximums of \$25,000, \$50,000, and \$100,000, to eligible projects approved by the Mayor, in accordance with the program guidelines, as may be amended; and

WHEREAS, the grant funding will serve the public purposes of increased economic development, improving local infrastructure, expansion of businesses, attraction of new businesses, elimination of blight, and the development, redevelopment, and revitalization of certain communities in St. Petersburg; and

WHEREAS, \$50,000 was previous appropriated to Planning and Economic Development and will be used to implement the Commercial Revitalization Program.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby establishes the Commercial Revitalization Program.

BE IT FURTHER RESOLVED by the City Council of the City of St. Petersburg, Florida that the following transfer from the General CIP Fund (3001), the VCTC Com. Park Fund Project 15006, Award 81038, to Planning and Economic Development (3702609) for Fiscal Year 2016 is hereby approved:

<u>General CIP Fund (3001) VCTC Com. Park Fund Project 15006 Award 81038</u>	
Transfer: Planning and Economic Development (3702609)	\$167,466

BE IT FURTHER RESOLVED by the City Council of the City of St. Petersburg, Florida that the following transfer from the South St. Petersburg Redevelopment District (1104) to Planning and Economic Development (3702609) for Fiscal Year 2016 is hereby approved:

<u>South St Petersburg Redevelopment District (1104)</u>	
Transfer: Planning and Economic Development (3702609)	\$50,000

BE IT FURTHER RESOLVED by the City Council of the City of St. Petersburg, Florida that the following supplemental appropriation of \$217,466 from the transfers of \$217,466 to Planning and Economic Development (3702609) for Fiscal Year 2016 is hereby approved:

<u>VCTC Project 15006/General Fund (0001)/Redevelopment District (1104)</u>	
Planning and Economic Development (3702609)	\$217,466

This Resolution shall become effective immediately upon its adoption.

Approvals:

Legal: \_\_\_\_\_

Budget: \_\_\_\_\_

Administration: \_\_\_\_\_

00258235

City of St. Petersburg  
**Public Services & Infrastructure Committee**  
Meeting of January 28, 2016 - 9:15 a.m.  
City Hall, Room 100

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Members and Alternates: Chair Steve Kornell, Vice-Chair Ed Montanari, Councilmember Jim Kennedy, Jr. Alternate: Council Chair Amy Foster. Absent: Councilmember Charlie Gerdes

Others present: Councilmembers Karl Nurse, Darden Rice and Lisa Wheeler-Brown; Support Staff: Mike Vineyard, Park Operations Manager and primary; Jacqueline Kovilaritch, City Attorney, Mark Winn, Legal, Major Paul McWade, Police and Pat Beneby, Deputy City Clerk.

- 1) Call to Order 9:15 A.M.
- 2) Approval of Agenda
  - a) Motion for approval by CM Kennedy. Unanimously Passed: 4-0.
- 3) Approval of Minutes:
  - a) January 14, 2016 – Motion for approval by CM Kennedy. Unanimously Passed: 4-0.
- 4) New Business
  - a) Noise Ordinance revisions
    - i. CM Nurse gave brief history of how the issue came to the Committee approximately ten months ago after complaints from businesses, residents and visitors.
    - ii. Mark Winn, Legal, provided a history of the standing noise ordinance and how it was initially implemented, issues with enforcement and success in court cases. He explained how the ordinance moved from measuring decibel levels to a measured distance from source and ability to hear. The ordinance revisions require businesses to direct speakers downward, towards clientele or if indoors, pointing inward. CM Nurse and Mark Winn stated they have not received any negative feedback on the proposed ordinance amendments.
    - iii. Discussion from the Committee included that this was a start and could be tweaked as necessary moving forward, an eventual return to the use of decibel meters and to achieve a balance between a vibrant downtown, businesses and residents.
    - iv. CM Kennedy made a motion to forward the revised ordinance to Council for first reading. The motion passed unanimously.
  - b) Marijuana Civil Citation Program Update
    - i. Chair Kornell began by providing a brief overview of the initiative and minutes from a recent meeting held on January 7, 2016 which was organized and facilitated by Ken Burke, Clerk of the Court. He also reminded the committee that Council had already passed a resolution which was sent to Pinellas County Board of Commissioners outlining the City's intent to move forward and encouraging the County to do same.
    - ii. Mark Winn attended the Clerk's meeting along with Sasha Lohn-McDermott, St. Petersburg Police. He provided his summary of the meeting and cautioned that the state has proposed legislation, the County is considering action, the County judicial system is considering a program and that the City may want to see what comes of those before moving forward too quickly. The City is not preempted from regulating this way and could impose lesser punishment than the state, but not more harsh. Concerns were expressed at the Clerk's meeting that each municipality would draft an ordinance

making it difficult for the Sheriff's Office to interpret and enforce because they would be different.

- iii. Major Paul McWade, Police presented figures from the past year that included adult versus juvenile arrests and multiple charges resulting in an arrest for a small amount of marijuana. Major McWade stressed that officers need the ability to use their discretion in whether or not to issue a Notice to Appear or make an arrest. These actions sometimes lead to stronger community rapport and help solve larger drug issues.
- iv. CM Kennedy made a motion to monitor what the County is doing, request City Legal staff to draft an ordinance and bring back to the Committee for discussion.
- v. CM Rice felt the City should draft a strong ordinance and be present when reviewed as part of the discussion.
- vi. The motion was once again presented and passed unanimously.

#### 5) Upcoming Meetings

- a) February 11, 2016 – TBD
  - b) February 25, 2016 – TBD
- 6) Adjournment 10:02 A.M.

**St. Petersburg Police Department**  
**2015 Marijuana Possession Less Than 20 Grams Arrest Statistics**

**Table 1: 2015 Subjects Charged for Marijuana Possession of Less Than 20 Grams**

Adults	984
Juveniles	147
<b>Total</b>	<b>1,131</b>

**Table 2: Randomly Selected 2015 Adult Subjects Arrested and Taken Into Custody for Marijuana Possession of Less Than 20 Grams**

Adult Cases Evaluated	67
Only One Charge for Marijuana	<b>12</b>

**Table 3: 2015 Juveniles Taken Into Custody for Marijuana Possession of Less Than 20 Grams**

Juveniles Taken to JAC for all Charges	62	(The remaining 85 juveniles were released with referrals).
Juveniles Taken to JAC with Additional Charges	44	(e.g., Arrested for auto theft and were also in possession of Marijuana).
Juveniles Only Arrested for Marijuana	18	(Arrested and transported to JAC with only a Marijuana charge).

Civil Citation Task Force Meeting Notes

January 7, 2016

Michael Schmidt

	(Meeting to Order – 2:03 P.M.)
	<p>Those Present:</p> <p>Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County</p> <p>Don Barbee, Clerk of the Circuit Court and Comptroller, Hernando County</p> <p>Bob Gualtieri, Pinellas County Sheriff</p> <p>Bernie McCabe, State Attorney</p> <p>Bob Dillinger, Public Defender</p> <p>Janet Long, County Commissioner</p> <p>Jewel White, Chief Assistant County Attorney</p> <p>Chief Daniel Slaughter, Clearwater Police Department</p> <p>Chief Kevin Riley, Kenneth City Police Department</p> <p>Captain Mike Darroch, Pinellas Park Police Department</p> <p>Chief Armand Boudreau, Treasure Island Police Department</p> <p>Lieutenant Jeff Wolfe, Belleair Police Department</p> <p>Gay Inskeep, Trial Court Administrator</p> <p>Sasha Lohn McDermott</p> <p>Mark Winn, City Attorney’s Office, St. Petersburg</p> <p>Craig Corry, Pinellas Schools Police</p> <p>Jeff Kronschnabl, St. Petersburg College</p> <p>Marcie Biddleman, Juvenile Welfare Board</p> <p>Karen Lamb, Administrative Assistant</p> <p>Mary Scott Hardwick, Intergovernmental Liaison</p> <p>Doyle Walsh, Assistant to Janet Clark</p> <p>Vanessa Castrogiovanni, Communications Coordinator</p> <p>Michael Schmidt, Board Reporter, Deputy Clerk</p>
Burke	<p>Good Afternoon, Everyone. Welcome to the meeting. Thank you for your interest and being here and accepting the invitation to be here. My name’s Ken Burke. I’m the Clerk of the Court. Let me just give you some of the reasons why I asked you all to be here today. Around the state, it seems like the civil citation movement is growing like a fire, just moving very quickly, and a lot of entities, whether they’re cities or counties, are adopting some type of civil citation program. In looking at them, they’re going in many different directions with this. There is not a consistency in the way they’re approaching it. Something tells me...Association, the counties, or the League of Cities is probably somewhat evangelizing this idea, and people are going back and saying, well, me too, let’s get onboard with this right away and pass something.</p>

Burke	And some of the things that have been passed, I don't want to editorialize on other people's ordinances or ways of doing things, probably the action came before the thought. I think it was very wise of the City of St. Petersburg that when this came up that they deferred and said, well, let's see if the County wants to do something countywide, kind of handed it off to the County, and I'm glad that Commissioner Long's here today with us, and then the County is going to be taking a look at this in some type of workshop session. I thought the date was set for March, but I just got an email from new Chairman Justice saying the date has not yet been established.
Burke	So I thought rather than the way some of these other entities have approached it with a very quick draw up an ordinance, let's pass something, get it out there, and implement a program, and I'll pick on Palm Beach like I did in the letter where it only deals with one topic and that small amount of marijuana possession, which can be a civil citation, pay a \$100 fine, do a small amount of community service, and it's over with. And I equated my letter to the person sitting next to that person with the open can of Budweiser who is 19 years old who will go through the criminal court system. How do we justify that? I don't know how they will in Palm Beach County and actually the Sheriff down there is reluctant to even implement the ordinance and maybe has good reason not to. But he's being criticized in the paper. An editorial went in the paper against the Sheriff saying why isn't he onboard on this? Well, they probably didn't ask enough opinion beforehand as to a program that meets everyone's needs that takes all of these different factors into consideration before moving forward.
Burke	So, we are a self-appointed group. We have no real authority other than the expertise that we bring to the table here, which I hope that when the BCC has a workshop session that they would respect any work product that we as a Task Force can submit. They can totally discard it. Something tells me with the quality of County Commissioners we have they don't discard it based on the people sitting around this room right now and the expertise that you all bring to the table, I think they would welcome input from stakeholders who know about how the criminal justice system operates and all the factors that need to be taken into consideration when passing any type of ordinance or action or not pass an action in this regard. So that's the reason for the group. Again, we have no formality. The County Commission has not appointed us to serve on this or asked us to serve on this. It was a self-appointed group to say let's get together, talk about this issue, and see if we wish as a group to make a recommendation to the BCC or give various points that the BCC should consider in making any decision they want to make. So that's the purpose as I see it behind the group. Before we go onto the introductions, does anyone have a question on our purpose here?
Long	Will we receive minutes from the meeting today? I assume we will.
Burke	We like taking minutes as Clerk. Mike is here from Board Records who take minutes at our BCC meetings and will be taking minutes and distributing here. So we do have a record. So that's our task of work here.
	(Introductions)
Burke	To get us educated on this topic, I've asked Don Barbee to join us. Don, as he mentioned, is the Clerk from Hernando County. Prior to being Clerk, Don served as an FBI agent and after

	<p>that he served as an Assistant State Attorney up in the Circuit that contains Hernando County. Don obviously is a lawyer. Don has really immersed himself into this issue and has studied it. So has Sasha who may be battling cleanup here. I asked Don to go over what other jurisdictions have done in the State of Florida, what the proposed legislation that Senator Evers is sponsoring, and now there's a House companion bill that's slightly different that's being considered, and various options as far as from a legal perspective on the civil citation program. So I'm going to turn it over to you, Don.</p>
Barbee	<p>(PowerPoint Presentation – “Civil Citation” Programs in Florida)</p> <p>Ken, thanks for having me. I appreciate being here, everybody. I will try my best to hide – Mr. Burke is very good at not expressing his biases if he has them. I am not so good after 20 years in the law enforcement profession both as a decade as a prosecutor and then about 12 years as a street cop and an FBI agent. I will try my best to hide any biases that I have regarding these different things as we go forward and just provide you the best overview that I can.</p>
Barbee	<p>(Civil Citation)</p> <p>We're calling this civil citation programs, which is part of the problem in and of itself. That is a phrase that is leading people to believe different things about the programs. We use that term for a variety of things in the criminal justice system. Some of them are up there. There are more than what's just up there. But most of law enforcement has been using them in the juvenile diversion program, calling them civil citations for a long time even though it's really a diversionary program. We use them for tobacco cases. FWC uses them. There are all kinds of different ways that we use that term civil citation. So when newspapers come out and say this is a civil citation program, well, we need to look a little deeper than that and see really what this program is all about. Is it a decriminalization program or is it a diversionary program? And those are two different things, except in some counties where they've combined them into one.</p>
Barbee	<p>Broward and Miami-Dade actually have a program that is both a diversionary and, which we'll talk about, but potentially diversionary as well as a decriminalization program. So that's the kind of stuff we're going to talk about. That's just an overview. But try to get beyond that phrase civil citation, because I think that's what's leading to a lot of the miscommunication. The ordinances that we're going to talk about are the six that you see up there plus what's going on in Leon. There's a seventh that I'm aware of that I could not find other than in the newspaper. I didn't want to use that. The seventh is in the City of West Palm Beach, but I could not find that ordinance anywhere that I looked. The newspapers have cited Fernandina Beach as having an ordinance. They do not. Their only ordinance is related to synthetic marijuana and other synthetic drugs. It has nothing to do with real cannabis.</p>
Barbee	<p>So a lot of what we're going to talk about, thanks to Sasha who did a lot of the legwork up front, so I owe her a lot for having the foundation of this set, and then we're just going to keep going beyond that.</p>
Burke	<p>May I add, also, that there have been bunch of articles the last two months of counties and cities considering adopting, which have not yet, all over the state, small and large. Volusia</p>

	County, not a very large county is considering an ordinance. So this is not just a big urban county issue.
Barbee	(Cannabis) So when you are talking decriminalization versus diversion, decriminalization is easy. You guys do that all the time. The County Commission and the City Councils, they decide whether or not their ordinances are going to be criminal or civil. Up in Hernando, all of our ordinances are civil. We have no criminal arrests on ordinances in Hernando County. So we don't – in the State Attorney's Office, law enforcement, they don't even see the ordinance stuff. But I know that's different jurisdiction to jurisdiction. Decriminalization happens all the time. It's not nearly as complicated as some of diversionary programs we're going to talk about.
Barbee	So diversion right now – if you have familiarity with the criminal justice system and juveniles in particular, are familiar with the diversionary program that has been very successful in Florida and is used regularly. We're not going to really go into that. We're going to go into the newer stuff, which is the Leon County, what's happening in Leon, and then Broward and Miami-Dade's ordinances, which have a diversionary aspect to them, and then the decriminalization of basically of marijuana in the other counties.
Barbee	(Miami Gardens and Miami Beach) So let's start out with, these two are identical. Miami Gardens and Miami Beach are cut and paste with their ordinances. So theirs is the easiest to understand. Theirs is a straight decriminalization of marijuana and paraphernalia. That's it. It does not go into any other criminal activity. There is no diversion here. All it is is law enforcement's authority to instead of taking you to jail or giving you a Notice to Appear, I'm giving you a ticket for your possession of marijuana of less than 20 grams or paraphernalia. That's the end. They're calling it a Notice of Violation, kind of like the red light camera situations. Because they're not getting to the court house in these scenarios. The police department is handling everything in both of these cities. They are taking care of the administration of the program and the record keeping of the program. The only thing they're not doing is taking money across the counter, which is what Code Enforcement is doing. So these are individual police agencies running these programs. You can see the penalties up there. We don't need to get too deep into them. I just wanted to provide this to you so you can see and have an idea. In these two, it's pay \$100 or request a hearing within 10 days. If neither, they send it to a special master who assesses it and records it as a lien. That's very commonplace I'm sure in many of your municipalities for code enforcement violations. So if they don't do anything, it goes on as a lien and that way we'll hopefully pick it up through a–
Burke	To request a hearing within 10 days, is that with a city, municipal officer?
Barbee	Yes, a hired special magistrate, special master, whatever you want to call it.
Barbee	In these two scenarios, there is no maximum, no increased fines, no nothing. It's \$100 each time. In theory, you could get 100 of them. It doesn't say in the ordinance. So it just creates an alternative, we'll call it a punishment, for these two what were formally criminal acts. They still can be criminal acts. Law enforcement has the discretion in these two cities. We're going to talk about Hallandale Beach in a minute where they tried to take a little bit of discretion

	away from law enforcement. So in these two scenarios, totally law enforcement discretion. Just another alternative form, and it's fairly clean as a process. So this is what these two cities have accomplished. Any questions about these two before we–
McCabe	How long have they been in effect?
Barbee	A couple months, November and October I believe.
McCabe	No indication of where the payment comes from?
Barbee	No. None of them have any real history to report yet, except for Miami-Dade's decriminalization program. I know Sasha talked to them and so did I, and they are so far behind in getting the tickets onto the system that they couldn't even really tell me a good parameter of how many people are paying and how many are not. Because about 50 percent are on the books, and 50 percent are sitting on somebody's desk. So they're struggling to keep up with this new program.
McCabe	That's a good model.
Barbee	(Hallandale Beach) So if we move on up to Hallandale Beach. This has been in place since August, a little more time, not a ton of use. I guess it's not a very big jurisdiction. I'm not real familiar with it. Code enforcement collects the money, again. The police department administers the program. They transferred a code enforcement employee to the police department to handle this process for them from an administrative perspective. They don't have any protocol in place yet, how to handle hearings. They don't have a special master hired yet. In my conversations with them, they anticipate this being handled like code enforcement. That's what they told me. They do have a little bit of an escalated scale where your first and second offenses are \$100 and third and fourth are \$250. It is completely silent as to what happens on fifth, sixth, seventh, or eighth. It doesn't say. I would assume that this is no longer an option at five, six, seven, and eight, but it doesn't say that. What is interesting about this, it's called a resolution because they tacked it onto an existing ordinance. They require the police department to use it. If the police department decides not to issue the citation, they have to articulate why they didn't. So that is an interesting little extra that they added in there. I guess in your police report you would add that the guy was a jerk. I'm not sure what you would put as to why you didn't give him a citation. But that is one of the aspects of it.
Barbee	So in all three of these cities, there is no centralized database for anything that law enforcement decides to do. So each city, individually, is keeping their own records, how many times they've issued these citations, they're not...they're not in CCIS, they're not anywhere. So only in that individual city. So if they cross the line into another municipality, they will have no idea of how many that person has received in the other city, obviously, unless they make a phone call during business hours to find out how many times this citation has been issued. So that is potentially a concern with the individual municipality ones that are going through the police departments by themselves.
Barbee	(Palm Beach County) Palm Beach County's is more in line with a lot of other civil citations if you will that we handle in the criminal justice system. This was just adopted. So there's not a lot to talk about

	<p>yet. It applies only to cannabis less than 20 grams and paraphernalia again. It does not go into some of the other misdemeanors that Broward and Miami-Dade do. It's two citations maximum, not an increase in the fine though. It is \$100 or 10 community service hours. You get your choice if you are the defendant or the recipient in that case. And it's handled like any other what we in the Clerk's Office call IN cases. So all of your FWC stuff that comes over the counter, your tobacco stuff that comes over the counter in the Clerk's Office, we call those IN cases. That is the case type as opposed to MM, CF, or CT. That's how they're handling these. The plus side for that is they're all going to be in CCIS. So any of you can see at any time, any government agency that has access to CCIS, can see how many times across the State of Florida that they've received this infraction, this civil citation if you will.</p>
Barbee	<p>The Failure to Pay is handled just like all the other IN cases as well. Right now, if we receive an IN case from a law enforcement agency, I'm assuming it's the same in Pinellas, it's typical, is it has a court date already, and the defendant has until that court date to pay or show up and fight it. If the defendant doesn't show up to fight it, nor does he pay during that period of time, then 99 percent, at least in my jurisdiction, the judge issues an order for the costs on the case that gets recorded as a lien against the defendant and we're done. Once in awhile, if it's a repeat offender, he'll issue an FTA for Failure to Appear for the guy who should have showed up in court that day. But most of the time it's just order for that amount of the fine. So it goes on, that case is closed, and we're all done.</p>
Barbee	<p>So Palm Beach, the difference in them, obviously, is the use of the Clerk's Office and then the use of the availability of having a database like CCIS.</p>
Burke	<p>But also a very restricted ordinance as far as the one issue.</p>
Barbee	<p>Right. Simply cannabis and paraphernalia – everyone we've talked about so far, that is cannabis and paraphernalia.</p>
Burke	<p>Let me ask a question on the first three. We're they for 18 and older or juveniles?</p>
Barbee	<p>To my recollection, they don't indicate whether they are one or the other. But since the juvenile diversion program would allow you to use that statute, you probably wouldn't use the ordinance.</p>
Burke	<p>I think in Palm Beach it said 18 or over.</p>
Barbee	<p>Palm Beach was specifically adults.</p>
Burke	<p>I didn't see the other ones.</p>
Long	<p>Did you say that in some of these other jurisdictions they were not processing the citations?</p>
Barbee	<p>The Clerk's Office is not processing the citations. The police department is.</p>
Long	<p>What is the central database for?</p>
Barbee	<p>The police department's record keeping system would be there. However the police department is maintaining their current records, that's how they would keep them. Code Enforcement is collecting the money and turning it over to the PD.</p>
Long	<p>So then can any other jurisdiction access that as well?</p>
Barbee	<p>Presumably, with the cooperation of that police department. Then you get into all of the</p>

	security issues.
Gualtieri	...systems have to be linked and they're not all linked.
Long	That's what I thought. In our county, don't you handle all that stuff as the Clerk?
Burke	Well, yes. Not municipal ordinance violations we don't, which is basically what they're doing. Those are handled by the municipality. In some cases we handle them. I think like Clearwater we don't...contract agreement with the – kind of like parking. Same philosophy. If the city wants the Clerk to handle parking, we do. If they want to handle it themselves, the cities handle it.
Barbee	(Broward County) Moving onto Broward County we start to get a little more complicated. If we start with Broward County's Decriminalization Program that's the easy part. It's cannabis only again in Broward. They don't get into the others that Miami-Dade gets into. Actually, it's not even paraphernalia in Broward, which is interesting. So if you have the marijuana, you can get a civil citation. If you have the pot pipe, you're going to jail. So that's what it says though. For some reason within the ordinance, and this must be something specific to Broward, they appoint all law enforcement officers as code enforcement officers. I am not aware of how that works, but that was something odd that I picked up on from that statute.
Barbee	They have a little bit more complicated eligibility criteria in Broward and Miami-Dade. They are identical on the two. They say that if the possession is part of the same criminal episode as a felony, domestic violence case, violent crime, or DUI. So a guy gets arrested for DUI. If he has marijuana on him this option is off the table. You have to charge him with both. That is not the case in the other four that we've talked about already. So, in theory, the bad guy could be arrested for the DUI and then given a civil citation for the marijuana that was in his pocket at the time of the arrest. So there is no prohibition against that in the first ones that we talked about, but in this one there is. So to be eligible, the marijuana has to be separate and apart from one of those four things. The guy has not previously failed the program. So if he has failed through this program once before we're not going to give him another bite at that apple. And you only get three shots. They have a full paragraph of eligibility requirements that go into the Broward County version.
White	I am just going to offer up – You questioned the appointment as code enforcement officers. I suspect that's due to some of the statutes that govern how counties and also municipalities can enforce ordinances. Many of those statutes require officers to be appointed code enforcement officers. They may have had a belief that they needed to do that there. Frankly, I think any law enforcement officer could write a citation for an ordinance, but that may have been their belief there.
White	In regard to Commissioner Long's question, the municipalities in Miami that have this set up to go to the special master system, I assume that's probably similar to for instance the County's special magistrate system that we do divert many County ordinance violations to. For instance, if there was a system like this in Pinellas County and a citation of this manner was sent to the special magistrate, the only records that would be kept would be housed by the County's Code Enforcement Department. So it wouldn't be something that law enforcement

	officers would necessarily have access to while they're out undertaking their normal course of business. It could be obtained through a public records request, certainly, but it would not become part of a centralized database.
Barbee	So Broward's, as we said, only cannabis. The eligibility requirement is a little bit stricter. The penalties are up there for you. There are four different options for the recipient of the civil citation. He can pay the fine within 30 days, appeal it within 10 days, do community service, and it says up there the first time is 8 or the second time is 16, or he can enter a drug treatment or educational program. There is no definition of those that I'm aware of. I'm not sure how they would be approved necessarily. But those are the options available to an offender.
Barbee	On your third time through you have to do a drug screening similar to a DUI where you have to have the screening and then receive any necessary treatment. The same holds true here that you'd have the screening plus the fine and the program afterwards on the third offense. So those are the penalties, which I don't know how important that stuff is to you.
Barbee	What is most interesting and complicated, in my opinion, about the Broward ordinance is what happens if you fail? If you fail, it sways you are reported back to the agency that issued the citation for further action. So, presumably, you are a police officer or a Sheriff's deputy in Broward County and you issue this civil citation. 30/60 days go by and you get a notification that says, hey, this guy didn't do what he was supposed to do. Now what? I guess they're trying, just based on their proximity to Miami-Dade and what Miami-Dade did, that they're trying to create a diversionary program attached to a decriminalization program. As 20 years in law enforcement, I don't know what I'm going to do on a marijuana case that comes back to me 60 days later after I already decided to give the guy a ticket. I struggle with this.
Barbee	When we get to Miami-Dade we'll talk more about it. I see all kinds of criminal procedure issues that are created here, speedy issues and Miranda issues. I think there are all kinds of things that are potentially problematic from this. But there's no direction. So that law enforcement officer is going to receive this ticket back a month or two months down the road and go, here you go, and now you're facing that case again, and you're a road deputy. What are you going to do with that ticket? I think that's what they're doing is trying to create a diversionary program attached to their decriminalization program. This statute would have been a whole lot cleaner if they had just stuck that end part and just let go at code enforcement if it was done, let it go to judgment lien.
Barbee	(Miami-Dade County) The most complex of all is Miami-Dade. Miami-Dade started with a decriminalization program back in June. This is the one that we were talking about where they're backlogged with their tickets and trying to get these things onto the system. The vast majority of people are actually paying and not asking for an appeal. This one is far more comprehensive in the crimes that it is decriminalizing. There are seven different misdemeanors included in the ordinance that you can take a look at. It does include cannabis and paraphernalia. Same eligibility as Broward. So it's got to be separate and apart from any violent crimes, felonies, domestic violence, or DUIs. No maximum number. So you just keep on going similar to Palm Beach that it was just \$100, \$100, \$100.

Burke	What are the seven misdemeanors?
Gualtieri	One of them is loitering and prowling?
(?)	Loitering and prowling?
Gualtieri	Yes. It's one of them. So if you've got a guy that's in the backyard all dressed in black and he's got a pair of pliers in his hand—
(?)	Give him a ticket, man? (Laughter)
Barbee	The seven are: Florida Littering Law Illegal Use of Dairy Cases and Egg Baskets Trespassing Other Than a Structure or Conveyance Retail Theft by Removal of a Shopping Cart Loitering and Prowling Possession of Cannabis Less Than 20 Grams Paraphernalia
Barbee	Not regular retail theft but retail theft by removal of a shopping cart.
Darroch	Was law enforcement involved in the formation of any of these?
Barbee	I know that Leon law enforcement was. In their program we get to that one. But other than theirs I don't know.
Gualtieri	Yeah, but that's not this.
Barbee	No, that's totally different. So Miami-Dade starts with decriminalization of these seven misdemeanors allowing for the law enforcement community to use the civil citation or the ticket as opposed to taking these people to jail and charging them with a criminal offense. Just in November, Miami-Dade adds a diversionary aspect similar to Broward where it says these seven misdemeanors you can also, the person who receives the citation can elect to go into a diversionary program instead. Now, they made it clear that the diversionary program is only allowed for those people that actually receive the civil citation. So if you're arrested for those seven things, you cannot go into diversion, which I'm glad they clarified that.
Barbee	The penalties are up there. It's \$50 to get into the program. Then it's one day of community service. It doesn't say how many hours. One day of community service for each of your times in the program up to three. So on your third time you've got three days of community service plus the \$50 to get in. You can avoid the \$50 by doing an extra day of community service or you can buy out your community service. If you choose to buy out your community service, if you choose to buy out your community service, you don't even need to come into the office. You can mail it in and just pay your whole thing right there in the office.
Barbee	(Miami-Dade – Post Diversion Procedures) What is so complex to me about the Miami-Dade diversionary aspect, not the decriminalization stuff, the diversionary aspect, is what happens in these cases if the offender successfully completes it? Again, this is all run by the police department. Miami-Dade PD runs this whole thing. If they successfully complete, they send a Certificate of Completion to

	the State Attorney for his or her approval. I don't know what that means
McCabe	It won't mean anything here. (Laughter)
Barbee	So my question is what if the State Attorney says no? It doesn't say. It just says they sent it to the SAO for approval. And then the arrest form, which I don't even know what that is in a civil citation scenario. I'm guessing a Probable Cause Affidavit was done, which is superfluous to the civil citation program. But it says the arrest form and the certificate that is now signed by the State Attorney in theory goes to the Clerk. The Clerk opens a criminal case, closes the criminal case under the No Pros and enters this PTD for the post something diversion program. That's what it says. There's no guidance yet. Remember, this is November 2015. I don't know how that is going to work.
Barbee	If they're unsuccessful and this is where I think there are all kinds of – it's my opinion that there are going to be criminal procedure issues like crazy. If they're not successful in the diversion program, the arrest form goes to the Clerk. So they're going to send in theory a Probable Cause Affidavit. Do you guys know of another arrest form? That's the only one I can think of. So a PC Affidavit is going to come to the Clerk and this is quoted, who will be asked to proceed as quickly as possible with arrest charges as outlined in the Florida Rules of Criminal Procedure.
Barbee	The Clerk has no authority to start arrest charges. So now that document is coming to the Clerk. What the Clerk's going to do is punt it and say, State Attorney, are you going to help? Law Enforcement, are you going to help? Because we need either sworn–
McCabe	We are going to say, no.
Barbee	We need a sworn Notice to Appear from law enforcement. We need a Probable Cause Affidavit on an arrested subject. Or we need an information and a request for a summons from the State Attorney. Those are the only ways we can start a criminal arrest. We're not going to start it based on this unsuccessful completion. We don't have any way to start it under the Rules of Criminal Procedure based on this procedure. I'm assuming that there is a procedure that they've talked to State Attorney about in Miami-Dade. Because I don't know how this is going to work with law enforcement and the State Attorney at the end of the day with this diversionary aspect. Now that everybody is confused, that is what is happening around the State of Florida so far in the ordinances that have been passed, which is I think one of the great reasons why Ken brought this group together was so hopefully you guys can all get out in front of this curve and see it coming the way it is obviously coming.
Barbee	So let's talk just for a minute now that we've gotten into diversionary programs. So all the early stuff was decriminalization. Broward has that little piece that looks like diversion. Miami-Dade is clearly trying to implement diversion as part of the process here.
Barbee	(Leon/Tallahassee) Alright, now we can talk about Leon County, which is what presumably is the driving force or at least the model by which the current legislation that is pending was derived from. Leon County and the City of Tallahassee have a pilot program run by a private entity called the Civil Citation Network. There are 10 eligible misdemeanors in there including less than 20 grams and paraphernalia...Eligibility is 100 percent officer discretion. There is no – that would be up

	to Tallahassee PD or Leon SO or whatever it was. There is no eligibility given in the program itself. Here is what the company says. Because the only documentation of this program other than there is a – from what I’ve been told, Tallahassee PD has an order, a standing order on it. But the only other documentation that’s public that I’ve found is this from the Civil Citation Network and what they’re calling their Implementation Guide for Leon County.
Barbee	It says the officer is supposed to investigate and determine if there is probably cause, then advise them of Miranda, obtain an admission, determine eligibility, offer diversion, and provide the pamphlet. That’s what the officer is supposed to do. At that point, if the officer determines that the person is eligible, they give them basically the civil citation and they get seven days to come into the provider, which is this private company and set up their personalized program. That includes fees and educational components. Typical stuff that would be conditions of probation is stuff that the company will offer like shoplifting classes, drug treatment, or whatever it may be. So that’s how the program works. They have several different little quotations from different law enforcement entities and officers that say that it’s working to some degree.
Burke	So let me ask you on this – so the records within this private entity, are they subject to public records disclosure?
Barbee	I would ask one of the...lawyers to help you with that one.
White	They certainly should be.
Barbee	Because they are contracting with the entity.
White	They are now performing a governmental function that would otherwise be performed by the government. So, yes, absolutely, I believe they would be.
Burke	I’ll go to the Jameis Winston. If you go to this private company, would they give you those records?
McCabe	If they have them. They may have a protocol that says once Jameis finished that community service he did, they could destroy everything. So we have no records to meet your request.
White	To the extent that they are public records, they should be abiding by the same retention schedule.
Burke	I would think the same record retention period we would have. It doesn’t seem like they do. That is my reason for asking the question.
White	I think it would be similar to the red light cameras.
Burke	Just so you all know there are these put out by the Civil Citation Network, the private not-for-profit who has a lobbyist. (Laughter)
Long	That’s an oxymoron.
Burke	So these are like 20 some pages long. I’d be glad to email these in the interest of not wasting paper for people who don’t want them. If anyone does want these to read, let me know and I’ll be glad to send them to you. But I purposely didn’t print them out because I didn’t want to waste paper. It’s a lot of printing.
Barbee	So this process that is in place now and has been since 2013 when this program was kicked

	off. My first question, and hopefully somebody in the room who is smarter than me can answer this, is how is this legal? There is no ordinance. There is no resolution. There is simply an agreement between a law enforcement entity and a private contractor to take on these cases.
Gualtieri	You don't need it. It's discretion. It's just like anything else. As you know, law enforcement every day comes across people and uses discretion. There are people we just don't charge.
Barbee	But then couldn't you say then if this is legal, if I run a small police department, couldn't I say, hey, you know what, I'm not going to take you to jail. Come on into my office. (McCabe: Give me \$100.) Give me \$50 for the program.
Gualtieri	Well, that's not going to happen. I mean—
McCabe	It happened in Georgia for years.
Gualtieri	The State Attorney here even before it was in statute for many years ran the PTI, Pretrial Intervention Program. This is no different than that. This is no different than a Pretrial Intervention Program except there is no record. You're not charging.
McCabe	With PTI there was a charge... Well, I told the guy that I wasn't interested unless they had the legal authority to do it.
Gualtieri	I know. You caused this. (Laughter)
Burke	Don, why don't you finish up your presentation? The Sheriff will be going next with his presentation.
Barbee	(Leon County – Post Diversion Procedures) So in the Leon County system what happens? If the person successfully completes the program from the private entity, then reports that successful completion to the law enforcement officer who does a supplement to the report and it's closed. If he's unsuccessful, they report to the law enforcement officer who then is supposed to go either try to issue an NTA or then apply for an arrest warrant if the person is unsuccessful. Again, just a prosecutor for so many years, I see all kinds of criminal procedure issues. Now I think the Civil Citation Network guy is now a witness in my criminal case and I'm calling him. Because anything this guy said to him over the course of this I'm going to try to get in. So I think there are a variety of potential—
Darroch	Not to mention time constraints.
Barbee	Oh, my goodness, yes. The speedy issue. I don't know how you're getting around the speedy issue. Maybe he's going to waive, but it's going to be an uncounseled waiver if he does waive.
Burke	In Leon County, how's unsuccessful defined?
Barbee	Didn't do what the vendor wants him to do. The vendor has the ultimate authority to say did they successfully complete or not successfully complete. These are the two things that happen based on CCN's determination.
Burke	Getting back to Mr. McCabe's type of question. Since this program has been around awhile, do we know how many successful and unsuccessful cases are in there?

Barbee	I do not know that.
McCabe	The only number I ever heard was my colleague up there was moaning that over a period of a year it cost many thousands of dollars to his office budget. Because of the thieves that are otherwise collecting on misdemeanor cases are all going to the vendor now instead of to the court, the Public Defender, and the State Attorney. Since the Legislature decided that cash register justice was a good way to fund the criminal justice system. So the private vendor now is diverting those fees to its group and not to the courts.
Gualtieri	If you call Greg Frost with the Civil Citation Network, I saw a presentation he did last month; they claim to have very high success rates and very low recidivism rates. They have numbers. They do have them. They claim that it is extremely successful as far as the people who successfully complete it. And those who do complete it have extremely low recidivism.
Darroch	Is the law enforcement agency...in Leon County?
Gualtieri	Every one of them. They all participated.
Darroch	They are basically washing their hands when they push this off?
Gualtieri	Correct.
Barbee	I wonder how they're checking recidivism. Are they getting access to criminal histories?
Gualtieri	I don't know.
McCabe	The guy didn't violate within two weeks or something.
Gualtieri	A lot of this is misdemeanor. It's minor stuff that nobody is getting that complicated with it. They're just kind of doing it. I don't know the answer.
Burke	I guess, also, though, Sheriff, how do you define success?
Gualtieri	They define success – Because what these people are doing is they have a screening instrument. They have an intake. It's a risk assessment tool that they use that they've developed. They go through the risk assessment tool as part of what the vendor does. Then based on that they assign certain things a person has to do. It could be anything from anger management to community service to an anti-theft program to whatever it is. So whatever they assign, program completion or community service, that's how they define it. If you complete what they've assigned you to do.
Barbee	So moving on from Leon. I guess that this is why this legislation is now here. If there are concerns about legality or not, whether this is legal or not, because now there is legislation as Ken mentioned in both the House and the Senate regarding these pre-arrest diversion programs. Now the only pure one that we've talked about today, the only pure diversion program that we've talked about is Leon. So in Miami-Dade and Broward it's an add-on to the decriminalization part. So this statute would allow for any local community and public and private educational institutions, which I would assume CCN would consider themselves at this point, can create a pre-arrest diversion program should this legislation pass. This is what they call the Evers Bill.
Barbee	The eligibility is it has to be an enumerated misdemeanor offense. It's on the list. I think there are 10 on there. They have to admit. There has to be no criminal history. And there has to be

	<p>no objection from the victim if there is a victim involved in the crime. According to the legislation, if they're successful, there is no criminal history and the case is closed just like the Leon County program that's in place. If they're unsuccessful, the legislation says that the law enforcement shall criminally charge – I think that's probably poor verbiage, but it says shall criminally charge the defendant and refer the case to the State Attorney's Office. Again, the criminal procedure is just one of the concerns that the legislation has.</p>
Barbee	<p>(House Bill)</p> <p>The House Bill has slightly different language. But for our purposes I think it's the same. But, again, it's trying to create an authority for these pre-arrest diversion programs anywhere.</p>
Barbee	<p>(Potential Concerns)</p> <p>There are several concerns with this. One is the consistence that we've already talked about. So in a county like Pinellas County you have 25 plus different programs here. So as you travel around, a defendant could have multiple different consequences all over for the same offense. The record keeping issues that we talked about already where there is no, except in the Palm Beach scenario but that was decriminalization, in this case there is no centralized record keeping system that an officer could check or that the State Attorney can check or that anybody can check. Because there is no requirement that they be kept at any state level. They can be kept by a local, private, in some cases, entity.</p>
Barbee	<p>Program oversight. There is nothing in the statute about program oversight. This is in the House bill. In the Senate bill there is nothing about program oversight. In the House bill there's a steering committee that's supposed to be created to help with some oversight. Obviously, there's a loss of state revenue issue here. As Mr. McCabe pointed out, our system is funded on the users that come into the system. The people who are most likely to pay are the people that these diversionary programs are going to pick up. So your first and second time offenders are the ones who pay their misdemeanor fines, their marijuana fines, the cannabis fines. Fifth, sixth, seventh time through the system, those are going on somebody's lien. They're not getting paid or the guy is spending time serving in jail. Those revenues are not Clerk revenues necessarily. Just as an example. For those of you who don't know, your misdemeanor marijuana case goes to nine or ten different places, including courts, police department, county commission, the city, all those buckets get divvied up on a simple misdemeanor marijuana case that are going to be diverted from the system. So I don't know what the fiscal impact, but there will be certainly a fiscal impact the more this is used as opposed to the court system for these cases.</p>
Barbee	<p>(Beyond Cannabis)</p> <p>The only other issue that Ken asked me to touch on real quick is because so many of these are cannabis only, could Pinellas County decide to go beyond cannabis and go in the Miami-Dade direction? You can go anywhere you want unless it's preempted by state law. So the local municipalities and counties are authorized to create laws pretty much of anything they want except for a very specific list of crimes or subject matters that are preempted by state law. The most common is traffic offenses. For those of you who have red light cameras, you know that is what happened on those. The state went in and preempted it by passing, that's other subsection 316. The firearm related offenses are preempted, fish and wildlife, and obscenity</p>

	stuff. You could take this pretty broadly should this be the policy decision that is made by the policy makers. Thankfully, as Clerk, we don't make policy. So that's all I've got.
Burke	Great. Don, thank you for that presentation. It was very informative. I'll turn it over to the Sheriff
Gualtieri	A couple of things from a law enforcement perspective, my perspective, are that the ordinances that create the civil infraction are a huge problem and not the way to go at all. First, I think most of the law enforcement people know but what everybody should know is what you're talking about here when you're talking about 20 grams of marijuana is probably around 35 marijuana cigarettes. You're not talking about one or two. If you figure that a joint probably has between .5 to .75 grams in a joint, for somebody to have up to 20 grams, they could have up to about 35 marijuana cigarettes. So you create this environment under this ordinance where anything less than 20 grams of marijuana gets you this civil infraction. I agree with Don.
Gualtieri	They totally mess this up by using this interchangeable term of civil citation, which confuses everybody all the time. So they create this civil infraction scheme. You've got a kid who is on St. Pete Beach and you've got a 19-year-old with a can of Budweiser in his hand. That's a minor in possession. He goes to jail and gets a criminal NTA. But if you exchange the can of Budweiser for 35 marijuana cigarettes, then he gets this \$100 ticket but he never has to pay and nobody cares and that the worst thing that ever happens to him is he gets a lien against him and he can 1,000 of them and never pay the lien. There are all kinds of problems with that.
Gualtieri	Some other problems with it are it creates – I think the entities that are doing are trying to create an opportunity, if you will, for especially young people. So that they don't get these charges on their record that will affect them from getting jobs, getting into the military, etc., which is good. It's the right thing to do. I think it's the wrong mechanism in how they're trying to do it. Because you create a situation in different counties; take Pinellas County as an example. Let's say hypothetically the County Commission passed such an ordinance. It's got to be done in an opt-out way. If any of the cities opted out, that really creates an unequal and imbalanced playing field.
Gualtieri	Because you've got somebody who lives in Clearwater and drives to Largo, and in Clearwater it's a civil \$100 infraction, but Largo opted out of it and then you go to jail. If you're on Gulf to Bay and Clearwater's got it and Clearwater has it, if you get stopped by an FHP trooper or you're lucky to get stopped by the guy in blue you get a \$100 ticket. You get stopped by the guy in brown, you go to jail. It's not the way. It's completely unequal. Then if you get somebody who lives in Tarpon Springs and they made the decision I'm okay driving around with my 35 marijuana cigarettes. The worst thing that's going to happen to me is I'll get a \$100 ticket. I've made that conscious decision. But if while I'm driving around I decide to go Home Depot up in Holiday. That crops into Pasco County. They don't have this. And so now you get stopped by Pasco County deputy, you're going to jail.
Gualtieri	There are too many situations I think that are problematic. If it is going to be decriminalized it should be addressed by the State Legislature on a statewide basis that creates a level playing field across the state. But the reality is the State Legislature, in my view, won't ever address

	<p>this. That's why these municipalities and counties have done what they have done out of frustration with the state not willing to address the issue. So there are all kinds of issues with, in addition to the ones that you mentioned, all kinds of issues from an enforcement perspective and a level playing field and a fairness perspective as it relates to creating a civil infraction program. Again, not the least of which is the difference between a minor in possession of alcohol and some other crimes even. So I don't think it's the way to go.</p>
Gualtieri	<p>The civil citation program like Leon County has, which is a diversion program, might be the way to go if it's set up properly. You mentioned how people get into it. Well, I can tell you that the fee that the Civil Citation Network charges is \$400 to participate in that program. That's the fee they charge. So if you get the referral to their program, part of the success, because you've got to not only do the courses, the programs, and the community service, you have to pay that \$400 fee.</p>
Burke	<p>Bob, is there an indigency out on that?</p>
Gualtieri	<p>I don't know the details of it. I've been told not total indigency on it. But they will "work with you." I ask what does "work with you" mean. They don't have an answer for that.</p>
McCabe	<p>They'll take what you've got.</p>
Gualtieri	<p>They'll take what you've got, I guess. I don't know. So \$400 is pretty steep to me to participate in a program like that.</p>
Gualtieri	<p>I also am concerned in any of these that the amount that we're talking about here of 20 grams to me is more than just a couple joints. It's more than just personal use. You can have a lot with really impunity because there is no consequence for not paying. If we wanted to do something that is meaningful and getting back to the public records issue, what everybody is trying to avoid and I too am trying to avoid and agree with is that a 19-year-old who might have one or two marijuana cigarettes who then gets that criminal charge gets booked into the jail and then a year later is trying to get a job someplace and an employer is doing a search. Well, the reality is employers are not going to do a public records request to the Civil Citation Network to try to find out if this guy has ever been through – no, they're going to do it through the FDLE website. They're going to do an FCIC (Florida Crime Information Center) search.</p>
Gualtieri	<p>So that's why I don't think that's a big deal within the Civil Citation Network that these people keep these records. Diversion programs have records...Just like what we operate here with the juvenile diversion programs. We operate here in Pinellas County probably one of the longest standing and most successful juvenile diversion programs in the state. There are tons of kids that go through it. But there is no JJIS, Juvenile Justice Information System record of it. We have a record in police reports. But nobody is going around to all of the different police departments and doing public records requests to see if Joey Smith at 15 years old is the subject of any police reports.</p>
Burke	<p>Aren't those exempt by law?</p>
Gualtieri	<p>Yes. They would be. It depends upon the case. Mostly it would be for the juveniles. The point is that there is no index that anybody is checking...So if we are going to do something, a diversion program in my view is a better way to go and stay away from this...creating these civil infractions. I think the ordinance civil infraction route is just filled with problems and we</p>

	should totally stay away from it. We can accomplish the same thing in a better way with some type of a diversion program
Burke	Mr. McCabe?
McCabe	I think it's a misnomer anyway. There's nothing civil about it.
Gualtieri	No.
McCabe	Calling it a civil citation. That's like saying a duck is a person. You've got a crime. It's in the books. You're diverting. That's what you're doing. Call it a diversion program, pre-arrest diversion. Put any tag on it you want. I think there has to be mandates in it. Just as we're worried about Belleair versus Clearwater versus Largo and how their officers all react, how about the individual officer reacting to different segments of the community. I think you know where I'm going there. There is a certain inherent risk that bias will be raised after a period of time as well. I think there needs to be some sort of mandate that if we're going to do something like this that certain circumstances this is the way you go. I think also there is a misconception out there that police officers are arresting a whole bunch of people for standalone misdemeanor marijuana offenses. Those are not filling the jailhouse. Those are usually ancillary to being arrested for something else, breaking into a house, robbing a bank, or whatever and they've got pot in their pocket or a DUI and they've got pot in their pocket. There are some. But it's not overwhelming the jail of people getting caught with 35 joints. Something else drew the attention of the officer to them and got them in trouble.
McCabe	So I agree with the Sheriff, if we're going to do something, it needs to be done in a well thought out way, not stream of consciousness as these other ordinances appear to be. That somebody just sat down one night over a whole bunch of booze and decided to write some crazy law. There needs to be consideration of all these factors into it to make it work right. Leon County, it is totally discretionary with the officer. You've got to have some money in your pocket or you're not eligible. And whatever money is collected goes to the private vendor. I am philosophically against that part of it in any event. If we're going to do something – we've got the Sheriff's Office running our County Court Probation System here. I won't speak for him, but I presume he could find a way to work this into that. But it needs to be well thought out.
Burke	And, Mr. McCabe, I think one of the reasons with the Sheriff, too, we have an operation that's non-profit who is really – they're calling it the Civil Citation Network. And they're going around and proselytizing this around this state. So I think it's hard to argue with a public relations firm that keeps calling itself things. So I think that education on our part to policy makers that it's really a diversion program. And this is a very poorly named thing but we're fighting a group that has this out there already in a big way and is obviously – all the articles say civil citation. So they've done a good job at contacting the press and letting them know this is the name given to this program even though it makes no sense.
McCabe	Well, it's a term of ours in Florida. They tried to say the juvenile situation is civil citations. But it's not. It's pre-arrest diversion. So it's already in our nomenclature that we're using that term but not appropriately I don't think.
Burke	Yes.

Darroch	Well, I think when we started the civil citation program these forms were for the possession of tobacco. That's what we were using them for. They were muchly done by the school folks. We didn't have cops going out...everybody for possession of cigarettes. It was done by the SROs and folks like that. And then they've added in sexting now. That wonderful change in the statute that they came out with. But they're trying to fit a square peg into a round hole.
Burke	Right.
McCabe	Well, those are denominated in statute as civil citations.
Gualtieri	To bring it full circle. The Red Cross...retired captain who now...he's the one that runs the Civil Citation Network. They already approach Operation PAR here in Pinellas County. So they came to see me last year and made their pitch about it. They already have PAR lined up to be the provider (McCabe: Sure did.) of this. So I listened to what they had to say and I said, one, is I'll never agree to participate in it unless everybody in Pinellas County is participating in it. Because I'm not going to have an unequal and uneven playing field where you've got somebody in St. Petersburg that doesn't get and somebody north of 38th Avenue that does, etc. So it's got to be countywide or I'm not doing it. Number two is you've got to have the concurrence of all the stakeholders. So there next stop was to see the State Attorney. There was legitimate concern raised. They called me back, came back, and they said I shared the concerns that he has. I don't believe they didn't come back again. Once they talked to me and they talked to the State Attorney, I don't believe whether they'd come back and pitch...
McCabe	I think they talked to Tony Holloway. He said the same thing that we said.
Gualtieri	So we're all on the same page with it. They haven't come back since last year.
Burke	Bob, let me ask you a question both as Sheriff and you're an attorney. Can any ordinance, and I don't mean this as a conflict thing, Janet, in any way, can any ordinance that the County pass force the hand of the Sheriff? I mean, there is a state law that says...I kind of got a little bit disturbing letter from our Chairman of the County Commission and I'm sure it was written by someone else. But this has to be a cooperative effort or it's not going to work.
Gualtieri	To answer your question, the way I understand your question, is this. Let's say the County Commission says, okay, we're going to pass an ordinance similar to Miami-Dade or one these that creates a civil offense for possession of marijuana less than 20 grams. I could, I want to make sure I'm clear with this because I'm not saying I would, but I clearly could, I could tell the deputies you will not enforce that period. You will use state statute and put everybody in jail. They can't tell me what to do...Is that your question?
Burke	Yes.
Gualtieri	Yes. They can't do that.
Burke	I just want to emphasize that is one of the reasons here is that there has be cooperation here for the ordinance to go into effect. Because that's what's happening in Palm Beach County. You have an ordinance which passed, which the Sheriff I guess was not part of. He probably has concerns and has basically said I'm not enforcing that ordinance.
Gualtieri	And he doesn't have to.

Burke	And he doesn't have to. Not that we want that in Pinellas. We're trying to avoid that happening in Pinellas.
McCabe	Well, historically, if something's a good idea, the Chiefs in Pinellas generally band together and support it. If it's not, they don't.
Burke	Sasha (McDermott), who is the legal counsel for the St. Petersburg Police Department, she has immersed herself into this because of obviously the interest of St. Petersburg initiating this idea in Pinellas County. Sasha, I know the Sheriff has spoken and Don Barbee has spoken. What would you like to add to our conversation?
McDermott	Really, all the things that you all covered are the things that we've been talking about. Our recommendations were three and you all covered those, which are equitable treatment throughout the county...as the Sheriff said make sure that there is the same treatment as you're driving north and south. Our second one, we haven't really talked about is we talked about funding being removed from the public sector to the private sector. But we would like to see that...a lot of times these programs are created and they're unfunded. A lot of times that burden falls on various police departments...So we'd like to see some movement in money that was for this passed.
McDermott	Then, finally...Defense attorneys are starting to tell their clients you don't have to pay that. It will just get filed. Don't worry about it. Nothing is going to happen with it. So we recommended that if a relevant legislative...to address that, they would address the issue of unenforceable fines...Those were our three.
Burke	Don't suggest suspension of driver's license. That's not very popular any more.
Burke	Gay (Inskeep), I know the court stays out of any type of political type of matter. I appreciate you being here. That is why we asked you to be here and not any judges because of the nature of what we're trying to craft here. From the court's perspective, what concerns should this task force be considering as far as that would impact you all?
Inskeep	No, I don't have any concerns. I had the same thought that Mr. McCabe and Sheriff Gualtieri had. We already run a successful juvenile diversion program. Let's stick with what we know and just make it apply for adults. I think the only difference really...this legislation is I don't think we require – I don't think of the victim objection would preclude somebody participating in our juvenile programs. But other than that it's similar.
McCabe	Well, the thing about victim objection – the categories of offenses that they talked about are victimless crimes. So I don't know what victim crimes they're talking about unless it's petty theft.
Burke	Mr. Dillinger, I was going to call on you next, Bob, to talk about from your angle.
Dillinger	I'm certainly in favor of whatever we can so that minor offenses don't impact people down the road. I don't know that these things are really that functional from my perspective. But what I would like to see if we're going to do this, we're looking at more than 1,000 arrests a year out of St. Petersburg for open containers, which to me is an incredible waste of money and time and accomplishes nothing. Right behind them is Clearwater. Nobody else pretty much is doing it. That's three or four a day going into the county jail who plea to get time served and a

	fine that's never going to be collected. So when we start talking collections of fines, I'm concerned. When we used to do the default calendar, which was illegal for years and years. (Burke: An editorial there.) I just think we need to have a comprehensive approach. I understand the pot and paraphernalia. But these open container arrests that come primarily out of St. Petersburg and secondarily Clearwater are a huge impact on our system.
Dillinger	Safe Harbor is sitting there and the officers aren't using it. It's just not right. So that's a little bit different take on it. I go to Pasco County and there's no open container criminal offense. Up in Hernando, which I'm a resident also of Hernando, there's no open container. And here we're getting over 1,000 arrests from one police agency in Pinellas on open containers. So I would hope that if we're going to do something comprehensive, and I agree we need to do what we already do, that juvenile diversion program is the model, and I think if we can do something to implement it, whether it's to get the Legislature to give us more power to seal records or expunge records, so that the system can work that we cannot let those people be impacted down the road on a minor offense, particularly when they were young or they were in college and they were in possession of alcohol by a minor, those types of things. So I would just hope we do something comprehensive and well thought out and follow what we have as a successful model.
Burke	Good thoughts. Jeff, you come from a different perspective here. Do you have anything you would like to add?
Jeff K.	Well, I'm smart enough to include...Hillsborough County and they have a pre-arrest diversion program...They have civil citations in place for various offenses like...
Burke	Which of those?
	(various speakers – inaudible)
Burke	Dr. Biddleman, do you have any thoughts or concerns or reactions to what has been said here today?
Biddleman	Other than being extremely naïve about the whole process, what purpose would be served? It appears to be...
Burke	What is trying to be achieved is what Mr. Dillinger said, is to give people a chance who have committed a minor offense to not have a criminal record. That's the main purpose behind whatever this program is called. I didn't mean to interrupt you but I just wanted to clarify.
Gualtieri	In 2015...you're talking about 1,000 open containers. So in Pinellas County in calendar year 2015, there were 7,700 people, I'm not saying individuals, 7,700 charges of misdemeanor possession of marijuana. It's a combination of booked into the jail and NTAs. So that's what we're looking at.
McCabe	How many are standalone?
Gualtieri	3,900.
Burke	Commissioner, do you know what an NTA is? That means when...arrest, they get a notice to appear. That's at the officer's discretion? Is that correct, Bob?
Gualtieri	Yes, with criteria. In the statute it gives criteria. You apply the criteria and you make a

	determination. Say somebody has marijuana. You can either physically arrest them or you can give them a Notice to Appear, which is you don't go to jail. You show up in court at a later time.
Burke	Obviously, that saves the system money because booking costs are, how much for booking?
Gualtieri	It is \$126 a day to house somebody.
Long	So were the 7,700 charges all notices to appear?
Gualtieri	No.
Burke	No.
Long	They actually were booked into the jail?
Gualtieri	Here is the breakdown. During 2015, there were a total of 7,702 misdemeanor marijuana charges. Of those – (Burke: Are those standalone charges?) Just that, no other issue. A total of 7,702 misdemeanor marijuana charges. So 7,702. Of that 3,894 were standalone marijuana charges for misdemeanor booked into the county jail. Of that 7,702 – 1,820 were not booked into the jail at all and they were notices to appear. The next category is 1,989 that were booked into the county jail but there was a companion charge to it like a warrant or something else.
Burke	What the Sheriff just said, especially for you, Commissioner, it is very important to know the perspective of why what that charge is about. Is it affiliated with something else? Is it part of some other incident? Is there a warrant out there? Is this the third time?
Gualtieri	You don't know. But there are other factors that come into play with that. So if you break it down by percentage of the 7,702 about 50 percent are physically arrested with no other companion charge, about 23 percent get a notice to appear, and about 25 percent are booked into the jail but there's a companion charge. Then you've got to get deeper into that 50 percent. In that 50 percent you may have a whole bunch that are eligible for an NTA for a whole variety of reasons. You might have a whole bunch that have some kind of an attitude problem, etc. You've got other factors. So on the surface it looks like a bunch of people are booked into the jail. But you've got to get deeper into it to see what exactly it is. I know Chief Slaughter and I have had this conversation to try and get the numbers higher on the NTAs and lower on the physical arrests. That dovetails into all of this. But if we did have an adult diversion program, what's important to know is what we would be considering and not everybody would be eligible. But from a volume standpoint you're talking about close to 8,000 cases a year. Plus if you did the 1,000 open containers from St. Petersburg. Plus let's say if you did minor possession of alcohol and other things. My whole point is, and like the State Attorney said, I'd be willing to take it on countywide. I'd be willing to do it and do a diversion program and run it through our misdemeanor probation and take it on. But my point is when you're talking probably somewhere in excess of 10,000 cases, it's going to require some resources. I can't do it with existing staff. I don't think it would be super expensive but, with that volume of 10,000, it's not something you could with existing staff.
Burke	Who else in the room would like to make comments? Yes, Sir?
Slaughter	(Difficult to hear Chief Slaughter's comments) I would like to respond to a few things. From

	my perspective, a lot of these...another avenue to try to decriminalize marijuana...I'm philosophically opposed to decriminalizing something that...However, I am extremely supportive of diversion, not only in its current form but in an expanded form...I think as the Sheriff alluded to in some of our conversations, I am extremely concerned and feel that at least from our side of the...that we can do a better job of utilizing the NTA process...
Slaughter	I'm not so sure I buy the argument that people are labeled for life...because I've hired people that have misdemeanor...I'm not so sure that there is this large group of people unfit for labor based on that particular...I can tell you that my officers are committed to trying to take full advantage of Safe Harbor. There is an element of the process in dealing with open containers and the homeless population where some will flat out refuse to go to Safe Harbor and leave us with limited options...
Slaughter	From my perspective, I think the most advantageous position to take is whether it's considered expansion...is the most logical option...
Burke	Good comments. Who else?
Riley	(Inaudible)
Darroch	May I ask a question, Sheriff? Is medical marijuana...
Gualtieri	It's not going to come through the Legislature I don't think. I think it will be a ballot referendum in 2016. That's the question. You'd need a crystal ball to answer that. It will be on the ballot I believe in 2016. I don't think there's any question about that. What the outcome will be I don't know.
Darroch	I think that might change the landscape.
Gualtieri	I don't know.
Burke	Yes, Bob.
Dillinger	I don't know if it's appropriate or not, but I wanted to follow up with what Mr. McCabe said. A private entity that does these things to me just doesn't ring well. Like misdemeanor probation. If the Sheriff does it, I think that's a good idea. There's oversight. And to charge \$400 that pretty much kind of eliminates the Public Defender clients. For some it may be a lot cheaper in court in essence. I would hope that we could have a general consensus that these, well, they call themselves not-for-profit, but these private entities with no oversight are just not something we want in Pinellas County. That's my opinion, but I like oversight, whether it's through the County Commission or law enforcement or the Sheriff's Office.
Slaughter	(Inaudible)
Burke	Janet, did you have something?
Long	I did. I just want to assure everyone. I can't speak for the entire County Commission. But I am very pleased that I am here this afternoon. I applaud the efforts of the Clerk and the Sheriff and the rest of the folks who are here in the room to dialogue about this issue and try to help provide some insight into a lot of things that we as County Commissioners may not be thinking about. I would hope that at the end of this meeting you'll be prepared somehow to make a few recommendations. I would welcome them, personally, and I'm pretty sure that the

	rest of my colleagues would. I don't really know where we're going and I can't speak for anyone else but I have found it very valuable. So thank you very much for your leadership.
Burke	I think one thing, though, Janet, this issue is complex. I think you can tell from today's presentations that there's a lot to it. I think that's the reason for bringing us together. It is hard in a BCC one-time one-hour workshop to do what we're doing here from these different perspectives. Mr. McCabe, you had something?
McCabe	Yes. I'll shut up after this. As I think through this and listen to everybody, in my mind I'm thinking do we really need a county ordinance? Do we really need to complicate the issue by trying to create county legislation? Or can we create a program either through handshakes, memorandums of understanding, court administrative orders, or everybody gets to say we're going to do it, and create a program that we want and create a pre-arrest diversion program for certain misdemeanor offenses for certain people, and I don't see any reason why we can't do that.
	<p><b>Member Discussion – Agreed Upon Points</b>  <b>(Karen Lamb typing these during the ensuing discussion)</b></p> <p>Purpose – Avoid identifiable criminal records for certain first time, second time, third time minor offenders.</p> <ol style="list-style-type: none"> <li>1. Want something that is countywide.</li> <li>2. Governmental entity to run program due to oversight.</li> <li>3. Pre-arrest diversion program and not an ordinance infraction.</li> <li>4. Applied as consistently as possible by all law enforcement agencies.</li> <li>5. Police Chiefs and other stakeholders to develop criteria as it applies to application.</li> <li>6. Would there be a fee for participation? Who would pay and where would it go?</li> <li>7. What crimes:</li> </ol>
Burke	That is a perfect lead in to – it's 3:25 P.M. We said we're going to get out of her by 4:00 P.M. I think there are certain things just from reading facial expressions and conversation that we've agreed to. Okay? So let's kind of take it from there and see if we can bring this to some conclusion at least in this meeting. We probably need one more meeting to bring a suggestion to the BCC, which is one of the reasons we are meeting. The suggestion may be not to pass a county ordinance but do an MOU or something with the Sheriff. Let's go over some things though that I just heard that I copied down and we can add to these. So, Karen (Lamb), put in a section here as to Agreed Upon Points or something. And we'll label these 1, 2, 3, that type of thing.
Burke	Do we agree – I'm not trying to put words in anyone's mouth here or surmise that this is what you agreed to. I'm just – Someone has to do this. Okay?
Burke	Do we agree that we want something that is countywide, that we don't have individual city programs here? Is there general agreement to that? If we can come to some consensus that it would be better to have it countywide? Is there anyone who disagrees with that? Okay. So there is a point that we have.
Burke	Second point. We probably do not want a private entity involved in this process.

McCabe	No probably about it.
Burke	Okay. Again, this is not me.
Gualtieri	What if you framed it differently? Not that we don't want a private entity involved. We want a governmental entity to run whatever it is.
McCabe	That's better.
Burke	This came from something you said, Sheriff. I think very important, too. In light of that bicycle thing and all that, we want this applied as consistently as possible with all different law enforcement throughout the county.
Gualtieri	Well, I think that goes back to number one.
Burke	Well, that's a countywide program. That's having a countywide program and not cities opting out. But at least the officer in the street knows when to offer the diversion program or not. There is no offering, right?
Gualtieri	No. I think before you do that you've got to go back to may perhaps is there consensus that what we want is a pre-arrest diversion program and not an ordinance infraction program...If we're going the ordinance infraction route, that's a whole different discussion.
Burke	Put as three then, pre-arrest diversion program.
Gualtieri	And not an ordinance infraction.
Burke	Okay.
McCabe	Well, I'm comfortable that the police chiefs group, which meets monthly, can develop a set of standards to apply consistently countywide.
Burke	Okay, let's put that as four.
Burke	Bernie, are you suggesting we solicit the police chiefs as to which crimes should be put under this?
McCabe	No. I think the policymakers need to pick the crimes. But the police chiefs need to be solicited on the standards that are going to be applied.
Burke	Okay.
McCabe	In other words, when are you going to use it and when are you not.
Gualtieri	Develop criteria.
McCabe	Criteria.
Gualtieri	Yes. Develop criteria.
McCabe	Criteria for implementation.
Long	May I ask a question at this point? Are we talking about this as an adult only program?
Burke	Well, there's already a juvenile diversion program.
Gualtieri	We've already got one.
Long	So this would be adult?
Gualtieri	Right.

Burke	But, of course, adult starts at 18. Those of us who have 18 and 19 year olds don't consider them adults.
Long	Granddaughters especially.
Gualtieri	If you want to, just for Bernie and Bob...going to go into a more formal type...police chiefs and other stakeholders. I think there should be stakeholder as far as the criteria. If we're going to have countywide application for consistency with it.
McCabe	What I was talking about, Sheriff, was when I'm going to arrest and when I'm not going to arrest. That's a cop decision.
Burke	I think we need to talk about the money angle here, too. This should not be a buy in for justice that you know, a \$400 fee to, you know – There has to be some type of fee I'm sure. But how do it? Is this only for people who can afford it? It doesn't apply to people who can't afford it? So how do we put that in wording as a concern that should be addressed here?
Inskip	We don't charge a fee for the juvenile program. They do have to pay restitution.
McCabe	No. You're removing a category of cases from a fee status to a no-fee status. I think you've got to build in those fees. But you apply the same rules that you apply now. If they don't pay, it just goes to liens.
Gualtieri	But this cost of supervision to participate with somebody right now for the juvenile diversion program that Gay is talking about is is that we don't charge any of these kids to participate in the juvenile diversion program. So if we expanded it to an adult diversion program where they have to pay at all and if so how much to participate – the Civil Citation Network thing is \$400. So would the County pick up the whole cost of the program or would they have to pay something to offset the cost of the operational program?
McCabe	I think the offender has to. You're giving them a huge benefit without the arrest going on their record.
Gualtieri	So we charge them right now like for misdemeanor probation the cost of supervision is \$55 a month. Some people are on it for many months and some are on it for maybe one month.
Burke	Bernie, let me ask this question. Let's say if there is a fee...pick a number, \$200 for this. This program is staying totally within the Sheriff's Office.
McCabe	Right.
Burke	Where would the fee go?
McCabe	We would design it that the fee – I would design it, if it were me designing it right now, I would design it that the fee would go where it would currently go if it went in the court system and the balance to the Sheriff.
Dillinger	What about restitution? Shouldn't we say if the guy can only pay restitution that should come before some fee to be in the program? If he can't do both, wouldn't we rather it be restitution?
Burke	That depends on the menu of crimes that are under this. Is shoplifting the only one that would have restitution...
Gualtieri	No. You have criminal mischief. You could have all kinds of stuff.

Burke	Which ones of the ones of Leon County had like restitution on it?
McCabe	That's detail work.
Burke	Right.
Gualtieri	But the other question is with it too, is not to take anything away from the workshop or what the County Commission may want to do if they want to do that, is I agree with Bernie. I don't think we should have an ordinance on this. I don't think this needs an ordinance.
Long	I don't think we've gotten that far have we?
Burke	No. You haven't. No.
Gualtieri	I don't think that's in there...a pre-arrest diversion program and not an ordinance infraction program. What I'm saying is we don't need an ordinance to develop a diversion program...
Burke	But it could be a memorandum of understanding.
Gualtieri	The County Commission doesn't need to pass an ordinance.
McCabe	As long as the courts go along with the idea of diversion, which I can't imagine they wouldn't, you can create anything you want.
Burke	I think in fairness, the County Commission has been asked to take on this issue from the City of St. Petersburg...There needs to be inclusion of the County Commission. What you suggested was a good idea, Bernie.
McCabe	My understanding is the County Commission is planning a workshop some day in the future. We'll go to the workshop and tell them what we're doing and thank them very much for their interest. I hate to be blunt about it, but I think an ordinance will merely complicate things in this county.
Gualtieri	And the same thing for the City of St. Petersburg.
Winn	I can tell you that the city has asked me to check with the County to see what they're doing and what they're not doing...
	(Multiple Speaking)
Burke	They are sometimes saving face by coming up with an MOU that we all sign that so everyone has agreed to this.
McCabe	Is it a political issue or is it a criminal justice issue (Burke: Both.) or is it just a good idea issue. I don't think we ought to do it if it's a political issue.
Burke	I think all those.
McCabe	If it's a good idea issue, public policy issue, yes.
Burke	In fairness though, Bernie, probably we wouldn't be in the room if this organization didn't start going around promoting this whole idea. So maybe this has been the catalyst for us to consider the issue that is being pushed statewide. That's why it's all over the state happening within a period of four months.
McCabe	The catalyst for me is if the Legislature creates it, it will be totally unworkable. And if we're going to do something we need to do it right. (Burke: Right.) And we can design a better

	mousetrap (Burke: Amen.) pretty much than most anybody. We have a history of doing that. So I think if it's a good public policy we can do it.
Burke	I think that's the challenge I want to give the Sheriff for our next meeting. I'm not sure how much time you would need, Bob. Is that basically start thinking, if this is what our thoughts are is how to make this into a program.
Gualtieri	Yes, and you could do it. But I think that I'm optimistic of this that the St. Petersburg City Council and any other city council or commissions or the Pinellas County Commission that was apprised of this in the landscape because my discussions with City Council Members, Commissioners, etc., is that every time I have a discussion with one of them about this they are fully unaware of the minefield and the landscape. Their interest is purely to try to do the right thing as far as, especially young people, to not have these records and having a viable alternative. I don't think they're going to care how we get there as long as we get there to some degree. And the better way to get there, frankly, is for them to stay out of it and let us do it.
(?)	That's exactly right.
Gualtieri	So if they need a discussion and if they wanted to, I'd be more than happy to come to a work session, St. Petersburg City Council, and explain this to them. I think the more that we just do it, because I agree that we have a history here in the law enforcement community and the criminal justice stakeholder community to get these things done. And the juvenile diversion program is an example of that. That was done by the stakeholders. I think that we can accomplish this.
Burke	Mark, do you have comments?
Winn	...I think that all the City Council wants is results. I think the points you made will resolve everything.
Gualtieri	I think we can get there. Their concern is what they don't want and I went there and you're their lawyer. I think what they were saying is if nobody else is going to do something about this then we want to do something about it. But if we come up with something that doesn't require an ordinance but accomplishes results, I hope that they'd be-
Winn	I think they will...
Burke	So, Bob, do you think this is something you can come back and if we met in a like a month from now, of course we want to meet prior to the County Commission's workshop and have something. That would be the objective of the next meeting is to actually finish our product to present. Do you think that you can come up with like I think basing in on the juvenile diversion program and do an adult diversion program?
Gualtieri	We can try. We'll work on it.
Burke	You know, a White Paper on what you would do. Now, let me ask you this. Because this is probably the most controversial part of any of this, which crimes would we be talking about as the one that are eligible for this diversion program?
McCabe	Quite frankly, I think probably - we see what others have done. So we've got some idea what others think. I think off the top of your head you shouldn't be doing that. I think we ought to

	think about that as we move forward. We know we've got to have a base number. And then the idea would be do I want to add to that. And I think that requires thought.
Burke	Okay. Maybe go back to you, Don. You had your list there. What are the ones that other people – I think we can put them up here so we know which ones we're considering for next time.
McCabe	It sounds like the only thing that anyone cares about is misdemeanor pot, and that really is wrong.
Dillinger	Shouldn't it be that you're excluded from the program if it's like a domestic violence, a DUI? Do things that are excluded and leave the rest discretionary.
(?)	Just like the juvenile.
McCabe	With who?
Dillinger	You're not eligible for this program is you have domestic violence, if you have a DUI, a BUI.
McCabe	I want to restrain the discretion of the cop a little bit. I think that's important that we have certain guidelines.
(?)	...loitering and prowling?
Gualtieri	I think what happened down there and I talked to somebody within the police department down there is is that it's one of those things...is that they confused the state loitering and prowling statute with panhandling and loitering of the homeless...and they quoted the wrong statute. That's what happened. They didn't know what they were doing.
Burke	Again, these are not well thought out. That's what we're trying to battle here. So I do think we need to put, Bernie, something up here, at least among the others – obviously, that's not what we want to include. What are the ones out there?
Barbee	These are from Leon County.
Barbee	Leon has battery that's non domestic and assault.
McCabe	Those are victim crimes.
Barbee	Petty theft when restitution is less than \$50.
Barbee	Possession of alcohol by a person under 21.
Barbee	Trespass.
Barbee	Disorderly conduct.
Barbee	House parties.
Barbee	And the sale of alcohol to a minor.
Burke	Is marijuana not in there?
Barbee	These are the others.
Burke	Oh, okay. What's the amount of marijuana? Are they all over the place on these?
(?)	20 grams.
Barbee	And paraphernalia.

Burke	And paraphernalia.
McCabe	There's a bill that's changed petty theft from \$300 to \$1,000
Burke	And, folks, this is just to give us a list. This is not to say this is what our recommendation is. It's just to say what other people have done. Now which of these do we want to just take off the list, which we can say as a group here shouldn't be on this list?
(?)	Battery.
Burke	Battery? Does everyone agree we take battery off? Okay.
Gualtieri	...How do you do a diversion program for disorderly conduct?
Burke	Do you want to take that off?
Gualtieri	I don't see how that works.
McCabe	Well, it starts the discussion.
(?)	Law enforcement defines disorderly conduct in a lot of different ways. Some of them are jerks and won't keep their mouth shut and stuff like that. But some are just yelling at their neighbor and off...
Gualtieri	I just don't see arresting somebody for disorderly conduct and saying, oh, by the way, go back in your house and report to the--
Darroch	The problem is, I mean, I don't think I've ever seen anybody get an NTA for disorderly conduct.
Gualtieri	About the only one I can see where it would be, the only one that sometimes they charge it that way is when it's disorderly conduct for urinating in public. That's about the only one I could see.
Burke	So we'll leave it on there for that purpose there?
Burke	Let's hear what Miami-Dade did. What did Miami-Dade do?
Barbee	Littering is not up there yet. That's one of Miami-Dade's.
Barbee	This illegal use of dairy stuff. I'm not familiar with the statute. Dairy cases, egg baskets, poultry boxes, and bakery containers.
Gualtieri	I will tell the reason they are doing that in Miami-Dade County is because of the homeless...
Barbee	The shopping cart thing, retail theft by shopping cart, loitering and prowling, and then the two drug charges...
Burke	What other parts -- I guess, really, Sheriff, since we're asking you to kind of come back with like a draft program that we can all get behind, what other items of agreement do we have in the room as far as to help and then an alternative program through the County passing an ordinance. Yes, Sir?
Boudreau	The marijuana is, kind of echoing what Sheriff Gualtieri said a little while ago, 20 grams of marijuana is a lot of dope. Do we have to stay at 20 grams? Couldn't we lower that to two or three grams?
McCabe	Unworkable. It's unworkable.

Burke	Why is that, Bernie?
McCabe	20 is your cutoff...parsing over one or two grams here and there. The cops basically know what 20 grams look like. I don't think I'd mess with that.
Slaughter	Well, we're talking about a program where officers can still retain discretion. So if I've got a guy with 19.5 grams, I can choose to push him and still – I know you want to restrict discretion.
McCabe	No. I want directed discretion. Certain folks are always getting arrested and certain folks aren't. I don't want it to be that way.
Slaughter	I agree. I have the same concern.
Darroch	Can we place on here for this ordinance violations where people have made some physical arrests like the open containers he was talking about when, in fact, they're not state statute violations?
Slaughter	I think it would probably cost you more to divert them than it is to just let them process and pay and go in and out. Even though they may not go directly to Safe Harbor, we take them and book them into jail and they get taken over to Safe Harbor, correct?
McCabe	No.
Gualtieri	Of course this isn't applying to just the Safe Harbor type people. I wouldn't do the ordinance violations on this. Because, again, if the concern, if the spirit, if the intent of this is to avoid people having criminal records that shows up at FCIC, etc., an ordinance violation isn't showing up in there. The other thing that concerns me with it is is that the quantity of workload with the program is that if we put ordinance violations in there it's going to skyrocket. I wouldn't include ordinance violations.
McCabe	Well and most of those folks it's not their first brush with the law.
Burke	Is an open container in this county an ordinance?
(?)	A criminal ordinance.
Dillinger	In certain cities and not in others.
Burke	If it's criminal then it does show up in the system as – it's reported.
Gualtieri	True. It does. You're right.
McCabe	But most of those are not your first time offenders.
(?)	It depends on the officer.
McCabe	They've been around.
Gualtieri	It doesn't show up if it's a local ordinance violation calendar. But if you do make a physical arrest on it then, yes, it will show up.
Burke	Let's put that down since there is some question whether that – if the idea is that for minor offenses people don't get a record.
Dillinger	Like Spring Break offenses, are those mostly minors in possession of alcohol or misdemeanor pot?

McCabe	Yes.
Slaughter	Disorderly conduct, battery.
McCabe	Do we do anything special with those, Chief
Slaughter	A lot of them you get the disorderly conduct notice to appear...the NTA is utilized mostly for the Spring Break. I know we're dancing around it, but I don't think we're talking about the ordinance violations for Spring Break as much as we are other-
McCabe	So it's not a big problem?
Slaughter	No, Sir.
McCabe	Because in Panama City they create a whole special program up there.
Slaughter	I think they lacked an ordinance in the first place I think up in Panama last year or something. So they got themselves in a little bit of trouble. But I think you cleaned up South St. Pete Beach or St. Pete Beaches this least year. So we've always had ours and we're significantly deployed during that time period.
Darroch	Is conduct an NTA out on the beach?
Slaughter	Probably if you had like a group of people fighting potentially would be the scenario. If we arrested them or handcuffed them we may actually choose to NTA them at that point if we didn't resolve it through some other way.
Jeff K.	If we can skip to H for a second. There is some legislation. I think it's under agriculture under the horse statute where they prevent you from making any kind of arrest...grocery carts that's been placed by the grocers. The City of Largo did that year's and got into trouble. You might just want to check that to see if that's still in place...You have on there for H, Retail Theft.
Burke	That shouldn't be on there. I'm sorry.
Gualtieri	Another important criterion is how many times – limit on the number of times somebody can be in diversion.
Burke	What are the thoughts in the room on this? We've heard the different models out there.
Dillinger	Once every six months with a maximum of three times. It's one thing if you get three in a week as opposed to over 1.5 or 2 years.
Burke	How does everyone feel on that?
Slaughter	I wouldn't disagree with those criteria. It does pose a little bit of difficulty for the officer on the street to figure where you're at. But I think it could probably be done through the processing side.
Gualtieri	We might be able to come up with something where – any time you've got to come up with criteria that limits the number of times in any way, then the cops on the street have to have access to that information or they can't make the right decision. So we can probably come up with that.
Inskeep	Before the Civil Citation Statute, we operated under the Community Arbitration Statute, which is still under 985. That has criteria and assigns points to different offenses and once you reach

	a certain number you're done. So that's model you could look at, too.
Burke	Put that down as a possible consideration under the same thing.
Inskeep	I think it's 985.16. Yes.
Burke	As a possible model.
Gualtieri	So another consideration that comes up on these is is that does criminal history matter at all? In other words, you've got a guy who did five runs in DOC and has a history of all kinds of burglaries and aggravated assaults and everything else and he's not got three grams of marijuana. Does that matter?
McCabe	What's the purpose of this?
Gualtieri	I'm with you. But that's a criteria issue that has to be–
Burke	Mr. McCabe, what you're saying – go back to the top of at least this section, this whole section where we put ideas. We should put what our purpose is on this. Do you want to try to articulate it, Bernie?
McCabe	Well, the purpose to me, I think what everybody's trying to do is avoid an identifiable criminal record for certain first time, second time, or third time offenders. And the guy who has been in prison, I don't care.
(?)	Aren't we also trying to keep minor offenses out of the jail?
McCabe	But I don't think that's the purpose of this.
Burke	I think that's helpful to have this as our overriding – Does everyone agree with this being the purpose? Because I do think this is what's motivating it across the state.
(?)	Minor offenses
Burke	We definitely want minor in there.
McCabe	I don't think the St. Petersburg City Council is looking at this because they're worried about how many people the Sheriff has at the jail.
(?)	We often worry about that. (Loud laughter)
(?)	He's lying.
Dillinger	Do we put in if we're going to do an MOU about encouraging increased use of NTAs as part of the agreement with the law enforcement community?
McCabe	That's good.
Burke	Let's put that down. I think that helps all of us here.
McCabe	It has been awhile, probably five of six years, but periodically we get back to encouraging use of NTAs. Then it starts slipping again. Then we encourage it again.
Gualtieri	It is. It's a peak and valley.
Burke	Is the problem, though, getting back to what you said earlier, Bernie, the even application of NTAs?
McCabe	Well, I haven't looked at the numbers in a long time. But you could find jurisdictions that hardly used them at all and you could find jurisdictions that used them a lot. I never studied

	the differences within a jurisdiction depending on the geographic area. So I never studied that.
Burke	Maybe that's a noble idea to come out of here, too.
Gualtieri	The other part of those criteria that is in the NTA statute, you have to have verifiable address, you have to have ties to the community, all those like 8 or 10 things. That's probably something else to draw from from the criteria so we have objective criteria to be eligible for this. If you've got somebody that's – we can come up with it. But Bernie's point is a good point and well taken is that we do have to provide some, they need some discretion. We want some guidance, some bookends for the cops, so that you, again, don't have it unequally applied one way in Pinellas Park, another way in Kenneth City, another way in the county. We do want to come up with some...
McCabe	Some sort of consistency.
Gualtieri	I agree
Burke	We're down to our last five minutes of today's meeting. Basically where I see this is we've come up with some points here, which it looks like we've agreed upon. We're basically going to turn it over to the Sheriff to see if he can put together maybe like a White Paper program, not in excruciating detail but of how a program like this which encompasses this would work as a diversion program. And then we'll meet again to kind of discuss that and maybe offer than as a suggestion to the powers that be.
McCabe	Let me ask a question (Burke: Yes, Sir.) of Don.
McCabe	How do Broward, Miami-Dade, and Palm Beach, how are they proposing to fund this thing?
Barbee	No one that I talked to would have that information. I talked to the operational side. I didn't ask that question or go that direction.
McCabe	Do you get the impression that the County Commission is just going to take it on?
Barbee	The people they assign, yes. Code Enforcement and the Police Departments are the ones they assigned all the responsibilities to.
McCabe	So we don't know how they're funding it other than they're funding it?
Barbee	Correct, Sir.
Burke	Bernie, I wonder if they even thought about the funding components of this thing. These things have been passed so quickly. I do question whether that's even been a component of thought.
Barbee	Sasha, has that come up in any of your conversations?
McDermott	(Inaudible)
Burke	What was the answer most gave?
McDermott	We don't know.
Burke	Does anyone have any closing thoughts before we adjourn today? We'll set up our next meeting based on the Sheriff's timetable on coming out with something. Does that sound fair to everyone? I hope you found this productive. I sure appreciate you all coming together. I think it will help the county as a whole when we're talking about this in a thoughtful way. I

	definitely want to thank Don Barbee for coming down from Hernando County this afternoon and now fighting the traffic back to Hernando County. (Applause) You all have a good day.
	(Adjournment – 3:57 P.M.)

**ST. PETERSBURG CITY COUNCIL  
Housing Services Committee Report  
Council Meeting of February 4, 2016**

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

**FROM:** Housing Services Committee: Karl Nurse, Committee Chair, Darden Rice, Committee Vice-Chair, Charlie Gerdes, Council Member, Lisa Wheeler Brown, Council Member, and Ed Montanari, Council Member

**RE:** Housing Services Committee Meeting of January 28, 2016

**New Business:**

**Award of Financial Inclusion System and City Leadership Project; Chair Nurse.**

Chair Nurse began the discussion by disclosing that the City received an award last week from the National League of Cities. A Financial Inclusion System is aimed at both scaling up and coordinating the work that is being done for financial literacy training, the end of which is first time homebuyer assistance. This work was first done in a substantial way in New York City under Mayor Bloomberg. We are currently paying nonprofits to provide homebuyer assistance prior to a homebuyer qualifying to purchase a home. We have thousands of people who do not have a bank account, or may not use a bank account and use predatory lenders. There is a niche within this group with some budgeting training can move away from paying their utility bills late and avoid having it shut off. The intent would be to develop a system to include what is being used now to help people establish main line banking or credit union accounts, establish budgets, increase credit scores and establish the ability to obtain traditional credit and not use predatory lenders, to avoid having to pay high interest rates.

Chair Nurse provided a comparison of a 30 year \$100,000 fixed rate mortgage loan is \$473 per month, compared to the average rent in the City at \$900 on the north side and \$800 on the south side of the City. People could be hundreds of dollars ahead on a monthly basis if they are able to come within the mainstream.

Susie Ajoc and Nikki Capehart from the Mayor's Office will be coordinating this program. The Mayor and Mayor's from seven other cities will meet in reference to this in April. In Nashville, more than 800 people annually are successful in overcoming their credit issues.

**Action:** No action taken.

**Proposal for bulk foreclosure auction of vacant homes; Robert Gerdes, Director, Codes Compliance Assistance Department.**

Mike Dove, Neighborhood Affairs Administration began by discussing that the item is another attempt at being creative and finding solutions for properties where no one was responsive to the

City is trying to asked Rob Gerdes introduced four Attorneys who approached Council Member Gerdes with a proposal to work with the banks to finish some foreclosures on 100-200 properties and sell those properties at an auction. Council Member scheduled two meetings of staff and had discussions with him and Legal. Council Member Gerdes requested that the item be brought before the Committee to be flushed out and discussed. What the gentlemen are asking for is some type of approval for the proposal.

**Action:** A motion was made for the Legal Department to prepare a draft letter for Full Council to support the program.

**Proposal for Accessory Dwellings; Chair Nurse.**

Chair Nurse discussed that accessory dwelling units are mother in-law apartments, garage apartments, etc., In 1977 the City outlawed the construction of units. In 2007 the City reversed the decision made in 1977. Any neighborhoods that have alleys, about 40% of the City are able to build accessory units. The upside is that the units are the least expensive housing that can be built and provides affordable housing for the tenant and landlord. The good news is that the rent can pay for the mortgage, and the bad news is that only five units have been built since 2007.

Chair Nurse would like to know what is needed to get the process started where accessory units may be built. What would happen if an Architect is hired to produce two or three accessory dwelling plans that met the code at the cost of about \$2,000 per unit? What would it might take to get the process started? Rick Dunn, the City's Building Official responded that some of the zoning categories in the suburban areas allow grandfathered use of in-law suites but not by right. Lots that are 45 feet would not meet the requirement for new construction. Reviewing the Zoning Ordinance would be the first step in working toward the desired outcome. Require that units be located at the rear of the property, limit minimum size to 350 square feet or 50% of the principal structure. The parking requirements is 1 parking space for 2 bedrooms or less. The primary hurdle is the minimum lot size of 5800 square feet lot size.

**Action:** A request was made to come back in two months with a logical step to move forward.

**Discuss process for the Consolidated Plan Review Committee meetings schedule; Joshua A. Johnson, Director, Housing and Community Development Department.**

Mr. Johnson began the discussion by reviewing the Consolidated Plan Review Committee schedule and stating that two meetings have been held as part of the Consolidated Plan process and that staff will provide a summary of Priority Needs and Goals and Objectives that have been identified to date, and will ask that the Committee weigh in on whether it would like to see additional Priority Needs and Goals and Objectives as part of the Consolidated Planning process.

He continued to discuss the schedule and request that the Committee direct its attention to the dates of May 13<sup>th</sup> and 20<sup>th</sup> for the Consolidated Plan Review Committee to meet and review applications that are received by the City. He asked that members of the Committee review and inform staff

if the dates presented meet with their schedule, and that if the dates do not align with their schedules, provide dates that staff may schedule which are close to the dates listed on the schedule.

**Action:** No action taken.

**Update on NSP-1 and NSP-3 Programs, Stephanie Lampe, Sr. Housing Development Coordinator.**

Ms. Lampe provided that there were three homes that were constructed and two scheduled to start shortly. Administration will be bringing forward a new RFP to construct additional units. Of the three that have been constructed, one has an accessory dwelling unit that is currently being demolished because of excessive costs.

Vice-Chair Rice discussed that she would like to get an overall state of affordable housing in the City. She wants to get a sense of what we are doing as there is a lack of 3 bedroom 2 bath and 4 bedroom 2 bath units that are needed. She wants to get a big picture. Is it time to bring back inclusionary zoning, or provide other incentives.

Mr. Johnson responded that during the information to be presented at the next Housing Services Committee meeting on the Consolidated Plan, staff will provide a comprehensive view of its findings as the preparation of the Consolidated Plan is underway to include: the number of the City's total housing structures and its Affordable Housing Needs, Homeless Needs, Community Development Needs, Economic Development Needs, Public Service Needs, and Anti-poverty Strategy.

**Action:** No action taken

Next meeting: The next meeting to be held on February 25, 2016.

**Topics:**

Update of the Consolidated Plan to include Housing Market Analysis, Homeless Needs, Special Needs, Community Development Needs, Economic Development Needs, and Public Service Needs.

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

Committee Members

Karl Nurse, Chair

Darden Rice, Vice-Chair

Charlie Gerdes, Council Chair

Lisa Wheeler Brown, Council Member

Ed Montanari, Council Member

A RESOLUTION ENCOURAGING THE  
TRANSFORMATION OF VACANT AND  
ABANDONED HOMES INTO OCCUPIED HOUSING  
IN ST. PETERSBURG; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, the Housing Services Council Committee (“Housing Committee”) met on January 28, 2016; and

WHEREAS, the Housing Committee heard a presentation about transforming vacant and abandoned homes into occupied housing; and

WHEREAS, the Housing Committee supports such an effort so that there are more occupied homes in St. Petersburg; and

WHEREAS, the Housing Committee requests that City Council adopt a resolution to encourage the transformation of vacant and abandoned houses into occupied housing.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of St. Petersburg that this Council hereby encourages the transformation of vacant and abandoned homes into occupied housing in St. Petersburg; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed as any (i) endorsement of any particular process or procedure used for the transformation of vacant and abandoned homes into occupied housing or (ii) support for a particular company or law firm engaged in the business of transforming vacant and abandoned homes into occupied housing.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Content:

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Assistant City Attorney



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**www.stpete.org**

Community Redevelopment Agency  
Meeting of February 4, 2016

## **CRA Case File: SSCRP-2016-01**

### **REQUEST**

Community Redevelopment Agency recommendation that City Council approve ten tax increment financing programs for the South St. Petersburg Community Redevelopment Area.

### **OVERVIEW**

On May 21, 2015, St. Petersburg City Council adopted a Community Redevelopment Plan (Plan) for the South St. Petersburg Community Redevelopment Area (CRA) that also established a tax increment financing district and redevelopment trust fund for the entire 7.4-sq.mi. South St. Petersburg CRA (Ord. #169-H). Pursuant to its authority as a home rule county, the Pinellas County Board of County Commissioners approved the Plan on June 2, 2015 (Res. #15-48).

A major strategy of the South St. Petersburg Plan is to direct the vast majority of revenues generated from the South St. Petersburg tax increment financing district to provide direct assistance for private investment in residential and non-residential redevelopment in the form of grants, loans, property tax abatements or other vehicles to help leverage capital from diverse sources. The Plan also envisions providing funding assistance to governmental and non-profit entities that provide array of services supporting the intent of the redevelopment plan, including marketing and promotion, business assistance and loans, workforce development and job readiness.

This approach to tax increment financing by the South St. Petersburg Plan is a distinct departure from practice in the City's other TIF districts, which focused on funding public improvement projects such as stadium development, parking garages, streetscaping, property acquisition and preparation and other capital improvements. The South St. Petersburg Plan TIF strategy is designed to encourage private enterprise in the CRA to the greatest extent possible in accordance with Section 163.345, FS.

Before funding projects and programs within the South St. Petersburg CRA with tax increment revenue, the Plan requires administrative procedures to be prepared for each tax increment financing program. The South St. Petersburg Citizen Advisory Committee and the St. Petersburg Community Redevelopment Agency shall review and make recommendations on these

programs to City Council before approval. In addition, Pinellas County staff must review and comment on programs that contemplate use of Pinellas County tax increment revenue.

***Proposed Tax Increment Financing (TIF) Programs for the South St. Petersburg CRA***

In fall 2015, City Administration drafted administrative guidelines for the first round of TIF programs identified in the South St. Petersburg Plan. These first ten TIF programs include five programs that propose to provide direct grants to CRA business and property owners and residents on a “first come, first served” application process. The remaining five programs support existing programs or partners in the CRA, with three indirectly providing funding to CRA businesses, property owners and residents. The programs are summarized below and numbered in the order they occur as exhibits in the attached resolution. For greater detail on each program, see Exhibits 1 through 10. (Please note that if individual TIF programs are amended in the future, the corresponding exhibit will be amended and not the resolution. A note will be made indicating the original adoption of exhibit and subsequent amendments.)

The ten programs were presented to the South St. Petersburg Citizen Advisory Committee (CAC) for discussion at its October 6, 2015, public meeting. Administration incorporated the CAC comments, finalized the guidelines and transmitted them to the CAC for recommendation at its December meeting. Concurrently, Administration transmitted five TIF programs that could potentially utilize Pinellas County’s TIF contribution to County staff for review and comment (see TIF program numbers 1, 2, 3, 6, and 7 below).

On December 1, 2015, the Citizen Advisory Committee for the South St. Petersburg CRA unanimously voted to recommend that St. Petersburg Community Redevelopment Agency and City Council approve the ten tax increment financing programs. On December 15, 2015, Pinellas County staff corresponded that it has reviewed the five tax increment financing programs included in this resolution that could potentially utilize Pinellas County TIF contributions and found them consistent with the overall objectives of the Redevelopment Plan as well as Pinellas County policy regarding use of its TIF contributions.

A. TIF PROGRAMS PROVIDING DIRECT GRANTS TO CRA BUSINESSES, PROPERTY OWNERS AND RESIDENTS

TIF programs in this section are proposed as direct incentives to the community that will be rolled out in May 2016 upon receipt of Pinellas County’s TIF contribution by April 15<sup>th</sup>. After City Council approves the FY2016 budget for the redevelopment trust fund, City Administration will begin marketing the availability of funding through these programs for two months alerting businesses and residents to the formal “Notice of Funding Availability” in May, an effort that will be repeated for the thirty-year duration of the Plan. This pre-Notice marketing is important because funding disbursed through these five programs will be on a first come, first served basis and the advance notice will allow interested parties the time to prepare a timely and complete application.

1. **AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENT PROGRAM** provides an annual property tax rebate for up to fifteen years on increases in ad valorem taxes for all applicable Pinellas County taxing authorities for developers of new and substantially renovated affordable multifamily housing in the CRA. The rebate, which must first be approved by the Agency and City Council, will be based on the increase in ad valorem taxes in the first year the completed project goes on the tax rolls. The maximum award is \$50,000 per project per year and both City and County TIF contributions will be used to fund the program. For the purposes of this program, “affordable housing” is defined as housing meeting the needs of households whose income is 80 percent or below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation’s SHIP Program.
  
2. **RESIDENTIAL PROPERTY IMPROVEMENT GRANT** program reimburses approved applicants for eligible exterior and interior improvements on affordable or market-rate residential housing in the CRA. Emphasis will be placed on funding substantial renovations that upgrade vital building systems and sustain and extend the economic life of a structure. The grant program supplements the City’s annual investment in the “Rebates for Residential Rehabilitation” (RRR) but is focused on incentivizing the substantial renovation of multifamily housing (defined as three or more units in a building) by increasing the total grant award allowed for these projects. An applicant may receive a reimbursable grant equaling the lesser of 20 percent of the pre-construction value of eligible improvements or up to \$10,000 per unit. The maximum award for a multifamily project is \$90,000. The program requires a minimum investment of \$10,000 toward eligible improvements per residential unit. City and County TIF contributions can be used for this program if used for an affordable project. Otherwise, only the City share is available. Affordable units must be maintained for at least five years.
  
3. **COMMERCIAL SITE IMPROVEMENT GRANT** program provides a reimbursable grant to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way. An applicant may receive a one-for-one matching grant of up to \$20,000. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given to applications for properties located on the following commercial corridors in the CRA:
  - Dr. Martin Luther King, Jr. Street South
  - 16<sup>th</sup> Street South
  - 22<sup>nd</sup> Street South
  - 34<sup>th</sup> Street North/South
  - 49<sup>th</sup> Street North/South

- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

4. **COMMERCIAL BUILDING INTERIOR AND TENANT IMPROVEMENT GRANT** provides matching grants from the City's TIF contribution to commercial property owners for interior upgrades with a focus on projects that remedy degraded building systems and extend the economic viability of the building. An applicant may receive a one-for-one matching grant of up to \$20,000. Projects costing \$5,000 or less are not eligible for the program. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given for applications for properties located on the following commercial corridors in the CRA:

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- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

5. **NEIGHBORHOOD COMMERCIAL CORRIDOR PUBLIC PRIVATE PARTNERSHIP FUND (P3 Fund)** provides grant awards to projects that enhance established business districts by redeveloping properties, decreasing vacancy rates, adding to the tax base, creating jobs, leveraging private sector investment, and improving the quality of life for surrounding neighborhoods through removal of blight and revitalizing vacant or underutilized properties. The P3 Fund is a city-wide program supported by revenue from both the general fund and the City's TIF contribution to the South St. Petersburg Redevelopment Trust Fund. (Any project funded from the trust fund must be located in the CRA.) An applicant may receive up to \$50,000. Projects costing \$100,000 or less are not eligible for the program.

B. TIF PROGRAMS SUPPORTING EXISTING CITY INITIATIVES AND OTHER PARTNERS

The five programs below either anticipate using TIF revenue as opportunities arise but not necessarily on an annual basis (nos. 6 and 7) or support existing programs and partners serving the South St. Petersburg CRA (8 through 10). Administration expects to annually fund the Redevelopment Loan Program and the Workforce Readiness and Development program.

6. **CRA GRANT MATCH PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to provide a local matching share for federal, state foundation and other grant applications that would implement programs and strategies identified in the South St. Petersburg Redevelopment Plan. The use of Pinellas County funding to support this program will be consistent with the County's June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.
7. **CRA PROPERTY ACQUISITION AND PREPARATION PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to acquire properties and consolidate and prepare development sites within the South St. Petersburg CRA to promote housing, economic development and revitalization of the CRA. The land assembly effort may also involve demolition of existing structures, vacating streets, alleyways and relocating associated utilities such as water, sewer and stormwater facilities. The use of Pinellas County funding to support this program will be consistent with the County's June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.
8. **REDEVELOPMENT LOAN PROGRAM** provides funding to a South St. Petersburg loan pool to support the lending efforts in the CRA by the City's financial partners for CRA businesses and residents. The program, which will supplement the city-wide loan consortium program being assembled by City Development Administration, will use TIF and other City funds for bridge loans, microloans, subordinated long-term debt, loan guarantees and other financial vehicles to close financing gaps for projects to ensure they can be bankable through conventional lenders. Emphasis will be placed on loans for purchase or improvements to real estate, expansion of business operations through increased hiring, expanded facility and replacement/improvements to capital plant, and working capital.
9. **"PAINT YOUR HEART OUT" PROGRAM** provides funding to the City's Neighborhood Team to help property owners in targeted areas of the CRA refurbish and refresh the exterior of their properties. The Program encourages collaboration with volunteers and non-profit and for-profit entities such as the CRA's neighborhood associations and Main Streets, Habitat for Humanity, Leadership St. Petersburg, Dream Center and other entities to leverage the City's TIF contribution. The funding amount will be determined annually and by budget amendment if necessary.
10. **WORKFORCE READINESS AND DEVELOPMENT PROGRAM** provides annual funding to accredited educational and job training providers, such as Career Source, Pinellas Technical College and St. Petersburg College, to prepare CRA residents for job opportunities with emerging St. Petersburg jobs through training, education and job placement. The

program is focused on linking CRA residents with job opportunities that will be created in the St. Petersburg Commerce Park as well as throughout the CRA.

***A Note on Budgeting for the South St. Petersburg CRA Redevelopment Trust Fund***

Each fiscal year, City Council will approve a budget for the South St. Petersburg CRA Redevelopment Trust fund that will assign the City's and County's tax increment financing contributions to the three budget categories identified in Table 4-2 of the South St. Petersburg Plan. These three budget categories are

- Business Development
- Housing and Neighborhood Revitalization
- Education, Job Readiness and Workforce Development

The ten TIF programs to be approved will be included in one or more of these three budget categories without funding levels identified (see Attachment 1 for a sample budget). Administration will then allocate the available revenue for, say, Business Development to the TIF programs associated with it as demand warrants. If during the fiscal year, demand is greater for TIF programs in Business Development than in Housing and Neighborhood Revitalization, Administration will request City Council to approve a formal amendment changing the revenue allocations between the two budget categories.

This approach is advisable because most of the revenue from the redevelopment trust fund will be distributed during any given year through grant awards to businesses, property owners and/or residents of the CRA on a first come, first served basis. The demand for any TIF program will be unknown until applications are received so setting annual funding levels for each program would invite frequent amendments as they may be under- or oversubscribed. In addition, Pinellas County restrictions on the use of its TIF further complicates this issue.

**RECOMMENDATION**

Administration recommends that the Community Redevelopment Agency recommend City Council approve the attached Resolution.

Attachment: Draft FY2016-2020 Budget for the South St. Petersburg Redevelopment Trust Fund

# Attachment 1

## DRAFT FY2016-2020 Budget for South St. Petersburg CRA Redevelopment Trust Fund

Sources of Revenue	Targeted Allocation % (1)	Current Fiscal Year		Projected Budgets (FY2017 through FY2020)						Totals (2016-20)			
		2016		2017		2018		2019			2020		
		St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas		St. Petersburg	Pinellas	
<b>Sources of Revenue</b>													
City and County Annual TIF Contributions													
Total Annual Revenue		\$285,773	\$201,596	\$359,487	\$253,597	\$434,675	\$306,637	\$511,366	\$360,739	\$589,591	\$415,922		
Projected Cumulative Revenue Totals		\$487,370	\$487,370	\$613,084	\$1,100,453	\$741,312	\$1,841,765	\$872,105	\$3,719,383	\$1,005,513	\$3,719,383	\$3,719,383	
Projected AGR in Property Values		8.4% (factual)		2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%		
<b>Uses of TIF Revenue</b>													
<b>Business Development</b>		50%	\$243,685	\$306,542	\$370,656	\$436,052	\$502,757					\$1,859,691	
Commercial Site Improvement Grant	Both												
Neighborhood Commercial Corridor "P3" Fund	Varies												
Redevelopment Loan Program (2)	City												
CRA Property Acquisition and Preparation Program (2)	Both												
Commercial Building Interior/Tenant Improvement Program	City												
Grant Match Program (2)	Varies												
Education, Job Readiness & Workforce Development	Varies												
Workforce Readiness and Development Program	City	10%	\$48,737	\$61,308	\$74,131	\$87,210	\$100,551					\$371,938	
Grant Match Program (2)	Varies												
Housing and Neighborhood Revitalization	Varies												
Affordable Multifamily Housing Development Program	Both	40%	\$194,948	\$245,233	\$296,525	\$348,842	\$402,205					\$1,487,753	
Residential Property Improvement Grants	Varies												
Grant Match Program (2)	Varies												
"Paint Your Heart Out"	City												
Redevelopment Loan Program (2)	City												
CRA Property Acquisition and Preparation Program (2)	Both												
<b>Total Programs Budgeted</b>			\$487,370	\$613,084	\$741,312	\$872,105	\$1,005,513					\$3,719,383	
<b>Total Funding Available</b>			\$487,370	\$613,084	\$741,312	\$872,105	\$1,005,513					\$3,719,383	
<b>Balance</b>			\$0	\$0	\$0	\$0	\$0					\$0	

(1) The "Targeted Allocation %" for each program is generally based on the percentages defined in Table 4-1 of the South St. Petersburg Community Redevelopment Plan when it was approved on May 21, 2015. However, the Redevelopment Plan recognizes that the annual funding allocations may differ from those at adoption based on the funding priorities of the City and CAC.

(2) These TIF programs can be used for expenditures in one or more of the major budget categories: Priority County TIF Contributions Not Available.

NO. 2016 - \_\_\_\_

A RESOLUTION BY THE ST. PETERSBURG COMMUNITY REDEVELOPMENT AGENCY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG APPROVE TEN TAX INCREMENT FINANCING PROGRAMS FOR THE SOUTH ST. PETERSBURG COMMUNITY REDEVELOPMENT AREA (SEE EXHIBITS 1 THRU 10); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg City Council approved a Community Redevelopment Plan (Plan) for the South St. Petersburg Community Redevelopment Area (CRA) on May 21, 2015 (Ord. #169-H), which included establishment of a tax increment financing district and redevelopment trust fund for the entire 7.4-sq.mi. South St. Petersburg CRA;

WHEREAS, a major strategy of the South St. Petersburg Plan is to direct the vast majority of revenues generated from the South St. Petersburg tax increment financing district to provide direct assistance for private investment in residential and non-residential redevelopment in the form of grants, loans, TIF abatements or other vehicles that help businesses leverage capital from diverse sources;

WHEREAS, the South St. Petersburg Plan also envisions providing funding assistance to governmental and non-profit entities that provide array of services supporting the intent of the redevelopment plan, including marketing and promotion, business assistance and loans, workforce development and job readiness;

WHEREAS, the South St. Petersburg Plan requires administrative procedures to be prepared for each tax increment financing program and approved by City Council prior to expenditures being made from them;

WHEREAS, the South St. Petersburg Plan requires the Citizen Advisory Committee for the South St. Petersburg CRA and the St. Petersburg Community Redevelopment Agency to make recommendations on these programs to City Council before approval;

WHEREAS, City Administration prepared and transmitted the following ten tax increment financing programs, which are attached as Exhibits 1 through 10 and identified in numerical order below, for recommendation by the Citizen Advisory Committee for the South St. Petersburg CRA:

1. Affordable Multifamily Housing Development Program
2. Residential Property Improvement Grant
3. Commercial Site Improvement Grant
4. Commercial Building Interior and Tenant Improvement Grant
5. Neighborhood Commercial District Fund
6. CRA Grant Match Program

7. CRA Property Acquisition and Preparation Program
8. Redevelopment Loan Program
9. "Paint Your Heart" Out Program
10. Workforce Readiness and Development Program

WHEREAS, the tax increment financing programs identified above are consistent with the action plan and redevelopment program of the South St. Petersburg Plan as well as designed to encourage private enterprise in the rehabilitation and redevelopment of the CRA to the greatest extent possible, in accordance with Section 163.345, FS;

WHEREAS, on December 1, 2015, the Citizen Advisory Committee for the South St. Petersburg CRA unanimously voted to recommend that St. Petersburg Community Redevelopment Agency and City Council approve the ten tax increment financing programs;

WHEREAS, on December 15, 2015, Pinellas County staff corresponded that it has reviewed the five tax increment financing programs included in this resolution that could potentially utilize Pinellas County TIF contributions (see numbers 1, 2, 3, 6, and 7 above) and found them consistent with the overall objectives of the Redevelopment Plan as well as Pinellas County policy regarding use of its TIF contributions; and

NOW, THEREFORE, BE IT RESOLVED, the Community Redevelopment Agency of the City of St. Petersburg recommends that St. Petersburg City Council approve the ten tax increment financing programs included as Exhibits 1 through 10, which contribute to the implementation of the action plan and redevelopment program of the South St. Petersburg Community Redevelopment Plan.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:

APPROVED BY:



City Attorney (Designee)



Dave Goodwin, Director  
Planning and Economic Development

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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### **I Description and Purpose**

The Affordable Multifamily Housing Development Program provides an annual rebate on increases in ad valorem taxes for all applicable Pinellas County taxing authorities for developers of affordable multifamily housing in the South St. Petersburg Community Redevelopment Area (CRA).

### **II Consistency with South St. Petersburg Redevelopment Plan**

Housing affordability is a serious issue throughout St. Petersburg, but it is particularly stark in South St. Petersburg. Housing is considered unaffordable if 30 percent or more of household income is devoted to shelter. Based on 2012 American Community Survey data, the percentage of all households with housing costs in excess of 30 percent of income was 55.0 percent in South Petersburg and 45.2 percent in the city, both rising sharply from 2000. Housing affordability is an even more dire issue for renter households where 73 percent pay more than 30 percent of their income in housing costs.

Multifamily housing is an important element in improving affordability, but there is a substantial deficit of this housing type in the CRA. Throughout St. Petersburg, nearly 30 percent of all dwelling units are in complexes with five or more units, and 16 percent are in complexes with 20 or more units. In contrast, South St. Petersburg has fewer than 10 percent of its total dwelling units in multifamily complexes five units and larger, and only 3 percent in 20-unit or larger complexes. Increasing the availability and quality of multifamily units would help to alleviate the serious housing affordability issues that are faced by renters in South St. Petersburg.

The Affordable Multifamily Housing Development Program is consistent with the South St. Petersburg Community Redevelopment Plan by providing incentives to increase the supply of affordable housing in the CRA. The Redevelopment Program and Funding Strategy calls for the City to use TIF to “assist renovation of existing multifamily and single family units and build new multifamily developments...” (The CRP, in recognizing the dearth of multifamily units, calls for the City to evaluate strategic zoning and land use amendments to increase the supply of land suitable for multifamily zoning.) The CRP also calls for the City to develop a TIF program that provides annual rebates to developers of affordable housing for a period up to 15 years. The rebate would be based on the increase in ad valorem taxes for all taxing authorities in the first year the project goes on the tax rolls.

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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### III Type and Amount of Award

The Affordable Multifamily Housing Development Program is an annual rebate for up to 15 years on increases in ad valorem taxes from all applicable Pinellas County taxing authorities resulting from the development of affordable housing in the South St. Petersburg CRA. The rebate will be based on the increase in ad valorem taxes in the first year the completed project goes on the tax rolls. The maximum award is \$50,000 per project per year. For the purposes of this program, “affordable housing” is defined as housing meeting the needs of households whose income is 80 percent and below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation’s SHIP Program, which are periodically adjusted.<sup>1</sup>

### IV Funding Source

City of St. Petersburg and Pinellas County TIF contributions.

### V Eligible Projects

The Affordable Multifamily Housing Development Program is available to fund construction of affordable multifamily housing in the South St. Petersburg CRA. To be eligible, a multifamily developer must construct a minimum of 10 residential units that meet the City’s definition of “affordable”. In the case of a renovation of an existing multifamily building, the ad valorem rebate will be based on the difference between the taxable building value in the first year after Project completion and the year prior to the Project’s commencement. Adaptive reuse projects that convert nonresidential buildings to residential use are eligible for the rebate, which will be based on the taxable building value of the project in the first year after completion. Mixed-income projects that provide both affordable and market-rate units are also eligible for the program with the annual rebate of ad valorem taxes based on the percentage share of affordable units in the project.

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<sup>1</sup> Text in strikethrough/underline format reflects substantive changes made by Administration to the TIF program since the South St. Petersburg CAC recommended approval on December 1, 2015.

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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### VI Submission Procedures and Requirements

Applications are to be submitted in an 8"x10" envelope or larger with the project's name and location, the applicant's name and address and the name of the TIF funding program for which the application is being made to the Planning and Economic Development Department on the 8<sup>th</sup> Floor of the Municipal Service Building, which is located at 1 Fourth Street North, St. Petersburg, Florida, 33701. Enter through the door on the far left after exiting the elevator. Before leaving the envelope containing the application at the above location, please ensure that the date and time of submission has been recorded on the envelope by City staff. This is important because funding will be awarded to projects with complete applications on a first come, first served basis.

For more information, please contact

Mr. Rick D. Smith, AICP and CEcD  
Community Redevelopment Coordinator  
727-893-7106  
[rick.smith@stpete.org](mailto:rick.smith@stpete.org)

The applications must include the following:

- Completed and signed application form
- Documentation of property ownership or written consent from property owner giving permission to conduct the identified improvements. The property owner will be required to sign the Grant Agreement to assume responsibility to maintain the affordable housing units for the duration of the Agreement.
- Three quotes from licensed contractors itemizing the estimated cost of improvements, if applicant has not yet submitted for building permit approval. (Annual ad valorem taxes will be estimated based on this information.)
- Confirmation the project complies with the City's land development regulations.
- Confirmation that mortgage, property insurance and property tax payments are current and in good standing.
- Legal description and survey of project site
- Digital photographs of existing conditions of the project site
- Written description of project improvements including number of units, size and bedroom/bathroom configuration and rental rates per unit type
- Sketches or conceptual drawings of improvements that will be funded by the Grant.

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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Failure to provide the above information will delay the review and approval process.

### VII Review and Approval Process

Eligible affordable housing projects will be awarded TIF funding on a first-come first-served basis. Because the incentive involves a multiyear rebate of ad valorem taxes from all applicable Pinellas County taxing authorities, City Council will review the project and award amount, which will be based on its current and projected fiscal impact on the "Housing and Neighborhood Revitalization" budget of the South St. Petersburg CRA Redevelopment Trust Fund. In order for City Council to assess the fiscal impact of the rebate during its review and approval process, it will be necessary to estimate the annual rebate of a Project. To that end, City Administration will utilize the permit value assigned the Project by the City's Construction Services and Permitting Department and deem it the estimated total construction cost of the Project. As an alternative for projects that have not yet developed construction documents for formal building permit submission, the applicant can provide construction estimates from three licensed contractors. The estimated building value from either of these methods will be then reduced by 30 percent to account for the PAO's typical methodology for determining the estimated value of a completed project. To this final estimated value will be applied the millage rate of all Pinellas County's taxing authorities to determine the estimated Project annual rebate. Ultimately, the ad valorem rebate will be based on the taxable building value of the Project assigned by the Pinellas County Property Appraiser's Office in the first year after completion, provided it is less than the rebate approved by City Council. In no case will the amount of the rebate exceed the amount approved by City Council.

### VIII Compliance Requirements for Completed Projects

Successful applicants must sign a Grant Agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the Grant. To ensure timely commencement and completion of the Project, the Applicant shall abide by the following deadlines:

- Within 60 days of execution of the Grant Agreement, file a "Notice of Commencement" pursuant to the requirements of the City's Construction Services and Permitting Department.

# EXHIBIT 1

## Affordable Multifamily Housing Development Program South St. Petersburg Tax Increment Financing Program

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- Within 6-18 months of execution of the Grant Agreement, request a “Review of Completed Work” from the City of St. Petersburg. (Length of time will vary based on size of project.)

Applicants requiring the execution of a Grant Agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the TIF Agreement, rescission of the Grant Award and return of the earmarked funding to the South St. Petersburg Redevelopment Trust Fund.

The **Affordable Multifamily Housing Development Program** is a multi-year program that pays rebates annually for a period of up to fifteen years. To be awarded the rebate, a project must be annually certified that it meets the affordable housing criteria that were the basis for the initial approval as well as the SHIP household income and rent limits that are applicable in that year. Failing this, the rebate will be revoked and all previous rebates repaid to the City by the applicant or successor.

## EXHIBIT 2

### Residential Property Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The Residential Property Improvement Grant program can be used for exterior and/or interior improvements on affordable or market-rate residential housing in the South St. Petersburg Community Redevelopment Area. Emphasis will be placed on funding substantial renovations that upgrade vital building systems and sustain and extend the economic life of a structure, such as plumbing, structural improvements, energy efficiency, HVAC and electrical wiring. The grant program supplements the City's annual investment in the "Rebates for Residential Rehabilitation" (RRR) but is focused on incentivizing the substantial renovation of multifamily housing (defined as three or more units in a building) by increasing the total grant award allowed for these projects.

#### II Consistency with South St. Petersburg Redevelopment Plan

Housing rehabilitation is vitally important in the CRA where new construction is faced with a significant gap in the cost to build versus the price for which units can be sold. The housing stock is substantially older in South St. Petersburg than the City at-large. Residential units built before 1970 represent 80 percent of the stock in the CRA, but only 59 percent of the City. With critical housing systems such as roofs, plumbing, HVAC and electrical in need of replacement every 15-20 years, houses of this age generally will have gone through at least their third generation of upgrades, if properly maintained.

There is also a substantial deficit of multifamily housing in South St. Petersburg. Throughout St. Petersburg, nearly 30 percent of all dwelling units are in complexes with five or more units, and 16 percent are in complexes with 20 or more units. In contrast, South St. Petersburg has fewer than 10 percent of its total dwelling units in multifamily complexes five units and larger, and only 3 percent in 20-unit or larger complexes. Retaining and increasing the availability and quality of multifamily units would help to alleviate the serious housing affordability issues facing renters in South St. Petersburg.

The Residential Property Improvement Grant program is designed to counteract these issues by promoting rehabilitation of both single-family and multifamily units that are either affordable or market rate. The program is consistent with the South St. Petersburg Community Redevelopment Plan by implementing several strategies identified in the "Housing and Neighborhood Revitalization" section of the Action Plan. This section calls for developing TIF Incentive Programs that:

- assists rental residential property owners in renovating their properties;

## EXHIBIT 2

### Residential Property Improvement Grant South St. Petersburg Tax Increment Financing Program

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- expands the City's successful "Rebates for Residential Rehab" program to provide a consistent source of annual funding support;
- increases the supply of affordable housing for both homeownership and rental opportunities; and
- provides incentives for developers of market rate housing in the CRA.

### III Type and Amount of Award

An applicant may receive a reimbursable grant equaling the lesser of 20 percent of the pre-construction value of eligible improvements or up to \$10,000 per unit. The maximum award for a multifamily project is \$90,000. The program requires a minimum investment of \$10,000 toward eligible improvements per residential unit. In order to utilize Pinellas County TIF contributions for this program, projects must meet the City's definition of affordable. For the purposes of this program, "affordable housing" is defined as housing meeting the needs of households whose income is 80 percent and below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation's SHIP Program, which are periodically adjusted.<sup>1</sup>

### IV Funding Source

City of St. Petersburg and Pinellas County TIF contributions to the South St. Petersburg Redevelopment Trust Fund. (Pinellas County TIF can only be spent on affordable housing when used with this program.)

### V Eligible Properties and Improvements

Exterior and/or interior improvements on affordable or market-rate residential housing with a focus on renovations of multifamily housing (defined as three or more units per building). Mixed-use projects with a residential component occupying more than 50 percent of the gross square footage of the building are eligible for the grant.

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<sup>1</sup> Text in strikethrough/underline format reflects substantive changes made by Administration to the TIF program since the South St. Petersburg CAC recommended approval on December 1, 2015.

## EXHIBIT 2

### Residential Property Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### VI Submission and Approval Requirements

Applications will be processed through the City's RRR program and abide by its established time frames for completion. However, applicants requiring a demonstration of the City's intent to provide TIF funding to secure additional financing will be allowed 90 days from the date of an approved RRR application to do so. Projects funded with Pinellas County's TIF contribution must be affordable and submit documentation that the units for which funding is sought meet the City's definition of affordable (see above).

#### VIII Compliance Requirements for Completed Projects

All projects funded through this program must comply with the requirements of the City's "Rebates for Residential Rehabilitation" program. Affordable units must be maintained for at least five years. The applicant is required to submit documentation annually for five years that the Project continues to provide affordable housing in accordance with the City's definition. Failure to do so will result in repayment of the rebate(s) to the City plus interest.

## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The Commercial Site Improvement Grant provides matching grants to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way.

#### II Consistency with South St. Petersburg Redevelopment Plan

The Commercial Site Improvement Grant program is consistent with the South St. Petersburg Community Redevelopment Plan by promoting revitalization of commercial corridors in the CRA by improving their appearance and upgrading building stock.

The South St. Petersburg Redevelopment Plan recognizes the importance of the CRA's commercial corridors in growing existing businesses and attracting new ones. In the Action Plan, under "Business Development and Job Creation", one strategy calls for working with owners along "primary commercial corridors in the CRA to maintain and upgrade their properties", while another specifically instructs the City to develop a TIF program that will "provide incentives to owners of land and buildings along the CRA's primary commercial corridors."

These strategies are reinforced in the Redevelopment Program and Funding Strategy, which details the implementation approach of the Plan and redevelopment programs that will carry it out. Improving the image and identity of South St. Petersburg to remedy blighting influences and encourage investment is a key feature of the Plan and TIF programs are to be designed for façade and site improvements for both residential and nonresidential properties. The Plan specifically states that "the main commercial corridors within the CRA will be a particular focus for this effort because they represent the front-doors to most neighborhoods and their appearance will drive or reduce investment." To that end, the Plan identifies among its CRA Business Programs a "Commercial Site Improvement Grant" that will provide matching grants to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way.

#### III Type and Amount of Award

An applicant may receive a one-for-one matching grant of up to \$20,000. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St.

## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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Petersburg Historic Preservation Ordinance. The TIF contribution will be reimbursable to the applicant upon completion of work.

#### IV Funding Source

City of St. Petersburg may allocate funding annually to this program from Pinellas County and/or City TIF contributions.

#### V Eligible Properties and Improvements

The Commercial Site Improvement Grant program is available to fund eligible exterior improvements on commercial, industrial and mixed use properties. TIF funding priority will be given for applications for properties located on the following commercial corridors in the South St. Petersburg CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

##### 1. Eligible Improvements

- Exterior painting, re-siding, and/or cleaning
- Masonry repairs
- Removal of architecturally inappropriate or incompatible exterior finishes and materials
- Restoration of significant architectural details or removal of materials that cover said architectural details
- Landscaping, fencing and buffer walls
- Installation or repair of exterior signage, including wall, window, hanging, and monument signs advertising the business name and identity
- Awnings and canopies installation or repair
- Doors and windows
- Roof repairs
- Exterior lighting

## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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- Demolition of obsolete structures
- Window and cornice flashing and repair

#### 2. Ineligible Improvements

- Installation of aluminum or vinyl siding
- Work performed by an unlicensed contractor
- Permitting and development review fees
- Improvements performed prior to approval of the TIF application
- New building construction
- Reducing or enclosing existing storefront windows
- Improvements to buildings constructed within the last 5 years
- Equipment, mechanical and HVAC systems
- Roof repairs (other than those portions that directly attach to a new or renovated façade)
- Security systems (including metal roll down gates, window bars, cameras)
- Any interior work
- Any improvements not visible from the public right-of-way
- Improvements in progress or completed prior to preliminary approval
- Routine maintenance
- Improvements to buildings solely used for residences

## VI Submission Procedures and Requirements

Applications are to be submitted in an 8"x10" envelope or larger with the project's name and location, the applicant's name and address and the name of the TIF funding program for which the application is being made to the Planning and Economic Development Department on the 8<sup>th</sup> Floor of the Municipal Service Building, which is located at 1 Fourth Street North, St. Petersburg, Florida, 33701. Enter through the door on the far left after exiting the elevator. Before leaving the envelope containing the application at the above location, please ensure that the date and time of submission has been recorded on the envelope by City staff. This is important because funding will be awarded to projects with complete applications on a first come, first served basis.

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## EXHIBIT 3

### Commercial Site Improvement Grant South St. Petersburg Tax Increment Financing Program

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For more information, please contact

Mr. Rick D. Smith, AICP and CEcD  
Community Redevelopment Coordinator  
727-893-7106  
[rick.smith@stpete.org](mailto:rick.smith@stpete.org)

Application packages must include the following information:

- Completed and signed application form
- Copy of current business tax certificate
- Confirmation that mortgage, property insurance and property tax payments are current and in good standing.
- Documentation of property ownership or written consent from property owner giving permission to conduct the identified improvements. (The property owner will be required to sign the Grant Agreement to assume responsibility for maintenance of improvements funded by the Grant.)
- Legal description and survey of project site
- Proposed use is consistent with the City's Land Development Regulations
- Digital photographs of existing conditions of the project site
- Sketches or conceptual drawings of improvements that will be funded by the Grant.
- Written description of project improvements

Failure to provide required information will delay the review and/or approval process.

## VII Review and Approval Process

Projects will be awarded TIF funding on a first-come, first-served basis. The one-for-one reimbursement will be approved after an internal staff evaluation of the completed project's compliance with program guidelines and applicable codes of the City of St. Petersburg. Applicant will not receive funding until the project has been inspected and issued a Certificate of Occupancy by the City.

## VIII Compliance Requirements

Successful applicants must sign a Grant Agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the Grant. To ensure timely commencement and completion of the Project, the Applicant shall abide by the following deadlines:

## EXHIBIT 3

### Commercial Site Improvement Grant

#### South St. Petersburg Tax Increment Financing Program

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- Within 60 days of execution of the Grant Agreement, file a “Notice of Commencement” pursuant to the requirements of the City’s Construction Services and Permitting Department.
- Within 6-18 months of execution of the Grant Agreement, request a “Review of Completed Work” from the City of St. Petersburg. (The length of time will be based on the nature of the work.)

Applicants requiring the execution of a Grant Agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the TIF Agreement, rescission of the Grant Award and return of the earmarked funding to the South St. Petersburg Redevelopment Trust Fund.

The applicant must maintain the improvements in accordance with the terms of the grant agreement as well as the City’s Code of Ordinances.

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The Commercial Building Interior and Tenant Improvement Grant provides matching grants to commercial property owners for interior upgrades with a focus on projects that remedy degraded building systems and extend the economic viability of the building.

#### II Consistency with South St. Petersburg Redevelopment Plan

The Commercial Building Interior and Tenant Improvement Grant program is consistent with the South St. Petersburg Community Redevelopment Plan (CRP) by promoting revitalization of commercial corridors in the CRA by improving and upgrading building stock. This program is a companion to the Commercial Site Improvement Grant, which focuses on exterior improvements, by helping extend the economic viability of commercial buildings through upgrades to critical interior building systems.

The South St. Petersburg CRP recognizes the importance of the CRA's commercial corridors in growing existing businesses and attracting new ones. In the Action Plan, under "Business Development and Job Creation", one strategy calls for working with owners along "primary commercial corridors in the CRA to maintain and upgrade their properties", while another specifically instructs the City to develop a TIF program that will "provide incentives to owners of land and buildings along the CRA's primary commercial corridors." A further strategy calls for the adaptive reuse of underutilized buildings.

These strategies are reinforced in the Redevelopment and Funding Program, which details the implementation approach of the CRP and redevelopment programs that will carry it out. Improving the image and identity of South St. Petersburg to remedy blighting influences and encourage investment is a key feature of the Plan.

#### III Type and Amount of Award

An applicant may receive a one-for-one matching grant of up to \$20,000. Projects costing \$5,000 or less are not eligible for the program. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The TIF contribution will be reimbursable to the applicant upon completion of work.

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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#### IV Funding Source

The City of St. Petersburg may allocate funding annually from its TIF contributions to support this program.

#### V Eligible Properties and Improvements

The **Commercial Building Interior and Tenant Improvement Grant** program is available to fund eligible interior improvements on commercial, industrial and mixed-use properties. TIF funding priority will be given for applications for properties located on the following commercial corridors in the South St. Petersburg CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue Corridor (including 1<sup>st</sup> Avenues North and South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

##### 1. Eligible Improvements

- Equipment, mechanicals and HVAC systems
- Structure stabilization (repair/replacement of foundations, footers, load bearing walls, roofing systems)
- Room/space reconfiguration, wall relocations
- Plumbing and electrical
- Energy efficiency improvements (window upgrades, insulation, hot water heater, HVAC systems)
- Electronic security systems

##### 2. Ineligible Improvements

- Work performed by an unlicensed contractor
- Permitting fees
- Improvements performed prior to approval of the TIF application
- Any exterior work not made necessary by interior improvements (i.e., windows, air handlers, roofing systems)
- Routine maintenance

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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- Improvements in progress or completed prior to preliminary approval
- Painting when not associated with other improvements
- New building construction (additions to existing structures are permitted)
- Improvements to any residences, including those in mixed-use projects.  
(Commercial space associated with mixed use projects is eligible for funding)
- Improvements to buildings constructed within the last 5 years

## VI Submission Procedures and Requirements

Applications are to be submitted in an 8"x10" envelope or larger with the project's name and location, the applicant's name and address and the name of the TIF funding program for which the application is being made to the Planning and Economic Development Department on the 8<sup>th</sup> Floor of the Municipal Service Building, which is located at 1 Fourth Street North, St. Petersburg, Florida, 33701. Enter through the door on the far left after exiting the elevator. Before leaving the envelope containing the application at the above location, please ensure that the date and time of submission has been recorded on the envelope by City staff. This is important because funding will be awarded to projects with complete applications on a first come, first served basis.

For more information, please contact

Mr. Rick D. Smith, AICP and CEcD  
Community Redevelopment Coordinator  
727-893-7106  
[rick.smith@stpete.org](mailto:rick.smith@stpete.org)

Application packages must include the following information:

- Completed and signed application form
- Copy of current business tax certificate
- Confirmation that mortgage, property insurance and property tax payments are current and in good standing.
- Documentation of property ownership or written consent from property owner giving permission to conduct the identified improvements. (The property owner will be required to sign the Grant Agreement to assume responsibility for maintenance of improvements funded by the Grant.)
- Legal description and survey of project site
- Use must be consistent with the City's land development regulations

## EXHIBIT 4

### Commercial Building Interior and Tenant Improvement Grant South St. Petersburg Tax Increment Financing Program

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- Digital photographs of existing conditions of the project site
- Written description of project improvements
- Sketches or conceptual drawings of improvements that will be funded by the Grant.

Failure to provide required information will delay the review and/or approval process.

## VII Review and Approval Process

Projects will be awarded TIF funding on a first-come first-served basis. The one-for-one reimbursement will be approved after an internal staff evaluation of the completed project's compliance with program guidelines and applicable codes of the City of St. Petersburg. Applicant will not receive funding until the project has been inspected and issued a Certificate of Occupancy by the City.

## VIII Compliance Requirements

Successful applicants must sign a Grant Agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the Grant. To ensure timely commencement and completion of the Project, the Applicant shall abide by the following deadlines:

- Within 60 days of execution of the Grant Agreement, file a "Notice of Commencement" pursuant to the requirements of the City's Construction Services and Permitting Department.
- Within 6-18 months of execution of the Grant Agreement, request a "Review of Completed Work" from the City of St. Petersburg. (Length of time will depend on the nature of work to be performed.)

Applicants requiring the execution of a Grant Agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the TIF Agreement, rescission of the Grant Award and return of the earmarked funding to the South St. Petersburg Redevelopment Trust Fund. The applicant must maintain the improvements in accordance with the terms of the Grant Agreement as well as the City's Code of Ordinances.

## Exhibit 5

### Neighborhood Commercial ~~District~~ Corridor Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

~~The purpose of the Neighborhood Commercial District Public Private Partnership Fund program is for the City to make investments in public private economic development projects that create jobs, add to the tax base, leverage private sector investment, strengthen business districts, redevelop property or create new commercial space and add to the quality of life for neighborhoods. The Neighborhood Commercial District Fund is a city wide program supported by revenue from the general fund and the South St. Petersburg TIF district. However, any project funded by TIF revenue must be located within the boundaries of the TIF district.<sup>1</sup>~~

The Neighborhood Commercial Corridor Public-Private Partnership Fund (P3 Fund) provides grant awards to projects<sup>2</sup> that enhance established business districts by redeveloping properties, decreasing vacancy rates, adding to the tax base, creating jobs, leveraging private sector investment, and improving the quality of life for surrounding neighborhoods through removal of blight<sup>3</sup> and underutilized properties.

#### II Consistency with South St. Petersburg Redevelopment Plan

The Neighborhood Commercial Corridor P3 Fund program is consistent with the South St. Petersburg Community Redevelopment Plan (CRP) by promoting revitalization of commercial corridors in the CRA, improving their appearance and upgrading their building stock.

The South St. Petersburg CRP recognizes the importance of the CRA's commercial corridors in growing existing businesses and attracting new ones. In the Action Plan, under "Business Development and Job Creation", one strategy calls for working with owners along "primary commercial corridors in the CRA to maintain and upgrade their properties", while another specifically instructs the City to develop a TIF program that will "provide incentives to owners of land and buildings along the CRA's primary commercial corridors." A further strategy calls for the adaptive reuse of underutilized buildings.

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<sup>1</sup> Text in strikethrough/underline format reflects substantive changes made by Administration to the TIF program since the South St. Petersburg CAC recommended approval on December 1, 2015.

<sup>2</sup> "Project" is defined as work on new or existing commercial development.

<sup>3</sup> "Blight" is defined as a condition that results in substantial diminution of property values of one or more properties in the same block or in a block adjacent to the block in which the condition is located, or a condition that endangers life or property.

## Exhibit 5

### Neighborhood Commercial ~~District Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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These strategies are reinforced in the Redevelopment Program and Funding Strategy, which details the implementation approach of the Plan and redevelopment programs that will carry it out. Improving the image and identity of South St. Petersburg to remedy blighting influences and encourage investment is a key feature of the Plan and TIF programs are to be designed for façade and site improvements for both residential and nonresidential properties. The Plan specifically states that “the main commercial corridors within the CRA will be a particular focus for this effort because they represent the front-doors to most neighborhoods and their appearance will drive or reduce investment.”

### III Type and Amount of Award

An applicant may receive ~~a reimbursable grant equaling the lesser of 10 percent of the project cost or up to \$50,000 as a grant award for an approved project.~~ Disbursement of the grant from the City will occur after the project is completed. Projects costing \$100,000 or less are not eligible for the program nor are applicants who are eligible for the City’s “Social Action Funding” program.

### IV Funding Source

City of St. Petersburg TIF contributions to the South St. Petersburg Redevelopment Trust Fund and General Fund budget allocations.

### V Eligible Projects

~~The Neighborhood Commercial Corridor P3 Fund is available to fund the costs support projects on commercial corridors, outside of the downtown core that provide visible improvements to a building or site, decrease vacancy rates of the area, retain or create jobs, and/or create new commercial space. The intent of the P3 Fund is business development, thus the applicant should be an occupant of the building or a property owner that demonstrate evidence that the building will be occupied by a business, including hard and soft costs, for commercial development. The program may be used for renovation or new construction that results in additional office or retail space. Additionally, eligible projects must demonstrate that “but for” city investment, the project would not achieve a return on investment.~~

## Exhibit 5

### Neighborhood Commercial ~~District Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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Mixed-use projects that include residential units are eligible for the “3P Fund” provided the majority of the project is office or retail, i.e., greater than 50 percent of gross floor area of the building is devoted to non-residential use.

TIF funding priority will be given for applications for properties located on the following commercial corridors in the South St. Petersburg CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

## VI Approval Process

Applicants will submit the application to the City Development Administration office.

Application packages will be reviewed by a review committee, and final approval of a project will be made by the City Development Administrator.

Applicants will be informed of approval decision within 45 days of submittal of all requested information. Projects must commence within 180 days of grant approval notice.

## VII Minimum Selection Criteria

~~Projects must demonstrate that they meet 10 out of the 14 eligibility criteria:~~

- ~~• Located in a targeted economic development area, excluding the downtown core~~
- ~~• Decreases vacancy rate~~
- ~~• Rehabilitates and returns to service a vacant commercial structure~~
- ~~• Adds new commercial square footage to business district through new construction or adaptive reuse of a building formerly used for non-commercial purposes.~~
- ~~• Located in a Census Tract eligible for New Markets Tax Credits. (These are census tracts where the poverty rate is at least 20% and where the median family income does not exceed 80% of the area median family income.)~~

## Exhibit 5

### Neighborhood Commercial ~~District Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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- ~~Renovates a building listed on the Local or National Register of Historic Places. (Also, allow property owners to seek designation.)~~
- ~~Creates or retains at least 5 jobs~~
- ~~Demonstrates at least \$100,000 of capital investment (excluding land)~~
- ~~Capital investment (excluding land) by applicant represents more than 75% of total project costs.~~
- ~~Applicant has attended 3 business development sessions at the Greenhouse~~
- ~~Receives at least 2 letters of public support from local business or neighborhood association~~
- ~~Company employs 20 employees or less~~
- ~~Visibly improves exterior building, site, and/or essential interior building systems such as plumbing, electrical, HVAC, and energy efficiency improvements.~~
- ~~Obtains a city approved plan~~

Projects will be awarded funding based the ability to meet the following criteria. If the project is multi-phased, it may be eligible for renewal of funding in the subsequent fiscal year.

#### Funding Criteria for up to \$25,000 Grant Award

- Located on a commercial corridor identified in Section V above.
- Capital investment (excluding land) by applicant represents more than 75% of total project costs with a minimum capital investment of \$100,000.
- Rehabilitates and returns to service a vacant commercial structure or adds new commercial square footage to business district through new construction or adaptive reuse of a building formerly used for non-commercial purposes.
- Visibly improves exterior building, site, and/or essential interior building systems such as plumbing, electrical, HVAC, and energy efficiency improvements.
- Business must occupy space.

#### Funding Criteria for up to \$50,000 Grant Award

The project meets the six criteria listed above has the 4 above merits—plus creates or retains at least five full-time jobs in South St. Petersburg.

#### Funding Criteria for up to \$100,000 Grand Award

The project meets the minimum requirements for a \$50,000 grant award, plus the following:

## Exhibit 5

### Neighborhood Commercial ~~District-Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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- Capital investment (excluding land) by applicant represents more than 75% of total project costs with a minimum capital investment of \$500,000
- Creates or retains at least 10 jobs OR facilitates the relocation of a company with 10 or more employees to South St. Petersburg

## VIII Submission Requirements

Application packages must include documentation that illustrates the impact of the project and its cost. Failure to provide all required information will delay the review and approval process. Applications must include the following attachments:

- Complete application form (includes proforma).
- Documentation of property ownership or written consent from property owner giving permission to conduct identified improvements. The property owner will be required to sign the Grant Agreement to assume responsibility for maintenance of improvements funded by the Grant.
- Estimated cost of project. (Applicant must provide a cost breakdown by project element.)
- Digital photographs of existing conditions of project.
- Written description of project with drawings as appropriate.
- Three signed bids from licensed contractors itemizing the estimated cost of improvements to be funded by the Grant.
- Sketches or conceptual drawings of improvements that will be funded by the Grant.
- Documentation of required private investment of a minimum of \$100,000 or more, dependent on the amount of grant funding requested.
- Copy of current business license.
- Copy of current property insurance.
- Encumbrance and title reports demonstrating that owner has clear title and the status of any encumbrances on the property.
- Documentation of all other properties owned by applicant demonstrating that those properties are in good condition and in good standing with the city – no liens, etc.
- Legal description and survey of project site.
- Documentation that proposed use is consistent with the City's Land Development Regulations.

## Exhibit 5

### Neighborhood Commercial ~~District Corridor~~ Public-Private Partnership Fund South St. Petersburg Tax Increment Financing Program

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#### VIII Disbursement of Funds and Compliance Requirements

Funding will be ~~awarded~~ disbursed by the City after project completion and receipt of Certificate of Occupancy. ~~Successful applicants must sign a grant agreement with the Mayor or designee which specifies their obligations and rights upon issuance of the grant. The applicant must maintain the improvements in accordance with the terms of the grant agreement as well as the City's Code of Ordinances. Projects must be completed within 18 months or the earmarked funding will be released for another project.~~

~~Applicants requiring the execution of a grant agreement to secure additional financing will be allowed 90 days from the execution date to do so before the above deadlines will commence. Absent approval of an extension of these deadlines by the City, failure to comply will result in the cancellation of the grant agreement, rescission of the Grant Award and return of the earmarked funding to either the general fund or the South St. Petersburg Redevelopment Trust Fund.~~

# EXHIBIT 6

## CRA Grant Match Program

### South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The CRA Grant Match Program utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to provide a local matching share for federal, state foundation and other grant applications that would implement programs and strategies identified in the South St. Petersburg Redevelopment Plan.

#### II Consistency with the South St. Petersburg Redevelopment Plan

Leveraging existing federal, state and nonprofit funding programs will be an important implementation approach of the South St. Petersburg Community Redevelopment Plan (CRP). For instance, there are at least twelve federal agencies with more than thirty-five funding opportunities that range in focus from “place-based” activities such as housing, economic development and community infrastructure to “people-based” activities like access to capital, education and workforce development. All of these activities are featured in the Redevelopment Plan for South St. Petersburg and would support the multifaceted approach the community is taking to support revitalization of South St. Petersburg. Many of these grants will require a local matching share to ensure the City’s minimum eligibility to apply.

The CRA Grant Match Program is consistent with the South St. Petersburg Community Redevelopment Plan by availing resources to better compete for grants that can assist with the revitalization of South St. Petersburg. The Action Plan and the Redevelopment Program and Funding Strategy call for using TIF funding as a match “when the proceeds of the grant will be used for activities specified in the Redevelopment Plan.”

#### III Funding Source and Amount

The City of St. Petersburg may allocate funding annually from both City and Pinellas County TIF contributions to support the CRA Grant Match Program. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually and by budget amendment if necessary.

## EXHIBIT 7

### CRA Property Acquisition and Preparation Program South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The CRA Property Acquisition and Preparation Program utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to acquire properties and consolidate and prepare development sites within the South St. Petersburg CRA to promote housing, economic development and revitalization of the CRA. The land assembly effort may also involve demolition of existing structures, vacating streets, alleyways and relocating associated utilities such as water, sewer and stormwater facilities. Site preparation work may also require the performance of preliminary environmental reviews to assess the extent of contamination on the site.

#### II Consistency with the South St. Petersburg Redevelopment Plan

Land assembly, consolidation, site preparation and conveyance are essential activities for encouraging residential, commercial and industrial development in the South St. Petersburg CRA. It is one of the core activities identified in the Community Redevelopment Act of 1969 for Florida cities to undertake in revitalizing their communities.

The CRA Property Acquisition and Preparation Program is consistent with activities described in the South St. Petersburg Community Redevelopment Plan (CRP). In both its Action Plan as well as Redevelopment Program, the South St. Petersburg CRP identifies acquisition and site preparation as important implementation approaches in the CRA. Under Business Development, the Action Plan calls for promoting business retention, expansion and relocation efforts through acquisition and disposition of land, with priority given to “facilitating the creation of larger holdings suitable for industrial and business use.” The same approach is encouraged in Housing and Neighborhood Revitalization to purchase “residential property and convey to housing developers for less than fair value to lower development costs.”

The Redevelopment Program and Funding Strategy chapter identifies land assembly and site preparation as an important implementation strategy that will leave the City “well-positioned to facilitate new development as well as provide expansion opportunities for local businesses.” To assist in neighborhood revitalization, the City will also be acquiring properties within the CRA, including “nuisance properties whose activities, uses or appearance undermine the revitalization effort, or unforeseen opportunities that may arise which if capitalized on would help spur ongoing redevelopment.” To these ends, the Redevelopment Program calls for the City to use tax increment financing for “assembly

## EXHIBIT 7

### **CRA Property Acquisition and Preparation Program South St. Petersburg Tax Increment Financing Program**

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and site preparation of property throughout South St. Petersburg to facilitate residential and nonresidential development.”

### **III Funding Source and Amount**

The City of St. Petersburg may allocate funding annually from both City and Pinellas County TIF contributions to support the **CRA Property Acquisition and Preparation Program**. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually and by budget amendment if necessary.

## EXHIBIT 8

### Redevelopment Loan Program South St. Petersburg Tax Increment Financing Program

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#### I Description and Purpose

The Redevelopment Loan Program provides funding to a South St. Petersburg loan pool to support the lending efforts in the CRA by the City's financial partners.

#### II Consistency with the South St. Petersburg Redevelopment Plan

Lack of capital is the biggest challenge to growing and sustaining small businesses not only in South St. Petersburg CRP but throughout Florida and the United States. The South St. Petersburg Community Redevelopment Plan continues the City's policy of marketing business incentives and finance opportunities such as SBA Loans and Enterprise Zone tax incentives, but also develops lending programs using tax increment financing to increase capital availability in the CRA.

The Redevelopment Loan Program is consistent with the South St. Petersburg CRP by furthering strategies in the Action Plan calling for collaboration with "financial institutions to develop a South St. Petersburg lending facility that pools resources to lower risk, streamlines bank approval and servicing procedures and provides a range of loans meeting the needs of the CRA, such as construction loans, microloans, working capital, and loan guarantees." The Action Plan also identifies tax increment financing as an important funding source for the lending facility. The Redevelopment Program and Funding Strategy proposes a loan program that can be used to provide a range of loans meeting the needs of the CRA, such as construction loans, microloans, working capital, and loan guarantees.

#### III Funding Source

The City of St. Petersburg may allocate revenue annually from its TIF contributions to support the loan program.

#### IV Program Goals and Objectives

The Redevelopment Loan Program uses TIF and other City funds for bridge loans, microloans, subordinated long-term debt, loan guarantees and other financial vehicles to close financing gaps for projects to ensure they can be bankable through conventional lenders. The City will partner with financial institutions to create a lending pool that will support the borrowing needs of the CRA's businesses and residents. Emphasis will be placed on loans for purchase or improvements to real estate, expansion of business operations through increased hiring, expanded facility and replacement/improvements to capital plant, and working capital.

## EXHIBIT 9

### **“Paint Your Heart Out” Program** South St. Petersburg Tax Increment Financing Program

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#### **I Description and Purpose**

The “Paint Your Heart Out” Program provides funding to the City’s Neighborhood Team to help property owners in targeted areas of the CRA refurbish and refresh the exterior of their properties.<sup>1</sup> The Program encourages collaboration with volunteers and non-profit and for-profit entities such as the CRA’s neighborhood associations and Main Streets, Habitat for Humanity, Leadership St. Petersburg, Dream Center and other entities to leverage the City’s TIF contribution.

#### **II Consistency with the South St. Petersburg Redevelopment Plan**

The South St. Petersburg Community Redevelopment Plan recognizes that successful revitalization programs improve the investment climate of a neighborhood by removing blight and enhancing its image and leveraging the efforts of citizens and nonprofit organizations to accomplish these ends. The “Paint Your Heart Out” Program is consistent with the intent of the South St. Petersburg CRP by creating “an incentive program that will provide façade improvement grants or loans to residential property owners.” The CRP also encourages upgrades to the exteriors of properties along commercial corridors and calls for the City to develop incentive programs to serve this end. Among other programs designed to implement this strategy, the Redevelopment Program and Funding identifies a program providing small grants to property owners that paint their property.

In addition to physical improvements to properties, the South St. Petersburg CRP encourages collaboration and provides funding for the neighborhood revitalization activities of nonprofit organizations as well as involving neighborhood associations. The CRP calls for supporting volunteer initiatives, “such as Carefest, Scrubbin da ‘Burg, which connect various organizations such as neighborhood associations, faith-based groups, civic groups and schools.”

#### **III Funding Source**

The City of St. Petersburg may allocate funding annually from its TIF contributions to support the “Paint Your Heart Out” Program. The funding amount will be determined annually and by budget amendment if necessary. It is the intent of the program for the City to collaborate with other entities to better leverage its contribution.

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<sup>1</sup> The N-Team, as it is known, is comprised of City staff and volunteers and has as one of its several programs a “Paint Day” that utilizes 8 to 15 individuals to paint a house as a team in one day. The N-Team also provides a range of services to St. Petersburg homeowners who are elderly, disabled, or low-income including handicap access, minor roof and plumbing repair, code violation remedies and overgrowth removal.

## EXHIBIT 10

### Workforce Readiness and Development Program

#### South St. Petersburg Tax Increment Financing Program

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## I Description and Purpose

The **Workforce Readiness and Development Program** provides annual funding to accredited educational and job training providers, such as Career Source, St. Petersburg College and Pinellas Technical College, to prepare CRA residents for job opportunities with emerging St. Petersburg jobs through training, education and job placement.

## II Consistency with the South St. Petersburg Redevelopment Plan

Poverty and unemployment underpin the blighted conditions of the CRA and the **Workforce Readiness and Development Program** is consistent with the South St. Petersburg Community Redevelopment Plan (CRP) by implementing a “people based” economic development strategy that prepares residents of the CRA for job opportunities. The CRP notes that “these programs are necessary to ensure that the Redevelopment Plan not only revitalizes South St. Petersburg as a place but also increases the economic prospects of the people living there allowing them to remain in the neighborhood without being displaced by successful redevelopment efforts.” Ultimately, the CRP intends to avail capital through tax increment financing to providers of early childhood, work readiness and workforce development programs that will facilitate opportunities for existing and future residents of South St. Petersburg.

The CRP Action Plan calls for the City to provide funding to accredited workforce development providers such as Pinellas Technical College, St. Petersburg College and CareerSource Pinellas to “train residents of South St. Petersburg for entry into the workforce as well as later career opportunities.” The Action Plan also encourages the development of a TIF incentive program that will pay for businesses to train residents of South St. Petersburg. Finally, a high priority of the CRP is supporting and helping fund workforce readiness programs that train youth and young adults in the CRA.

The CRP Redevelopment Program and Funding Strategy reinforces the Action Plan by emphasizing that a portion of tax increment revenue be used to “enhance the capacity of early education, work readiness and workforce development providers to improve ‘Cradle to Career’ opportunities for residents.” To that end, the CRP specifically calls for the development of an “urban apprenticeship” program that will fund the aforementioned workforce development providers to train residents of South St. Petersburg for entry into the workforce as well as later career opportunities. In addition, the Redevelopment Program understands the importance of workforce readiness for teens and young adults and proposes using TIF funding to support these efforts.

## EXHIBIT 10

### Workforce Readiness and Development Program South St. Petersburg Tax Increment Financing Program

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#### III Funding Source

The City of St. Petersburg may allocate tax increment financing revenue annually to support the workforce readiness and development efforts of accredited educational and job training entities and assist businesses and other organizations in training residents of the CRA.

#### IV Program Goals and Objectives

The **Workforce Readiness and Development Program** is focused on linking CRA residents with job opportunities that will be created in the St. Petersburg Commerce Park as well as throughout the CRA.

1. Identify 10 (ten) St. Petersburg companies to participate in the program and pledge to give the CRA residents first priority in job opportunities with their company.
  - a. The Program will work to place 20 (twenty) CRA residents in jobs offered by the ten private sector participants.
2. The Program will work with other job training providers to recruit at least 30 (thirty) CRA residents for targeted job training supported by private sector participants.
3. The Program will work with education providers to recruit at least 15 (fifteen) CRA residents to attend education in targeted occupations supported by the private sector participants.
4. The City will facilitate and finance the above objectives.



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**www.stpete.org**

Community Redevelopment Agency  
Meeting of February 4, 2016

**CRA Case File: SSCR-2016-02**

## **REQUEST**

Community Redevelopment Agency recommendation that City Council approve the FY2016-2020 budget for the Redevelopment Trust Fund of the South St. Petersburg Community Redevelopment Area.

## **OVERVIEW**

On May 21, 2015, St. Petersburg City Council adopted a Community Redevelopment Plan (Plan) for the South St. Petersburg Community Redevelopment Area (CRA) that also established a tax increment financing district for the entire 7.4-sq.mi. South St. Petersburg CRA (Ord. #169-H). Tax increment financing (TIF) directs a percentage of future increases in St. Petersburg and Pinellas County property tax revenues generated within a TIF district into a special redevelopment trust fund. This increased revenue, known as the "increment", is then used to fund eligible redevelopment projects within the boundaries of the TIF district. The trust fund provides a sustainable source of revenue for revitalization programs identified in the South St. Petersburg Plan.

Each fiscal year, the Community Redevelopment Agency (Agency) will recommend and City Council will approve a budget for the South St. Petersburg CRA Redevelopment Trust fund allocating the anticipated TIF contributions from the City of St. Petersburg and Pinellas County. Based on the increase in property values in the South St. Petersburg CRA since its establishment in 2015, the TIF district yielded \$487,369.58 in revenue for FY2016 with the City responsible for a payment of \$285,773.32 to the trust fund, while the County will be contributing its share of \$201,596.26 by April 15, 2016.

The Agency is being asked to recommend allocations to City Council of City and County TIF contributions into three budget categories identified in the South St. Petersburg Plan based on annual priorities identified by Administration and the South St. Petersburg Citizen Advisory Committee (CAC). These three budget categories are

- Business Development
- Housing and Neighborhood Revitalization
- Education, Job Readiness and Workforce Development

The various TIF programs that have been approved by City Council to implement the South St. Petersburg Redevelopment Plan will be included in one or more of these three budget categories without funding levels identified. Administration will then allocate the available revenue for, say, Business Development to the TIF programs associated with it as demand warrants. If during the fiscal year, demand is greater for TIF programs in Business Development than in Housing and Neighborhood Revitalization, Administration will request City Council to approve a formal amendment changing the revenue allocations between the two budget categories.

This approach is advisable because most of the TIF revenue from the redevelopment trust fund will be distributed during any given year through awards to businesses, property owners and/or residents of the CRA on a first come, first served basis. The demand for any TIF program will be unknown so setting annual funding levels for each TIF program would invite frequent amendments as they may be under- or oversubscribed. In addition, Pinellas County restrictions on the use of its TIF complicates this issue further.

#### **PROPOSED FY2016 BUDGET ALLOCATION FOR THE SOUTH ST. PETERSBURG REDEVELOPMENT TRUST FUND**

The redevelopment program for the South St. Petersburg Plan utilizes an initial budgeting formula that allocates 50 percent of annual TIF revenues to business development programs, 40 percent to housing and neighborhood revitalization programs, and 10 percent for workforce readiness and training programs. Administration and the CAC are recommending these same funding percentages for FY2016 (see Exhibit 1 of the attached resolution). If approved by City Council, the TIF revenue will be allocated as follows

Business Development	\$243,685
Housing and Neighborhood Revitalization	\$194,948
Education, Job Readiness and Workforce Development	\$48,737
<b>Total TIF Revenue for FY2016</b>	<b>\$487,370</b>

However, it is important to stress that the Plan allows allocation percentages to budget categories to change over time based on City and CAC priorities and the original budgeting percentage established in the Plan may not be the same when the Plan expires in 2045.

#### **OVERVIEW OF SOUTH ST. PETERSBURG TAX INCREMENT FINANCING PROGRAMS**

The ten tax increment financing programs described below will be the vehicles through which the FY2016 annual budget allocations will be expended. City Council is being asked to approve these first TIF programs by resolution at its February 4, 2016, public meeting. Additional TIF programs identified in the South St. Petersburg Redevelopment Plan will be developed and approved over the next two years. The detailed program requirements for these ten programs

can be found in the February 4, 2016, report to City Council. The programs have been organized by the major budget category under which they fall.

A. BUSINESS DEVELOPMENT PROGRAMS

**COMMERCIAL SITE IMPROVEMENT GRANT** program provides a reimbursable grant to commercial property owners that upgrade their building façades, landscaping, lighting, loading and service areas and other features of their sites visible from the public right-of-way. An applicant may receive a one-for-one matching grant of up to \$20,000. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given to applications for properties located on the following commercial corridors in the CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South
- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

**COMMERCIAL BUILDING INTERIOR AND TENANT IMPROVEMENT GRANT** provides matching grants from the City's TIF contribution to commercial property owners for interior upgrades with a focus on projects that remedy degraded building systems and extend the economic viability of the building. An applicant may receive a one-for-one matching grant of up to \$20,000. Projects costing \$5,000 or less are not eligible for the program. Applicants with properties listed on the Local Register of Historic Places may be eligible for a matching grant of up to \$40,000 if the approved work is found compliant with the City of St. Petersburg Historic Preservation Ordinance. The grant is a reimbursement payable to the applicant upon completion of work. City and County TIF contributions can be used to fund this program. Priority will be given for applications for properties located on the following commercial corridors in the CRA:

- Dr. Martin Luther King, Jr. Street South
- 16<sup>th</sup> Street South
- 22<sup>nd</sup> Street South
- 34<sup>th</sup> Street North/South
- 49<sup>th</sup> Street North/South

- Central Avenue corridor (including 1<sup>st</sup> Avenue North and 1<sup>st</sup> Avenue South)
- 5<sup>th</sup> Avenue South
- 18<sup>th</sup> Avenue South

**NEIGHBORHOOD COMMERCIAL CORRIDOR PUBLIC PRIVATE PARTNERSHIP FUND (P3 Fund)** provides grant awards to projects that enhance established business districts by redeveloping properties, decreasing vacancy rates, adding to the tax base, creating jobs, leveraging private sector investment, and improving the quality of life for surrounding neighborhoods through removal of blight and revitalizing vacant or underutilized properties. The P3 Fund is a city-wide program supported by revenue from both the general fund and the City's TIF contribution to the South St. Petersburg Redevelopment Trust Fund. (Any project funded from the trust fund must be located in the CRA.) An applicant may receive up to \$50,000. Projects costing \$100,000 or less are not eligible for the program.

B. HOUSING AND NEIGHBORHOOD REVITALIZATION PROGRAMS

**AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENT PROGRAM** provides an annual property tax rebate for up to fifteen years on increases in ad valorem taxes for all applicable Pinellas County taxing authorities for developers of new and substantially renovated affordable multifamily housing in the CRA. The rebate, which must first be approved by the Agency and City Council, will be based on the increase in ad valorem taxes in the first year the completed project goes on the tax rolls. The maximum award is \$50,000 per project per year and both City and County TIF contributions will be used to fund the program. For the purposes of this program, "affordable housing" is defined as housing meeting the needs of households whose income is 80 percent or below the area median household income. The maximum income and rent levels for this program are based on the Florida Housing Finance Corporation's SHIP Program.

**RESIDENTIAL PROPERTY IMPROVEMENT GRANT** program reimburses approved applicants for eligible exterior and interior improvements on affordable or market-rate residential housing in the CRA. Emphasis will be placed on funding substantial renovations that upgrade vital building systems and sustain and extend the economic life of a structure. The grant program supplements the City's annual investment in the "Rebates for Residential Rehabilitation" (RRR) but is focused on incentivizing the substantial renovation of multifamily housing (defined as three or more units in a building) by increasing the total grant award allowed for these projects. An applicant may receive a reimbursable grant equaling the lesser of 20 percent of the pre-construction value of eligible improvements or up to \$10,000 per unit. The maximum award for a multifamily project is \$90,000. The program requires a minimum investment of \$10,000 toward eligible improvements per residential unit. City and County TIF contributions can be used for this program if used for an affordable project. Otherwise, only the City share is available. Affordable units must be maintained for at least five years.

**“PAINT YOUR HEART OUT” PROGRAM** provides funding to the City’s Neighborhood Team to help property owners in targeted areas of the CRA refurbish and refresh the exterior of their properties. The Program encourages collaboration with volunteers and non-profit and for-profit entities such as the CRA’s neighborhood associations and Main Streets, Habitat for Humanity, Leadership St. Petersburg, Dream Center and other entities to leverage the City’s TIF contribution. The funding amount will be determined annually and by budget amendment if necessary.

C. EDUCATION, JOB READINESS AND WORKFORCE DEVELOPMENT

**WORKFORCE READINESS AND DEVELOPMENT PROGRAM** provides annual funding to accredited educational and job training providers, such as Career Source, Pinellas Technical College and St. Petersburg College, to prepare CRA residents for job opportunities with emerging St. Petersburg jobs through training, education and job placement. The program is focused on linking CRA residents with job opportunities that will be created in the St. Petersburg Commerce Park as well as throughout the CRA.

D. TIF PROGRAMS AVAILABLE FOR ONE OR MORE BUDGET CATEGORIES

**CRA GRANT MATCH PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to provide a local matching share for federal, state foundation and other grant applications that would implement programs and strategies identified in the South St. Petersburg Redevelopment Plan. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.

**CRA PROPERTY ACQUISITION AND PREPARATION PROGRAM** utilizes City of St. Petersburg and Pinellas County TIF revenue contributions to acquire properties and consolidate and prepare development sites within the South St. Petersburg CRA to promote housing, economic development and revitalization of the CRA. The land assembly effort may also involve demolition of existing structures, vacating streets, alleyways and relocating associated utilities such as water, sewer and stormwater facilities. The use of Pinellas County funding to support this program will be consistent with the County’s June 2014 policy governing use of its TIF revenue. The funding amount will be determined annually or as opportunities arise and by budget amendment if necessary.

**REDEVELOPMENT LOAN PROGRAM** provides funding to a South St. Petersburg loan pool to support the lending efforts in the CRA by the City’s financial partners for CRA businesses and residents. The program, which will supplement the city-wide loan consortium program being assemble by City Development Administration, will use TIF and other City funds for bridge loans, microloans, subordinated long-term debt, loan guarantees and other financial vehicles to close financing gaps for projects to ensure they can be

bankable through conventional lenders. Emphasis will be placed on loans for purchase or improvements to real estate, expansion of business operations through increased hiring, expanded facility and replacement/improvements to capital plant, and working capital.

## **RECOMMENDATION**

Administration recommends that the Community Redevelopment Agency recommend City Council approve the attached Resolution.

Attachments: Budget Resolution with Exhibit 1 - FY2016-2020 Budget for the South St. Petersburg Redevelopment Trust Fund

A RESOLUTION OF THE ST. PETERSBURG COMMUNITY REDEVELOPMENT AGENCY RECOMMENDING THAT THE ST. PETERSBURG CITY COUNCIL APPROVE THE FY2016-2020 BUDGET FOR THE REDEVELOPMENT TRUST FUND OF THE SOUTH ST. PETERSBURG COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg City Council approved a Community Redevelopment Plan (Plan) for the South St. Petersburg CRA on May 21, 2015 (Ord. #169-H), which included establishment of a tax increment financing district and redevelopment trust fund for the entire 7.4-sq.mi. South St. Petersburg CRA;

WHEREAS, based on the increase in property values in the South St. Petersburg CRA in 2015, the district yielded \$487,369.58 in increment revenue that includes the City contribution of \$285,773.32 in its FY2016 Recommended Budget to the trust fund and a Pinellas County contribution of \$201,596.26 by April 15, 2016;

WHEREAS, the redevelopment program for the South St. Petersburg Plan utilizes an initial formula that allocates 50 percent of annual TIF revenues to Business Development programs, 40 percent to Housing and Neighborhood Revitalization programs, and 10 percent for Education, Job Readiness and Workforce Development programs, but also recognizes that the funding allocation percentages to the three programs can be changed over time to reflect City priorities; and

WHEREAS, on December 1, 2015, the Citizen Advisory Committee for the South St. Petersburg CRA unanimously voted to recommend that St. Petersburg Community Redevelopment Agency and City Council approve the FY2016-2020 budget for the CRA redevelopment trust fund with the program allocation percentages identified above.

NOW, THEREFORE, BE IT RESOLVED, that the St. Petersburg Community Redevelopment Agency recommends that City Council approve the FY2016-2020 budget for the Redevelopment Trust Fund of the South St. Petersburg Community Redevelopment Area (see Exhibit 1) allocating the tax increment financing revenue to the three budget categories in the following manner.

Business Development	\$243,685
Housing and Neighborhood Revitalization	\$194,948
Education, Job Readiness and Workforce Development	<u>\$48,737</u>
<b>Total FY2016 South St. Petersburg TIF Revenue</b>	<b>\$487,370</b>

NOW, THEREFORE, BE IT FURTHER RESOLVED, that any revisions to the above budget category funding allocations during the budget year will require approval by City Council after receiving a recommendation from the Community Redevelopment Agency.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CONTENT:

APPROVED BY:



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City Attorney (Designee)



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Dave Goodwin, Director  
Planning and Economic Development

# Exhibit 1

## FY2016-2020 Budget for South St. Petersburg CRA Redevelopment Trust Fund

Sources of Revenue	Targeted Allocation % (1)	Current Fiscal Year					Projected Budgets (FY2017 through FY2020)					Total (2016-20)	
		2016		2017		2018		2019		2020			
		Source	Allocation % (1)	St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas	St. Petersburg	Pinellas		
City and County Annual TIF Contributions			\$285,773	\$201,596	\$359,487	\$253,597	\$434,675	\$306,637	\$511,366	\$360,739	\$589,591	\$445,922	\$3,719,383
Total Annual Revenue			\$487,370	\$487,370	\$613,084	\$613,084	\$741,312	\$306,637	\$872,105	\$360,739	\$589,591	\$445,922	
Projected Cumulative Revenue Totals			\$487,370	\$487,370	\$1,100,453	\$1,100,453	\$1,841,765	\$1,841,765	\$2,713,870	\$2,713,870	\$3,719,383	\$3,719,383	
Projected AGR in Property Values			8.4% (actual)		2.0%		2.0%		2.0%		2.0%		
<b>Uses of TIF Revenue</b>													
<b>Business Development</b>													
Commercial Site Improvement Grant		50%	\$243,685		\$306,541.78		\$370,655.90		\$436,052.31		\$502,756.64		\$1,859,691
Neighborhood Commercial Corridor "P3" Fund													
Redevelopment Loan Program (2)													
CRA Property Acquisition and Preparation Program (2)													
Commercial Building Interior/Tenant Improvement Program													
Grant Match Program (2)													
<b>Education, Job Readiness &amp; Workforce Development</b>													
Workforce Readiness and Development Program		10%	\$48,737		\$61,308		\$74,131		\$97,210		\$100,551		\$371,938
Grant Match Program (2)													
<b>Housing and Neighborhood Revitalization</b>													
Affordable Multifamily Housing Development Program		40%	\$194,948		\$245,233		\$296,525		\$348,842		\$402,205		\$1,487,753
Residential Property Improvement Grants													
Grant Match Program (2)													
"Paint Your Heart Out"													
Redevelopment Loan Program (2)													
CRA Property Acquisition and Preparation Program (2)													
<b>Total Programs Budgeted</b>			\$487,370		\$613,084		\$741,312		\$872,105		\$1,005,513		\$3,719,383
<b>Total Funding Available</b>			\$487,370		\$613,084		\$741,312		\$872,105		\$1,005,513		\$3,719,383
<b>Balance</b>			\$0		\$0		\$0		\$0		\$0		\$0

(1) The "Targeted Allocation %" for each program is generally based on the percentages defined in Table A-1 of the South St. Petersburg Community Redevelopment Plan when it was approved on May 21, 2015. However, the Redevelopment Plan recognizes that the annual funding allocations may differ from those at adoption based on the funding priorities of the City and CAC.

(2) These TIF programs can be used for expenditures in one or more of the major budget categories: Pinellas County TIF Contributions New Available

**ST. PETERSBURG CITY COUNCIL**

**Consent Agenda**

**Meeting of February 4, 2016**

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

**Subject:** Approving an increase to the allocation for industrial maintenance and repair service agreements with Mader Electric, Inc. and Apollo Construction & Engineering Services, Inc. for the Water Resources Department in the amount of \$210,000, which increases the total contract amount to \$300,000.

**Explanation:** On December 1, 2014, Administration approved three-year agreements with Mader Electric, Inc. and Apollo Construction & Engineering Services, Inc. for industrial maintenance and repair. The agreements are effective through November 30, 2017 at a combined estimated annual amount \$90,000. The agreements were not previously approved by Council as the estimated annual amount was below the required approval threshold. Due to planned maintenance and repair projects, the forecasted amount is expected to exceed the original estimate, and the Council approval threshold, prior to end of contract term. Therefore an increase in the contract amount is requested.

The vendors provide general mechanical, electrical, welding, fabrication, and millwright services for water and wastewater facilities as well as supplemental services for rebuilding or replacing electromechanical equipment in the facilities. The vendor also provides services to perform any general maintenance projects that cannot be completed internally due to resource or capacity constraints.

The Procurement Department recommends approval:

Original 3 year Contract Sum	\$ 90,000
Allocation Increase	<u>210,000</u>
Revised Contract Sum	\$300,000

Amounts paid to vendors pursuant to these agreements shall not exceed a combined amount of \$300,000 through the term of the agreements.

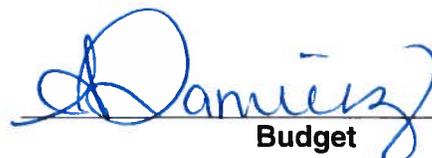
**Cost/Funding/Assessment Information:** Funds are available in the General Fund (0001), Recreation & Cultural Capital (3029), Water Resources (4001), and Municipal Office Buildings (5005).

**Attachments:** Resolution

**Approvals:**



**Administrative**



**Budget**

A RESOLUTION APPROVING AN INCREASE TO THE ALLOCATION IN THE INDUSTRIAL MAINTENANCE AND REPAIR SERVICE AGREEMENTS FOR THE WATER RESOURCES DEPARTMENT, WITH MADER ELECTRIC, INC. AND APOLLO CONSTRUCTION & ENGINEERING SERVICES, INC., IN THE AMOUNT OF \$210,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$300,000; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 1, 2014 the Administration approved three-year agreements with Mader Electric, Inc. and Apollo Construction & Engineering Services, Inc. for industrial maintenance and repair services effective through November 30, 2017; and

WHEREAS, due to a significant volume of deferred projects with schedule commitments, cost will exceed the original estimate prior to the end of the term of the agreements; and

WHEREAS, the amount approved by the Administration was below the threshold required for City Council approval; and

WHEREAS, an increase in the amount of the allocation requires City Council approval; and

WHEREAS, the Procurement & Supply Management Department recommends approval of an increase to the allocation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that an increase to the allocation in the industrial maintenance and repair service agreements for the Water Resources Department, with Mader Electric, Inc. and Apollo Construction & Engineering Services, Inc., in the amount of \$210,000 for a total amount not to exceed \$300,000 is hereby approved and the Mayor or the Mayor's designee is authorized to execute all documents necessary to effectuate this transaction.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of February 4, 2016**

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

**Subject:** Renewing a blanket purchase agreement with Resource Efficiency Solutions, Inc. for induction and LED lighting replacement parts at an estimated annual amount of \$50,000.

**Explanation:** On February 21, 2013 City Council approved a one-year agreement for lighting replacement parts through February 28, 2014, with three one-year renewal options. On December 5, 2013 and February 19, 2015 respectively, City Council approved one-year renewals. This is the final renewal.

The vendor provides induction and LED light replacement parts required to maintain the existing acorn, cobra head, and hat box style street lighting fixtures. The parts are installed without removal of the existing fixture on the pole; are interchangeable with existing units; and are fully compatible with the utility version of Granville Premier and Washington Postlite Acrylic Prismatic, King Luminaire, Beacon Products and American Electric Lighting cobra head fixtures. In addition, the vendor will provide induction and LED parts for various directional flood, high bay, parking garage and façade style lighting fixtures installed by the city.

The primary users are Engineering and Capital Improvements, Public Works, Fleet Management, and Parks & Recreation departments.

The Procurement Department recommends for renewal:

Resource Efficiency Solutions, Inc. (SBE) ..... \$50,000

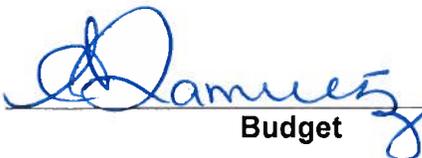
Resource Efficiency Solutions, Inc. (SBE) has agreed to hold prices firm under the terms and conditions of IFB No. 7418 dated December 14, 2012. Administration recommends renewal of the agreement based upon the vendor's past satisfactory performance, demonstrated ability to comply with the terms and conditions of the contract, and no requested increase in unit price. The renewal will be effective from date of approval through February 28, 2017.

**Cost/Funding/Assessment Information:** Funds have been previously appropriated in the General Fund (0001), Parks & Recreation Department (190), Neighborhood and Citywide Infrastructure CIP Fund (3027), Weeki Wachee Capital Improvements (3041), and the Recreation and Culture Capital Improvements Fund (3029).

**Attachments:** Resolution

**Approvals:**

  
\_\_\_\_\_ **Administrative**

  
\_\_\_\_\_ **Budget**

A RESOLUTION APPROVING THE THIRD AND FINAL ONE-YEAR RENEWAL OPTION OF AN AGREEMENT (BLANKET) WITH RESOURCE EFFICIENCY SOLUTIONS INC. FOR INDUCTION AND LED LIGHTING REPLACEMENT PARTS AT A TOTAL COST NO TO EXCEED \$50,000 FOR THE ENGINEERING AND CAPITAL IMPROVEMENTS, PUBLIC WORKS, FLEET MANAGEMENT, AND PARKS & RECREATION DEPARTMENTS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On February 21, 2013 City Council approved the award of a one-year agreement with three one-year renewal options to Resource Efficiency Solutions Inc. for induction and LED lighting replacement parts pursuant to RFP No. 7418 dated December 14, 2012; and

WHEREAS, on December 5, 2013 City Council approved the first one-year renewal option to the Agreement; and

WHEREAS, on February 19, 2015 City Council approved the second one-year renewal option to the Agreement; and

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

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Engineering and Capital Improvements, Public Works, Fleet Management, and Parks & Recreation departments recommend renewal of this Agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the third and final one-year renewal option of the Agreement with Resource Efficiency Solutions Inc. for induction and LED lighting replacement parts at a total cost not to exceed \$50,000 for the Engineering and Capital Improvements, Public Works, Fleet Management, and Parks & Recreation departments is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this Agreement will be effective through February 28, 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 February 4, 2016

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

**SUBJECT:** A resolution acknowledging the selection of American Infrastructure Development, Inc. and Michael Baker International, Inc. to provide miscellaneous professional engineering services for Albert Whitted Airport Projects for the City of St. Petersburg ("City"); authorizing the Mayor or his designee to execute the City's standard form architect/engineering agreement; and providing an effective date.

**EXPLANATION:** On January 6, 2016, the Consultant Selection Committee selected the firms of American Infrastructure Development, Inc. and Michael Baker International, Inc. to provide miscellaneous professional architect/engineering services for Albert Whitted Airport Projects for the City.

Professional A/E services for projects may include studies and evaluations; technical investigations; permitting and compliance with Federal, State and City regulations; system planning including new and updating existing master plans and/or facility plans; program development; environmental evaluations; designs (conceptual, preliminary, detailed); preparation of bid and construction documents; project bidding assistance; services during construction; review and/or update previously prepared plans and reports; review of various agreements between the City and its' customers, suppliers and consultants; assistance with obtaining governmental grants and loans (FAA, FDOT, and others); expert witness testimony, preparation and legal/litigation assistance services; attendance and/or presentations at City Council meetings, public meetings and workshops; assistance in development of project renderings and exhibits, etc.; subconsultant and/or subcontractors administrative services; quality control/quality management; surveying; subsurface investigations; materials testing; noise studies; intermodal facility planning; management, operations and marketing studies; provide assistance with regulatory compliance and general consulting; provide services related to energy reduction and conservation; provide services related to fuel, chemicals and/or regulated substances; provide financial services; provide services related to facility security; and professional specialty services (airport engineering, environmental engineering, civil/sanitary engineering, electrical engineering, mechanical engineering, structural engineering, architecture, landscape architecture, computer/SCADA/instrumentation engineering, hydraulic engineering and geotechnical). The consultant will be expected to provide services as requested for various airport projects on a continuing contract basis as funding becomes available.

The consultant's services under this agreement will be described in task orders. Each task order, after Council Approval (if required) and execution, shall become a supplement to and a part of the A/E Agreement with the firm. The A/E Agreement is for one (1) year,

and shall automatically renew for three (3) additional one (1) year periods unless otherwise terminated by either party, or until each authorized task order has been completed.

**RECOMMENDATION:** Administration recommends acknowledging the selection of American Infrastructure Development, Inc. and Michael Baker International, Inc. to provide miscellaneous professional architect/engineering services for Albert Whitted Airport Projects for the City of St. Petersburg ("City"); and authorizing the Mayor or his designee to execute the City's standard form architect/engineering agreement; and providing an effective date.

**COST/FUNDING/ASSESSMENT INFORMATION:** Funds for these services are generated from funded projects and programs, and user agencies, or will be appropriated at the time a task order is approved by City Council.

**ATTACHMENTS:** Resolution

APPROVALS: Hermando B. Auler  
Administrative

DEVIRIS C. Fuller 1-14-  
Budget

RESOLUTION NO. 2016- \_\_\_\_\_

A RESOLUTION ACKNOWLEDGING THE SELECTION OF AMERICAN INFRASTRUCTURE DEVELOPMENT, INC. AND MICHAEL BAKER INTERNATIONAL, INC. TO PROVIDE MISCELLANEOUS PROFESSIONAL ARCHITECT/ENGINEERING SERVICES FOR ALBERT WHITTED AIRPORT PROJECTS FOR THE CITY OF ST. PETERSBURG ("CITY"); AUTHROIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE CITY'S STANDARD FORM ARCHITECT/ENGINEERING AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Engineering and Capital Improvements Department issued a request for qualifications ("RFQ") in accordance with the requirements set forth in Florida Statute §287.055 (the Consultant's Competitive Negotiation Act) to engage the most qualified firms to provide miscellaneous professional architect/engineering services for Albert Whitted Airport Projects for the City of St. Petersburg ("City"); and

WHEREAS, the Selection Committee selected American Infrastructure Development, Inc. and Michael Baker International, Inc., as the most qualified firms; and

WHEREAS, the most qualified firms selected pursuant to the RFQ process are required to execute the City's standard form architect/engineering agreement ("A/E Agreement"); and

WHEREAS, the A/E Agreement is for one (1) year and shall automatically renew for three (3) additional one (1) year period unless otherwise terminated by either party; and

WHEREAS, firms American Infrastructure Development, Inc. and Michael Baker International, Inc. have agreed to the terms and conditions set forth in the A/E Agreement; and

WHEREAS, from time to time the City issues task orders to such firms to perform miscellaneous professional architect/engineering services in accordance with the terms and conditions of the A/E Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the selection of American Infrastructure Development, Inc. and Michael Baker International, Inc., to provide miscellaneous professional architect/engineering services for Albert Whitted Airport Projects for the City of St.

Petersburg is hereby acknowledged.

BE IT RESOLVED that the Mayor or his designee is authorized to execute the City's standard form architect/engineering agreement.

This resolution shall become effective immediately upon its adoption.

Approved by:

Maury M  
Legal Department  
By: (City Attorney or Designee)

Approved by:

Thomas B. Gibson  
Thomas B. Gibson, P.E.  
Engineering Director

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**  
**Meeting of February 4, 2016**

**TO:** City Council Chair & Members of City Council

**SUBJECT:** City Council Minutes

**EXPLANATION:** Approving the City Council minutes of November 12, November 16, and November 23, 2015 City Council meetings.

A RESOLUTION APPROVING THE MINUTES  
OF THE CITY COUNCIL MEETINGS HELD  
ON NOVEMBER 12, NOVEMBER 16, AND  
NOVEMBER 23, 2015; AND PROVIDING AN  
EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the minutes of the City Council meetings held on November 12, November 16, and November 23, 2015 are hereby approved.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM  
AND SUBSTANCE:

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City Attorney or Designee

# COUNCIL MEETING

Municipal Building  
175-5<sup>th</sup> Street North  
Second Floor Council Chamber

CITY OF ST. PETERSBURG

## REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

Thursday, November 12, 2015, AT 8:30 A.M.

\*\*\*\*\*

Chair Charles Gerdes called the meeting to order with the following members present: Charles Gerdes, Darden Rice, Steven Kornell, Karl Nurse, Wengay M. Newton, Sr., Bill Dudley, James R. Kennedy, Jr., and Amy Foster. City Administrator Gary Cornwell, City Attorney Jacqueline Kovilaritch, Chief Assistant City Attorney Jeannine Williams, City Clerk Chan Srinivasa and Deputy City Clerk Patricia Beneby were also in attendance. Absent: None

A moment of silence was observed to remember the following fallen officers of the St. Petersburg Police Department that were killed in the line of duty in the month of November:

Officer Gene A. Bessette – November 10, 1961.

In connection with the approval of the meeting agenda, Councilmember Newton moved with the second by Councilmember Dudley that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes as amended:

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with the approval of the Consent Agenda Councilmember Rice moved with a second by Councilmember Newton that the following resolutions be adopted approving the attached Consent Agenda.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with the Open Forum portion of the agenda, the Chair asked if there were any person(s) that wished to be heard. The following person(s) came forward:

1. Annie Franklin spoke regarding damage done to her house by the St. Petersburg Fire Department. She went on to explain that she houses foster children at her residence, and that the damage is threatening to null her license.

Chair Gerdes suggested an appropriation of \$1,000.00 to repair Ms. Franklin's home. The chair asked if there were any persons wishing to speak regarding the appropriation of funds. The following person(s) came forward:

1. Linda Phillips, 5872 31<sup>st</sup> Avenue North, spoke regarding her experience with N-Team, and stated that they are capable of making the full repairs.
2. Gregory Roll, 521 26<sup>th</sup> Avenue South, suggested the appropriation be increased to \$1,500.00.
3. Dr. John Johnson, 31790 US 19 North, Palm Harbor, offered to pay for the damages should there be any issues.

Councilmember Rice moved with a second by Councilmember Dudley that the following resolution be adopted relating to Open Forum.

2015-533      A RESOLUTION OF THE CITY COUNCIL OF ST. PETERSBURG, FLORIDA APPROVING AN APPROPRIATION NOT TO EXCEED \$1,000 TO REPAIR DAMAGE CAUSED BY THE CITY TO THE HOME OF ANNIE FRANKLIN; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nayas. None. Absent. None.

Open forum recommenced after the vote was taken.

1. Alfonso Nixon, spoke regarding racial discrimination within the City of St. Petersburg.
2. Stephen Fuller, 540 Trinity Lane North, spoke in opposition to the moving of the Williams Park bus stations.
3. Petya Getsova, 5307 74<sup>th</sup> Place East, spoke regarding the lack of foreign language services offered in St. Petersburg.
4. Winthrop Newton spoke in favor of the expansion of the CRA boundaries.
5. Sheila Scott Griffin spoke in favor of the expansion of the CRA boundaries.
6. Dan Harvey spoke regarding the plans for the Pier Park, Rays Stadium, and PSTA.
7. Robert Fields spoke in opposition to the Curbside recycling program.
8. Dana Lundmark, 226 6<sup>th</sup> Street South, spoke in opposition to the removal of the bus hubs from Williams Park.
9. Travis Norton, 100 2<sup>nd</sup> Avenue North, spoke in favor or removing the bus hubs from Williams Park.
10. Mary Cash, 540 2<sup>nd</sup> Avenue South #1408, spoke in favor of deferring the decision to move the bus hubs from Williams Park.

In connection with awards and presentations, Florida Holocaust Museum Executive Director Elizabeth Gilman gave a short presentation regarding the Florida Holocaust Museum Civil Rights Movement Exhibit. No action was taken.

In connection with awards and presentations, Councilmember Newton read a proclamation recognizing Ingrid Comberg for her lifelong efforts in crime prevention and neighborhood activism. No action was taken.

In connection with awards and presentations, Fluoridation Action Team Co-Chair Dr. Johnny Johnson gave a presentation recognizing the City of St. Petersburg for receiving the Water Fluoridation Quality Award. No action was taken.

In connection with awards and presentations, Chair Gerdes introduced The Diversity Initiative CEO John Pribanic, who gave a PowerPoint presentation regarding the agency's mission and current projects. The Chair asked if there were any person(s) present wishing to be heard, and the following person(s) came forward:

1. Theresa Lassiter spoke to her concerns of discrimination in St. Petersburg and suggested a future partnership.

No action was taken.

In connection with awards and presentations, Councilmember Kornell introduced Tristan Byrnes, and gave a presentation recognizing Transgender Day of Remembrance. The Chair asked if there were any person(s), present wishing to be heard. The following person(s) came forward:

1. Theresa Lassiter spoke regarding Transgender Day of Remembrance, and would prefer the attention and funds go to impoverished areas of South St. Petersburg.
2. Mary Cash spoke in support of Transgender Day of Remembrance.

No action was taken.

In connection with reports, Councilmember Rice introduced PSTA CEO Brad Miller. Mr. Miller gave a presentation regarding the relocation of bus hubs from Williams Park. The Chair asked if there were any person(s) wishing to be heard, and the following person(s) came forward:

1. Reggie Craig, 5100 29<sup>th</sup> Avenue North, spoke on behalf of Celebrate Outreach, regarding his opposition to the movement of the bus hubs from Williams Park.
2. Theresa Lassiter spoke regarding concerns of hub placement, and bus access to seniors.

Councilmember Rice moved with the second by Councilmember Kennedy that the following resolution be adopted:

2015-534      A RESOLUTION OF THE CITY COUNCIL OF ST. PETERSBURG, FLORIDA SUPPORTING THE PINELLAS SUNCOAST TRANSIT AUTHORITY HUB TO GRID PLAN; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Naves. None. Absent. None.

The Chair recessed the meeting at 11:37 a.m. for a short break..

The Chair reconvened the meeting at 12:01 p.m. and began the meeting with item E-1 regarding restrictions of the JPA agreement for the Hangar #2 Project at Albert Whitted Airport.

In connection with public hearings, the Clerk read the title of proposed Ordinance 199-H. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Nurse moved with the second by Councilmember Dudley that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 199-H, entitled:

**PROPOSED ORDINANCE NO. 199-H**

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 HANGAR #2 PROJECT (PROJECT #14679), 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 \$1,600,000; AUTHORIZING A PROJECT SCOPE AND NAME CHANGE BY THE MERGING OF THE AIRPORT HANGAR #2 PROJECT (PROJECT #14679) INTO THE SOUTHWEST HANGAR REDEVELOPMENT PROJECT (#14168); AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE;

PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

be adopted on second and final reading.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Naves. None. Absent. None.

In connection with public hearings, the Clerk read the title of proposed Ordinance 200-H. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Dudley moved with the second by Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 200-H, entitled:

**PROPOSED ORDINANCE NO. 200-H**

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 RUNWAY 7/25 EXTENSION FEASIBILITY STUDY (PROJECT #TBD, 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 \$40,000; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$40,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL PROJECTS FUND (4033) RESULTING FROM THE GRANT; APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE 20% MATCH OF \$10,000 FROM THE UNAPPROPRIATED FUND BALANCE OF THE

AIRPORT CAPITAL PROJECTS FUND (4033) TO THE RUNWAY 7/25 EXTENSION FEASIBILITY STUDY (PROJECT #TBD); AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

be adopted on second and final reading.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Naves. None. Absent. None.

In connection with new ordinances, the Clerk read the title of proposed Ordinance 202-H. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Nurse moved with the second by Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that setting November 23, 2015 as the public hearing date for the following proposed Ordinance(s):

**PROPOSED ORDINANCE NO. 202-H**

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE; CHANGING THE USE MATRIX RELATING TO PERMITTED USES; AMENDING USE SPECIFIC DEVELOPMENT STANDARDS FOR STORAGE, SELF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Naves. None. Absent. None.

The Chair recessed the meeting at 12:57 p.m. for a lunch break..

The Chair reconvened the meeting at 1:43 p.m. and began the meeting with item F-1 regarding the Land Use and Transportation Report.

In connection with the Land Use and Transportation report, Councilmember Rice moved with the second by Councilmember Kennedy that the following resolution be adopted:

2015-534 A RESOLUTION OF THE CITY COUNCIL OF ST. PETERSBURG, FLORIDA SUPPORTING THE PINELLAS SUNCOAST TRANSIT AUTHORITY HUB TO GRID PLAN; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Naves. None. Absent. None.

In connection with the Land Use and Transportation report, Councilmember Kennedy moved with the second by Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Land Use and Transportation report presented by Councilmember Kennedy.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Naves. None. Absent. None.

In connection with reports, City Development Director Chris Ballestra gave a presentation regarding a Firestone Grand Prix update. The Chair asked if there were any person(s) wishing to be heard, and the following person(s) came forward:

1. Theresa Lassiter spoke in favor of the Grand Prix in St. Petersburg.

Councilmember Dudley moved with the second by Councilmember Rice that the following resolution be adopted:

2015-535 A RESOLUTION APROVING THE EIGHTH AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND GREEN SAVOREE ST. PETERSBURG, LLC FOR THE CONDUCT OF PROFESSIONAL AUTOMOBILE RACING IN DOWNTOWN ST. PETERSBURG; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE EIGHTH AMENDMENT; AUTHORIZING THE CITY ATTORNEY TO MAKE NON-SUBSTANTIVE CHANGES TO THE EIGHTH AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Dudley. Rice. Kornell. Naves. Kennedy. Absent. None.

In connection with reports, Chief Holloway gave a presentation regarding Forfeiture Fund Program Projects awarded as a part of the FY 2015 Law Enforcement Trust Fund Grant Award Program. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Newton moved with the second by Councilmember Nurse that the following resolution be adopted:

2015-536 A RESOLUTION APPROVING THIRTY-FOUR (34) FORFEITURE FUND PROGRAM/PROJECTS AWARDED AS A PART OF THE 2015 LAW ENFORCEMENT TRUST FUND GRANT AWARD PROGRAM; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AGREEMENTS AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE AWARDS; AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$100,000 FROM THE UNAPPROPRIATED BALANCE OF THE LAW ENFORCEMENT FUND (1023) TO THE POLICE DEPARTMENT, LOCAL LAW ENFORCEMENT STATE TRUST (140-2857) TO FULLY FUND THE AWARDS; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nayas. None. Absent. None.

In connection with the Tampa Bay Water report, Councilmember Nurse moved with the second by Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Tampa Bay Water report presented by Councilmember Nurse.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nayas. None. Absent. None.

In connection with reports, City Clerk Chandrasaha Srinivasa gave a presentation regarding the results of the General Election held on November 3, 2015. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Newton moved with the second by Councilmember Nurse that the following resolution be adopted:

2015-537 A RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTIONS HELD ON NOVEMBER 3, 2015; DECLARING THE ELECTED COUNCILMEMBER FOR DISTRICT 3; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with reports, Economic Development Manager Sophia Sorolis gave a presentation regarding Project B5022462378 approval as a Qualified Target Industry Business. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Kennedy moved with the second by Councilmember Newton that the following resolution be adopted:

2015-538 A RESOLUTION RECOMMENDING THAT PROJECT B5022462378 (“PROJECT”), A CONFIDENTIAL PROJECT, PURSUANT TO SECTION 288.075, FLORIDA STATUTES BE APPROVED AS A QUALIFIED TARGET INDUSTRY (“QTI”) BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES WITH AN AVERAGE PRIVATE SECTOR WAGE COMMITMENT CALCULATION BASED ON 150% OF THE AVERAGE STATE OF FLORIDA WAGE; FINDING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR THE PROJECT EXIST; COMMITTING \$16,000 AS THE CITY’S SHARE OF THE LOCAL FINANCIAL SUPPORT FOR THE PROJECT BEGINNING IN STATE FY 2017, SUBJECT TO APPROPRIATION AND CONDITIONED ON THE PROJECT MEETING STATUTORY REQUIREMENTS; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with reports, Economic Development Manager Sophia Sorolis gave a presentation regarding Project B5051443633 approval as a Qualified Target Industry Business. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Kennedy moved with the second by Councilmember Newton that the following resolution be adopted:

2015-539 A RESOLUTION RECOMMENDING THAT PROJECT B5051443633 (“PROJECT”), A CONFIDENTIAL PROJECT, PURSUANT TO SECTION 288.075, FLORIDA STATUTES BE APPROVED AS A QUALIFIED TARGET INDUSTRY (“QTI”) BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES WITH AN AVERAGE PRIVATE SECTOR WAGE COMMITMENT CALCULATION BASED ON 115% OF THE AVERAGE STATE OF FLORIDA WAGE; FINDING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR THE PROJECT EXIST; COMMITTING \$13,500 AS THE CITY’S SHARE OF THE LOCAL FINANCIAL SUPPORT FOR THE PROJECT BEGINNING IN STATE FY 2017, SUBJECT TO APPROPRIATION AND CONDITIONED ON THE PROJECT MEETING STATUTORY REQUIREMENTS; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with reports, Transportation Director Evan Mory gave a presentation regarding the Complete Streets Program. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Kennedy moved with the second by Councilmember Rice that the following resolution be adopted:

2015-540 A RESOLUTION SUPPORTING THE COMPLETE STREETS PROGRAM; PROVIDING THAT IT IS THE CITY'S INTENT THAT ALL APPROPRIATE SOURCES OF FUNDING, INCLUDING CITY, COUNTY, STATE AND FEDERAL SOURCES ARE DRAWN UPON TO IMPLEMENT THE COMPLETE STREETS PROGRAM; INSTRUCTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

The Chair recessed the meeting at 3:50 p.m. for a short break..

The Chair reconvened the meeting at 4:02 p.m. and began the meeting with item F-8 regarding the Individual Artist Grant Awards Program.

In connection with reports, Cultural Affairs Director Wayne Atherholt gave a presentation regarding the Individual Artist Grant Awards Program. The Chair asked if there were any person(s) wishing to be heard, there was no response. No action was taken.

In connection with reports, Cultural Affairs Director Wayne Atherholt introduced St. Pete Arts Alliance Executive Director John Collins, who gave a presentation regarding SHINE: The St. Petersburg Mural Festival. The Chair asked if there were any person(s) wishing to be heard, there was no response. No action was taken.

In connection with the Homeless Leadership Board report, The Chair asked if there were any person(s) wishing to be heard. The following persons submitted cards, but did not wish to speak:

1. Theresa Lassiter indicated that she was highly against the Homeless Leadership Board housing screening criteria change.

Councilmember Foster moved with the second by Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Homeless Leadership Board report presented by Councilmember Foster.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with reports, Housing and Community Development Director Joshua Johnson gave a presentation regarding a Community Development Block Grant Contractor Agreement with the Young Women's Christian Association of Tampa Bay, Inc. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Kennedy moved with the second by Councilmember Newton that the following resolution be adopted:

2015-541 A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A TERMINATION OF AGREEMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTOR AGREEMENT DATED JULY 23, 1997, AND AMENDED ON NOVEMBER 30, 1997 BETWEEN THE CITY AND THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION ("YWCA") OF TAMPA BAY, INC. ("YWCA"); TO CANCEL THE PROMISSORY NOTE IN THE AMOUNT OF \$300,000, EXECUTED BY THE YWCA ON MARCH 3, 1998 AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with reports, Transportation Director Evan Mory gave a presentation regarding the purchase of pay-by-credit card parking meter mechanisms and related services. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Newton moved with the second by Councilmember Kornell that the following resolution be adopted:

2015-542 A RESOLUTION APPROVING THE AWARD OF AN AGREEMENT TO IPS GROUP INC. FOR PAY-BY-CREDIT-CARD PARKING METER MECHANISMS AND RELATED SERVICES AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$250,610 FOR THE PARKING AND TRANSPORTATION DEPARTMENT UTILIZING CITY OF ORLANDO CONTRACT 14-0312; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AUTHORIZING A TRANSFER OF \$55,310 FROM THE DOWNTOWN PARKING CIP FUND (3073) PROJECT 14669 TO THE UNAPPROPRIATED BALANCE OF THE PARKING OPERATING FUND (1021); AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$55,310 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE PARKING OPERATING FUND

(1021) RESULTING FROM THE TRANSFER TO THE TRANSPORTATION AND PARKING MANAGEMENT DEPARTMENT, PARKING FACILITIES MANAGEMENT (2811245); AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with reports, Downtown Enterprise Facilities Director Clay Smith gave a presentation regarding a First Amendment to the Lease Agreement with Michael's Extraordinary Desserts, Inc. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Kennedy moved with the second by Councilmember Kornell that the following resolution be adopted:

2015-543 A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH MICHAEL'S EXTRAORDINARY DESSERTS, INC., A FLORIDA CORPORATION ("TENANT"), FOR THE USE OF SPACE LOCATED AT 1961 FOURTH STREET NORTH, ST. PETERSBURG, WITHIN THE CITY-OWNED SUNKEN GARDENS BUILDING, AMENDING THE TENANT'S FINANCIAL RESPONSIBILITY FOR REPAIRS; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with reports, City Architect Manager Raul Quintana gave a presentation regarding the Selection Committee's final ranking for the Pier Approach Design and Construction Administration services.. The Chair asked if there were any person(s) wishing to be heard, and the following person(s) came forward:

1. Theresa Lassiter spoke in opposition to the Pier Approach as a construction project separate from the Pier Head.

Councilmember Kennedy moved with the second by Councilmember Rice that the following resolution be adopted:

2015-544 A RESOLUTION ACKNOWLEDGING THE SELECTION COMMITTEE'S FINAL RANKING FOR THE PIER APPROACH DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO NEGOTIATE AN ARCHITECT/ ENGINEERING AGREEMENT ("A/E AGREEMENT") WITH THE FIRST RANKED FIRM, WHICH A/E AGREEMENT IS SUBJECT TO CITY COUNCIL APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

The Chair recessed the meeting at 5:27 p.m. for a short break..

The Chair reconvened the meeting at 5:35 p.m. and began the meeting with item G-1 regarding City-initiated amendments to the St. Petersburg City Code.

In connection with new ordinances, the Clerk read the title of proposed Ordinance 203-H. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Newton moved with the second by Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that setting November 23, 2015 as the public hearing date for the following proposed Ordinance(s):

**PROPOSED ORDINANCE NO. 203-H**

AN ORDINANCE OF THE CITY OF ST. PETERSBURG PROVIDING FOR THE AMENDMENT OF THE ST. PETERSBURG CITY CODE LAND DEVELOPMENT REGULATIONS; ADDING THE SOUTH ST. PETERSBURG COMMUNITY REDEVELOPMENT AREA; CHANGING CERTAIN MINIMUM PARKING REQUIREMENTS; PROVIDING THAT PROPERTY OCCUPANTS ARE RESPONSIBLE FOR MAINTENANCE OF FENCES, WALLS AND HEDGES; CHANGING FENCE REQUIREMENTS ON PROPERTY ABUTTING NEIGHBORHOOD COLLECTOR STREETS; REQUIRING SHORT AND LONG TERM PARKING SPACES TO BE PROVIDED ON SITE FOR VARIOUS USES; ESTABLISHING ADDITIONAL STANDARDS AND REQUIREMENTS FOR BICYCLE PARKING SPACES; PROVIDING FOR A PAYMENT IN LIEU OF PROVIDING BICYCLE PARKING; REQUIRING BUFFERING FOR OUTDOOR PET PENS AND RUNS; INCREASING THE INTENSITY (FAR) FOR OFFICE, MANUFACTURING, LABORATORIES AND RESEARCH AND DEVELOPMENT USES IN THE TARGET EMPLOYMENT CENTER OVERLAY AREAS; ESTABLISHING THE MAXIMUM FAR FOR NONRESIDENTIAL USES IN THE EMPLOYMENT CENTER ZONING DISTRICT OUTSIDE OF ACTIVITY CENTERS; LIMITING APPEALS TO PROPERTY OWNERS FOR LOT LINE ADJUSTMENTS AND LOT

SPLITS; MAKING INTERNAL LANGUAGE, TABLES AND CHARTS CONSISTENT; CODIFYING INTERPRETATIVE LANGUAGE AND CLARIFICATIONS; CORRECTING TYPOGRAPHICAL, GRAMMATICAL AND SCRIVENERS ERRORS; REMOVING OBSOLETE LANGUAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with new ordinances, the Clerk read the title of proposed Ordinance 094-HL. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Kornell moved with the second by Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that setting November 23, 2015 as the public hearing date for the following proposed Ordinance(s):

**PROPOSED ORDINANCE NO. 094-HL**

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING THE ACHESON-MACKEY HOUSE (LOCATED AT 3900 DR. M.L. KING JR. STREET NORTH) AS A LOCAL LANDMARK AND ADDING THE PROPERTY TO THE LOCAL REGISTER PURSUANT TO SECTION 16.30.070, CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. Nurse. Absent. Dudley.

In connection with new ordinances, the Clerk read the title of proposed Ordinance 204-H. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Newton moved with the second by Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that setting November 23, 2015 as the public hearing date for the following proposed Ordinance(s):

**PROPOSED ORDINANCE NO. 204-H**

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(3), ST. PETERSBURG CITY CHARTER, AUTHORIZING THE GRANT OF A PUBLIC UTILITY

EASEMENT TO DUKE ENERGY FLORIDA, INC., D/B/A DUKE ENERGY, A FLORIDA CORPORATION, FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE FOR IMPROVEMENTS ASSOCIATED WITH THE FACILITIES WITHIN THE CITY-OWNED TWIN BROOKS GOLF COURSE LOCATED AT 3800 - 22ND AVENUE SOUTH, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nays. None. Absent. Dudley.

In connection with new business, the Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Nurse moved with the second by Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to the Budget, Finance and Taxation Committee for consideration to consider a uniform fee schedule for impact or redevelopment fees across the City.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nays. None. Absent. Dudley.

In connection with new business, the Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Newton moved with the second by Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to the Energy, Natural Resources and Sustainability Committee for consideration to request use of BP funds to put solar panels on City facilities.

Roll Call. Ayes. Newton. Foster. Rice. Nays. Nurse. Gerdes. Kennedy. Kornell. None. Absent. Dudley. MOTION FAILED.

In connection with new business, the Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Newton moved with the second by Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council request that City Administration and the Administration of Pinellas County evaluate modifying the boundaries of the South St. Petersburg Community Redevelopment Area to include the Tropicana Field Site.

Roll Call. Ayes. Newton. Kornell. Naves. Foster. Rice. Nurse. Gerdes. Kennedy. None. Absent. Dudley. MOTION FAILED.

In connection with the Energy, Natural Resources and Sustainability Committee report, Councilmember Rice moved with the second by Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Energy, Natural Resources and Sustainability Committee report presented by Councilmember Rice.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with the Joint Budget, Finance & Taxation and Public Services & Infrastructure Report, Councilmember Kennedy moved with the second by Councilmember Rice that the following resolution be adopted:

2015-545 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING RESOLUTION NO. 2014-444 WHICH AUTHORIZED THE ISSUANCE OF A NON-AD VALOREM REVENUE NOTE, SERIES 2014 OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,500,000 TO FINANCE THE ACQUISITION OF CONTAINERS AND TRUCKS AS PART OF THE CITY'S RECYCLING PROGRAM TO PROVIDE THAT SUCH CONTAINERS AND TRUCKS MAY ALSO BE USED AS PART OF THE CITY'S SOLID WASTE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

Councilmember Kennedy moved with the second by Councilmember Kornell that the following resolution be adopted:

2015-546 A RESOLUTION APPROVING THE RECOMMENDATION OF THE BUDGET, FINANCE, AND TAXATION AND PUBLIC SERVICES AND INFRASTRUCTURE COMMITTEES TO REQUEST THAT ADMINISTRATION PROVIDE THE COST TO EXPAND THE SCOPE OF THE CURRENT WASTEWATER COLLECTION SYSTEM STUDY TO INCLUDE THE COST OF GETTING PEAK FLOWS BELOW A LEVEL THAT

PROTECTS THE CITY FROM EXTREME WET WEATHER EVENTS AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

Councilmember Kennedy moved with the second by Councilmember Nurse that the following resolution be adopted:

2015-547 A RESOLUTION APPROVING THE RECOMMENDATION OF THE BUDGET, FINANCE, AND TAXATION AND PUBLIC SERVICES AND INFRASTRUCTURE COMMITTEES TO REQUEST THAT ADMINISTRATION PROVIDE DETAILS TO CITY COUNCIL REGARDING THE ST. PETERSBURG TO TAMPA FERRY AND BELLOWS RESEARCH VESSEL PROPOSALS FOR EXPENDITURE OF BP SETTLEMENT FUNDS AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with the Joint Budget, Finance & Taxation and Public Services & Infrastructure Report, Councilmember Kennedy moved with the second by Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Joint Budget, Finance & Taxation and Public Services & Infrastructure Report presented by Councilmember Kennedy.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with the Committee of the Whole report, Councilmember Rice moved with the second by Councilmember Nurse that the following resolution be adopted:

2015-548 A RESOLUTION APPROVING THE RECOMMENDATION OF THE COMMITTEE OF THE WHOLE TO PROVIDE FUNDING FOR A FEASIBILITY STUDY, EVALUATION OF THE SITE AND COST ANALYSIS FOR THE MEADOWLAWN COMMUNITY GARDEN PROJECT FROM WEEKI WACHEE FUNDS; APPROVING A TRANSFER IN THE AMOUNT OF \$25,000 FROM THE UNAPPROPRIATED BALANCE OF THE WEEKI WACHEE OPERATING FUND (1041) TO THE WEEKI WACHEE CAPITAL PROJECTS FUND (3041); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$25,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE WEEKI WACHEE CAPITAL PROJECTS FUND RESULTING FROM THIS TRANSFER IN THE AMOUNT

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OF \$25,000 TO THE MEADOWLAWN COMMUNITY GARDEN PROJECT (TBD); AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with the Committee of the Whole report, Councilmember Kennedy moved with the second by Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Committee of the Whole report presented by Chair Gerdes.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

# CONSENT AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

## Consent Agenda A November 12, 2015

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

### (Procurement)

- 2015-514 1. Approving the purchase of two replacement fire apparatus for the Fire Department from The Sutphen Corporation and Pierce Manufacturing, Inc. at a total cost of \$1,957,534.04.
- 2015-515 2. Renewing a blanket purchase agreement with Odyssey Manufacturing Co. for Sodium Hypochlorite for the Water Resources Department at an estimated annual cost of \$1,139,000.
- 2015-516 3. Renewing an agreement with Carmeuse Lime & Stone, Inc. for finely ground calcium oxide for the Water Resources Department at an estimated annual cost of \$824,000.

# CONSENT AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

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

## (Procurement)

- 2015-517
- Moved to reports
1. Renewing an agreement with Carmeuse Lime & Stone, Inc. for quicklime (calcium oxide) for the Water Resources Department at an estimated annual cost of \$438,000.
  2. ~~Approving the purchase of pay-by-credit-card parking meter mechanisms and related services from IPS Group, Inc. for the Transportation and Parking Management Department at an estimated annual cost of \$250,610. Funding for the connectivity and transaction fee expenses will be available after a transfer of \$55,310 the Downtown Parking CIP Fund (3073) project (14669) to the unappropriated balance of the Parking Operating Fund (1021); authorizing a supplemental appropriation in the amount of \$55,310 from the increase in the unappropriated balance of the Parking Operating Fund (1021) to the Transportation and Parking Management Department, Parking Facilities Management (2811245) resulting from these additional revenues; providing an effective date. PULLED TO REPORTS~~
  3. Awarding a contract to Air Mechanical & Service Corp. in the amount of \$176,554.00 for the North Branch Library HVAC Replacement Project (Engineering Project No. 10229-219; Oracle Project Nos. 12578 and 13261).
  4. Authorizing the Mayor or his designee to award a contract to C-Squared Certified General Contractor, Inc. in the amount of \$172,802.40 for Citywide Transportation Improvements, FY15 (Engineering Project Number 14080-112, 14083-112, 15014-112, 15016-112, 15039-112, 15050-112, and 15067-112; Oracle Nos. CP31144, 14623, 13288, 13765, 14616, 13282, and 12104).
  5. Approving a five-year agreement with American Express Travel Related Services Company, Inc. for merchant credit card services at an estimated total cost of \$450,000.
  6. Awarding a blanket purchase agreement to Ajax Paving Industries of Florida, LLC. for asphalt for the Stormwater, Pavement & Traffic Operations Department at an estimated annual cost of \$190,000.

## (City Development)

- 2015-522
7. Approving the plat of Ibis Walk, generally located at 10301 Dr. Martin Luther King Jr. Street North and 871 Ibis Walk Place North. (City File 15-20000002)

- Moved to reports
- 2015-523
- 2015-524
- 2015-525
8. Authorizing the Mayor or his designee to execute a First Amendment to the Lease Agreement with Michael's Extraordinary Desserts, Inc., a Florida corporation ("Tenant"), for the use of space located at 1961 Fourth Street North, St. Petersburg, within the City-owned Sunken Gardens building amending the Tenant's financial responsibility for repairs. **PULLED TO REPORTS**
  9. Authorizing the Mayor or his designee to execute a five (5) year Lease Agreement with St. Pete Aviation Services, LLC d/b/a St. Pete Air, a Florida limited liability company, for the use of ±3,500 square feet of space in Maintenance Hangar 3-B, at Albert Whitted Airport. (Requires affirmative vote of at least six (6) members of City Council.)
  10. Authorizing the Mayor or his designee to execute a License Agreement with Advantage Village Academy, Inc., a Florida non-profit corporation, for use of the City-owned unimproved parcels generally located on the westerly side of 22nd Street South between Sixth Avenue South and Interstate 275, St. Petersburg, Florida, to provide staging and parking for the public while hosting a charitable community event for a nominal use fee of \$36.00.
  11. Authorizing the Mayor or his designee to grant a Public Utility Easement to Duke Energy, Florida, Inc. d/b/a Duke Energy, a Florida corporation, for the installation, operation and maintenance of electrical service within the City-owned Sanitation Complex located at 2601 - 20th Avenue North, St. Petersburg, for the natural gas compression system.

**(Leisure Services)**

- 2015-526
12. Authorizing the Mayor or his designee to accept an Assistance Funding Purchase Order ("Order") from the Florida Fish and Wildlife Conservation Commission ("FFWCC") Gopher Tortoise Habitat Management Program for a Gopher Tortoise Habitat Management Plan Phase IV Project at Boyd Hill Nature Preserve at a maximum reimbursement amount of \$15,000; and to execute all other documents necessary to effectuate the Order; approving a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund (0001), resulting from these additional revenues, to the Parks & Recreation Boyd Hill Nature Trail (1902389) Gopher Tortoise Habitat Management Plan Phase IV Project (TBD).

**(Public Works)**

- 2015-527
13. Resolution finding that \$10,000 is an amount sufficient to cover the cost of removal of the Skyway Marina District Entry Feature Project ("Project"), and restoration of the Florida Department of Transportation ("FDOT") right-of-way ("Removal and Restoration") upon the expiration or earlier termination of the Community Features Aesthetic Agreement ("CAFA") between FDOT and the City of St. Petersburg ("City") that provides for the design, installation and maintenance of the Project; approving a supplemental appropriation in the amount of \$10,000 from the General Fund Contingency (2503201) to the Engineering Department (130-1341) for a deposit required by the CAFA to secure the payment of the costs of Removal and Restoration;

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authorizing the Mayor or his designee to execute the CAFA, and all other documents necessary to effectuate this transaction.

There being no further business, the meeting was adjourned at 6:54 p.m.

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Charles Gerdes, Chair-Councilmember  
Presiding Officer of the City Council

ATTEST: \_\_\_\_\_  
Chan Srinivasa, City Clerk

# COUNCIL MEETING

Municipal Building  
175-5<sup>th</sup> Street North  
Second Floor Council Chamber

CITY OF ST. PETERSBURG

## REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

Monday, November 16, 2015, AT 1:30 P.M.

\*\*\*\*\*

Chair Charles Gerdes called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, Jr., William "Bill" Dudley, Darden Rice, Steven Kornell, Karl Nurse, Wengay M. Newton, Sr., and Amy Foster. City Administrator Gary Cornwell, City Attorney Jacqueline Kovilaritch, Chief Assistant City Attorney Jeannine Williams, and City Clerk Chan Srinivasa were also in attendance. Absent: None

In connection with the approval of the meeting agenda, Councilmember Kennedy moved with the second by Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes as amended:

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Nays. None. Absent. None.

In connection with first readings, the Clerk read the title of proposed Ordinance 205-H. Budget Director Tom Greene gave a PowerPoint presentation regarding budget cleanup for FY16. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Kennedy moved with the second by Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that setting November 23, 2015 as the public hearing date for the following proposed Ordinance(s):

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**PROPOSED ORDINANCE NO. 205-H**

AN ORDINANCE ENACTING YEAR-END APPROPRIATION ADJUSTMENTS FOR FISCAL YEAR 2015 FOR THE OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM BUDGET AND ADJUSTMENTS TO THE FISCAL YEAR 2016 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Dudley. Rice. Kornell. Naves. None. Absent. None.

There being no further business, the meeting was adjourned at 2:30 p.m.

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Charles Gerdes, Chair-Councilmember  
Presiding Officer of the City Council

ATTEST: \_\_\_\_\_  
Chan Srinivasa, City Clerk

# COUNCIL MEETING

Municipal Building  
175-5<sup>th</sup> Street North  
Second Floor Council Chamber

CITY OF ST. PETERSBURG

## REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

MONDAY, NOVEMBER 23, 2015, AT 3:00 P.M.

\*\*\*\*\*

Chair Charles Gerdes called the meeting to order with the following members present: Charles Gerdes, Darden Rice, Steven Kornell, Karl Nurse, Wengay M. Newton, Sr., James R. Kennedy, Jr. and Amy Foster, City Administrator Gary Cornwell, City Attorney Jacqueline Kovilaritch, Assistant City Attorney Joseph Patner, Assistant City Attorney Michael Dema, City Clerk Chan Srinivasa and Senior Deputy City Clerk Cathy Davis were also in attendance. Absent: William Dudley.

In connection with the approval of the meeting agenda, Councilmember Nurse moved with the second by Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes as amended:

Roll Call. Ayes. Nurse. Foster. Gerdes. Kennedy. Rice. Kornell. Nays. None. Absent. Dudley. Newton.

In connection with the approval of the Consent Agenda Councilmember Kornell moved with a second by Councilmember Kennedy that the following resolutions be adopted approving the attached Consent Agenda.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nays. None. Absent. Dudley.

Councilmember Newton was reported present in the meeting at 3:08 p.m.

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

1. Evan Jones, 2314 Woodlawn Circle W., spoke in regarding the Rays MOU.
2. Elizabeth Tolli, 2016 Park St. N., spoke regarding the canal in her backyard being clogged and how she is unable to sell her home due to the conditions.
3. Randall Ierna, 131 3<sup>rd</sup> St. W., Tierra Verde, spoke regarding the canal in the backyard of 2016 Park St. N.
4. Cesar Morales, 3701 Lang Court N., spoke regarding the BP Settlement.

5. Jason Saxon, 4545 20<sup>th</sup> Ave. N., spoke regarding sewer issues.
6. Art Fleming, 526 43<sup>rd</sup> Ave. N., complimented City Council on doing a good job.

In connection with the Police Department Quarterly Report, Police Chief Anthony Holloway gave a PowerPoint Presentation regarding the current status of the St. Petersburg Police Department. No action was taken.

In connection with the St. Petersburg Fire Department Bi Annual Quarterly, Fire Chief James Large gave a PowerPoint Presentation regarding the current status of the St. Petersburg Fire Department. No action was taken.

In connection with the University of South Florida- St. Petersburg (USFSP) Campus Master Plan Update, Derek Kilborn, Historic Preservation Manager and representatives from USFSP, Joe Truvoch, Vice Chancellor for Finance and Administration, which is required by all State University System institutions under Section 1013.30, Florida Statutes. No action was taken.

In connection with a new business item requesting City Council to approve funding from the BP Settlement, \$250,000 as the City's contribution to the acquisition/replacement of the Florida Institute of Oceanography/USF Marine Sciences Research Vessel Bellows. Councilmember Kornell moved with the second by Councilmember Rice that the following resolution be adopted:

2015-559      A RESOLUTION OF THE CITY COUNCIL OF ST. PETERSBURG, FLORIDA APPROVING A CONTRIBUTION IN THE AMOUNT OF \$250,000 FROM THE 2010 DEEPWATER HORIZON OIL SPILL IN THE GULF OF MEXICO SETTLEMENT FUNDS FOR ACQUISITION OF A VESSEL TO REPLACE THE FLORIDA INSTITUTE OF OCEANOGRAPHY MARINE SCIENCES RESEARCH VESSEL R/V BELLOWS AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with a report item, Councilmember Rice gave an oral report on the Tampa Bay Regional Planning Council. Councilmember Rice moved with the second by Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Tampa Bay Regional Planning Council report presented by Councilmember Rice.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with a new business presented by Councilmember Nurse referring to the Budget Finance and Taxation Committee to consider promoting a form of democracy that will support small, local campaign contributions during city elections. Councilmember Nurse moved with the second by Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to the Budget, Finance and Taxation for consideration to promoting a form of democracy that will support small, local campaign contributions during city elections.

Roll Call. Ayes. Nurse. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. Newton. Absent. Dudley.

In connection with the Budget, Finance and Taxation report regarding approval of the transfer of \$1,500,000 of BP settlement funds for wastewater collection system repair, the Chair asked if there were any persons present who wished to be heard. The following person(s) came forward:

1. John Collins spoke in opposition to spending any more on sewer repair until a full study has been completed.
2. Wilma Norton spoke in favor of the resolution as written.
3. Mark Elling spoke in favor of the resolution as written.
4. Ashley Green, 3727 38<sup>th</sup> Avenue North, spoke suggesting that the BP funds be spent on the Southside St. Petersburg Area.
5. Theresa Lassiter suggested that Councilmembers discuss the use of the BP funds with their respective constituents.
6. Jason Saxon, 4545 20<sup>th</sup> Avenue North, spoke in opposition to spending any more on sewer repair until a full study has been completed.
7. Alex Harris, 1111 18<sup>th</sup> Avenue South, spoke supporting the BP funds to be used within the arts community.
8. Pastor Manuel Sykes spoke suggesting that the BP funds be spent on the Southside St. Petersburg Area.
9. Cory Givens, 777 38<sup>th</sup> Avenue South, spoke suggesting that the BP funds be spent on the Southside St. Petersburg Area.
10. Jabaar Edmond, 3548 5th Avenue South, spoke suggesting that the BP funds be spent on the Southside St. Petersburg Area.
11. Kevin Jackson, 3315 31<sup>st</sup> Avenue N, suggested that the BP funds be spent on the Traffic Operations Department.
12. Karen Lieberman, 253 Sunlit Cove Drive Northeast, spoke in support of the resolution as written.

The Chair recessed the meeting at 6:35 p.m. for a dinner break..

The Chair reconvened the meeting at 7:16 p.m. and continued with item F-1(a) regarding a resolution approving the recommendation of the Budget, Finance, and Taxation Committee to approve the expanded wastewater collection system study.

Councilmember Nurse moved with the second by Councilmember Rice that the following resolution be adopted:

2015-560 A RESOLUTION OF THE CITY COUNCIL OF ST. PETERSBURG, FLORIDA REQUESTING ADMINISTRATION TO PROPOSE A SOURCE OF FUNDING OTHER THAN BP SETTLEMENT FUNDS FOR THE WASTEWATER COLLECTION SYSTEM PROJECTS; REQUESTING THAT ADMINISTRATION

PRESENT SUCH ALTERNATIVE FUNDING PROPOSAL AT THE DECEMBER 3, 2015 COUNCIL MEETING; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with public hearings, Councilmember Newton moved with the second by Councilmember Kennedy that the following resolution(s), which were taken together, be adopted:

2015-561 A RESOLUTION CONFIRMING AND APPROVING PRELIMINARY ASSESSMENT ROLLS FOR LOT CLEARING NOS. 1556 AND 1557; PROVIDING FOR AN INTEREST RATE ON UNPAID ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

2015-562 A RESOLUTION ASSESSING THE COSTS OF SECURING LISTED ON SECURING BUILDING NO. 1205 ("SEC 1205") AS LIENS AGAINST THE RESPECTIVE REAL PROPERTY ON WHICH THE COSTS WERE INCURRED; PROVIDING THAT SAID LIENS HAVE A PRIORITY AS ESTABLISHED BY CITY CODE SECTION 8-270; PROVIDING FOR AN INTEREST RATE ON UNPAID BALANCES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND RECORD NOTICE(S) OF LIEN(S) IN THE PUBLIC RECORDS OF THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

2015-563 A RESOLUTION ASSESSING THE COSTS OF DEMOLITION LISTED ON BUILDING DEMOLITION NOS. 432 AND 509 ("DMO NO. 432 AND 509") AS LIENS AGAINST THE RESPECTIVE REAL PROPERTY ON WHICH THE COSTS WERE INCURRED; PROVIDING THAT SAID LIENS HAVE A PRIORITY AS ESTABLISHED BY CITY CODE SECTION 8-270; PROVIDING FOR AN INTEREST RATE ON UNPAID BALANCES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND RECORD NOTICE(S) OF LIEN(S) IN THE PUBLIC RECORDS OF THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Kornell. Naves. None. Absent. Dudley. Rice.

In connection with public hearings, the Clerk read the title of proposed Ordinance 203-H. The Chair asked if there were any person(s) wishing to be heard, and the following person(s) came forward.

1. Dan Harvey spoke in support of the ordinance.

Councilmember Nurse moved with the second by Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 203-H, entitled:

**PROPOSED ORDINANCE NO. 203-H**

AN ORDINANCE OF THE CITY OF ST. PETERSBURG PROVIDING FOR THE AMENDMENT OF THE ST. PETERSBURG CITY CODE LAND DEVELOPMENT REGULATIONS; ADDING THE SOUTH ST. PETERSBURG COMMUNITY REDEVELOPMENT AREA; CHANGING CERTAIN MINIMUM PARKING REQUIREMENTS; PROVIDING THAT PROPERTY OCCUPANTS ARE RESPONSIBLE FOR MAINTENANCE OF FENCES, WALLS AND HEDGES; CHANGING FENCE REQUIREMENTS ON PROPERTY ABUTTING NEIGHBORHOOD COLLECTOR STREETS; REQUIRING SHORT AND LONG TERM PARKING SPACES TO BE PROVIDED ON SITE FOR VARIOUS USES; ESTABLISHING ADDITIONAL STANDARDS AND REQUIREMENTS FOR BICYCLE PARKING SPACES; PROVIDING FOR A PAYMENT IN LIEU OF PROVIDING BICYCLE PARKING; REQUIRING BUFFERING FOR OUTDOOR PET PENS AND RUNS; INCREASING THE INTENSITY (FAR) FOR OFFICE, MANUFACTURING, LABORATORIES AND RESEARCH AND DEVELOPMENT USES IN THE TARGET EMPLOYMENT CENTER OVERLAY AREAS; ESTABLISHING THE MAXIMUM FAR FOR NONRESIDENTIAL USES IN THE EMPLOYMENT CENTER ZONING DISTRICT OUTSIDE OF ACTIVITY CENTERS; LIMITING APPEALS TO PROPERTY OWNERS FOR LOT LINE ADJUSTMENTS AND LOT SPLITS; MAKING INTERNAL LANGUAGE, TABLES AND CHARTS CONSISTENT; CODIFYING INTERPRETATIVE LANGUAGE AND CLARIFICATIONS; CORRECTING TYPOGRAPHICAL, GRAMMATICAL AND SCRIVENERS ERRORS; REMOVING OBSOLETE LANGUAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with public hearings, the Clerk read the title of proposed Ordinance 204-H. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Kornell moved with the second by Councilmember Kennedy that the following resolution be adopted:

**BE IT RESOLVED** By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 204-H, entitled:

**PROPOSED ORDINANCE NO. 204-H**

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(3), ST. PETERSBURG CITY CHARTER, AUTHORIZING THE GRANT OF A PUBLIC UTILITY EASEMENT TO DUKE ENERGY FLORIDA, INC., D/B/A DUKE ENERGY, A FLORIDA CORPORATION, FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE FOR IMPROVEMENTS ASSOCIATED WITH THE FACILITIES WITHIN THE CITY-OWNED TWIN BROOKS GOLF COURSE LOCATED AT 3800 - 22ND AVENUE SOUTH, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with public hearings, the Clerk read the title of proposed Ordinance 205-H. The Chair asked if there were any person(s) wishing to be heard, there was no response. Councilmember Kornell moved with the second by Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 205-H, entitled:

**PROPOSED ORDINANCE NO. 205-H**

AN ORDINANCE ENACTING YEAR-END APPROPRIATION ADJUSTMENTS FOR FISCAL YEAR 2015 FOR THE OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM BUDGET AND ADJUSTMENTS TO THE FISCAL YEAR 2016 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll Call. Ayes. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley. Nurse.

In connection with second public hearings, the Clerk read the title of proposed Ordinance 202-H. The Chair asked if there were any person(s) wishing to be heard, and the following person(s) came forward.

1. John Dorman spoke regarding a possible highway truck amendment that this company would be amenable to.

Councilmember Newton moved with the second by Councilmember Rice that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 202-H, entitled:

**PROPOSED ORDINANCE NO. 202-H**

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE; CHANGING THE USE MATRIX RELATING TO PERMITTED USES; AMENDING USE SPECIFIC DEVELOPMENT STANDARDS FOR STORAGE, SELF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll Call. Ayes. Newton. Nurse. Gerdes. Kennedy. Rice. Naves. Foster. Kornell. Absent. Dudley.

The Chair recessed the meeting at 8:55 p.m. for a short break.

The Chair reconvened the meeting at 9:08 p.m. and began the meeting with item G-8 regarding approval of the Acheson-Mackey Residence as a local historic landmark.

In connection with Quasi-Judicial proceedings, the Clerk administered the oath to those present wishing to present testimony.

The Chair reviewed the Quasi-Judicial process to be followed. A presentation was made by Historic Preservationist Kim Hinder regarding approval of historic landmark designation of the Acheson-Mackey Residence (City File LDR-2015-06). The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Bill Foster, legal representation for the applicant, spoke stating that his client would like his name associated with the historic designation, and recognized several key features of the property.
2. Jim Stitt spoke in support of the ordinance.
3. Burton Allen spoke in support of the ordinance.
4. Nick Ekonomou spoke in support of the ordinance.

Councilmember Newton moved with the second by Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 094-HL, entitled:

**PROPOSED ORDINANCE NO. 094-HL**

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, DESIGNATING THE ACHESON-MACKEY HOUSE (LOCATED AT 3900 DR. M.L. KING JR. STREET NORTH) AS A LOCAL LANDMARK AND ADDING THE PROPERTY TO THE LOCAL REGISTER PURSUANT TO SECTION 16.30.070, CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with the Budget, Finance and Taxation report, regarding a resolution approving the recommendation of the Budget, Finance, and Taxation Committee to approve the expanded wastewater collection system study; requesting that administration proceed with the study and return to the Budget, Finance and Taxation Committee with details regarding the study. The Chair asked if there were any person(s) wishing to be heard, there was no response.

Councilmember Kornell moved with the second by Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council defer the Budget, Finance and Taxation Committee recommendation to approve the expanded wastewater collection system study until the December 3, 2015 City of St. Petersburg City Council meeting.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with the Budget, Finance and Taxation report, Councilmember Kennedy moved with the second by Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Budget, Finance and Taxation report presented by Councilmember Kennedy.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Nayas. None. Absent. Dudley.

In connection with Council Committee reports, Chair Gerdes stated that the Public Services and Infrastructure report would be deferred until a later meeting due to the absence of the Committee Chair, Councilmember Dudley.

In connection with the Housing Services Committee report, Councilmember Nurse moved with the second by Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the Housing Services Committee report presented by Councilmember Nurse.

Roll Call. Ayes. Nurse. Newton. Foster. Gerdes. Kennedy. Rice. Kornell. Naves. None. Absent. Dudley.

In connection with the Open Forum portion of the agenda, the Chair asked if there were any person(s) that wished to be heard. The following person(s) came forward:

1. David McKalip spoke regarding supposed discrepancies in the City's pension plans.

# CONSENT AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

## Consent Agenda A November 23, 2015

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

### (Public Works)

2015- 549

1. Approving a Resolution finding that \$10,171.54 is an amount sufficient to pay for the maintenance of the City of St. Petersburg 30th Avenue North Bicycle Facility (“Project”), over its useful life of fifteen (15) years; authorizing a supplemental appropriation in the amount of \$10,171.54 from the unappropriated balance of the General Fund to fund future maintenance required by the Local Agency Program Agreement (“Agreement”) between the State of Florida Department of Transportation (“FDOT”) and the City of St. Petersburg, Florida (“City”); providing that the maintenance funds shall not need annual re-appropriations and shall be considered encumbered for the useful life of the project with only authorized expenditures being for maintenance of the improvements of the Project; finding that execution of the Agreement shall not be considered an unlawful act under Florida Statute §166.241; approving the agreement and authorizing the Mayor or his designee to execute the Agreement for participation by FDOT in the construction activities of the Project, in an amount not to exceed \$2,639,000.00; authorizing a supplemental appropriation in the amount of \$2,639,000.00 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Capital Projects Fund (3004), resulting from these additional revenues, to the 30th Avenue N. Project (13640); and providing an effective date. (FPN 424532 8 58/68 01) (Engineering Project No. 13022-112; Oracle No. 13640)

# CONSENT AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

## Consent Agenda B November 23, 2015

### (Procurement)

- 2015-550 1. Approving an increase to the allocation for Internet and intranet services for the Libraries from Bright House Networks, LLC in the amount of \$72,000 which increases the combined total contract amount to \$265,716.
- 2015-551 2. Awarding a contract to Island Marine Group, LLC, in the amount of \$146,247.50, for the construction of the Lake Maggiore Picnic Park Boat Ramp project and providing an effective date (Engineering Project No. 08227-017; Oracle Project Nos. 11756 and 13181).

### (City Development)

- 2015-552 3. Authorizing the Mayor, or his Designee, to execute two (2) License Agreements with TFTSP Youth Golf Council St. Petersburg, Inc., a Florida not-for-profit corporation, for use of ±302 sq. ft. of office/storage space within the Mangrove Bay Golf Course Club House located at 875 – 62nd Avenue Northeast, St. Petersburg, for a period of three (3) years, at an aggregate rent of \$36.00 and for use of ±64 sq. ft. of storage space within the Twin Brooks Golf Course Club House located at 3800 – 22nd Avenue South, St. Petersburg, for a period of one (1) year, at an aggregate rent of \$12.00; and to waive the reserve for replacement requirement. (Requires an affirmative vote of at least six (6) members of City Council.)

### (Public Works)

- 2015-553 4. Authorizing the Mayor or his designee to execute a Joint Project Agreement between the City of St. Petersburg and Bright House Networks, LLC and to execute a Joint Project Agreement between the City of St. Petersburg and Verizon Florida, LLC for the Tierra Verde Bridge Utility Replacement Project (Engineering Project No. 14048-111; Oracle 14251).
- 2015-554 5. Approving a Resolution acknowledging the selection of ARC3 Architecture, Inc.; Architect Larry LaDelfa; C.B. Goldsmith and Associates, Inc.; Canerday, Belfsky + Arroyo Architects, Inc.; Harvard Jolly, Inc.; Renker Eich Parks Architects; and Wannemacher Jensen Architects, Inc. to provide miscellaneous professional architectural services for City Facility Improvement Projects for the City of St. Petersburg (“City”), authorizing the Mayor or his designee to execute the City’s standard form architect/engineering agreement.

2015-555 6. Authorizing the Mayor or his designee to execute Task Order No. 12-10-KCA/GC to the Architect/Engineering Agreement between the City of St. Petersburg and Kisinger Campo and Associates in the amount of \$115,861.93, for engineering services related to the I-275 Underpass along 22nd Street South Architectural Lighting Improvements Project. (Engineering Project No. 16033-119; Oracle No. 14609).

**(Miscellaneous)**

2015-556 7. Approving the minutes of the City Council meetings held on August 6 and August 20, 2015.

2015-557 8. Approving a three-year use agreement with Sarasota County, a sole source supplier, for GovMax budgeting software at an estimated total cost of \$127,500.

2015-558 9. Approving the minutes of September 3, September 10, and September 17, 2015 City Council meetings.

There being no further business, the meeting was adjourned at 10:05 p.m..

\_\_\_\_\_  
Charles Gerdes, Chair-Councilmember  
Presiding Officer of the City Council

ATTEST: \_\_\_\_\_  
Chan Srinivasa, City Clerk

**ST. PETERSBURG CITY COUNCIL**  
**Consent Agenda**

**Meeting of February 4, 2016**

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

**Subject:** Correcting a Scrivener's Error in a Resolution approving the third one-year renewal option of an agreement with CompBenefits Company for voluntary vision insurance.

**Explanation:** The attached Resolution was approved by City Council at the January 7, 2016 meeting of City Council. However, following approval it was discovered that there was a typographical error in the second to last sentence of the resolution. The statement "BE IT FURTHER RESOLVED that this renewal will be effective through March 31, 2017" was incorrectly typed in the original resolution as "BE IT FURTHER RESOLVED that this renewal will be effective through March 31, 2015." The attached resolution corrects this error. There are no other changes to the resolution or the agreement that was prior approved by City Council.

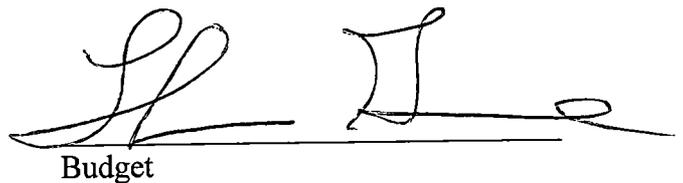
**Cost/Funding/Assessment Information:** No changes to the item approved on January 7, 2016.

**Recommendation:** Approve the attached Corrected Resolution.

**Attachments:** Corrected Resolution

**Approvals:**

  
Administration

  
Budget

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, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

  
\_\_\_\_\_  
City Attorney (Designee)



**MEMORANDUM**

Council Meeting of February 4, 2016

**TO:** Members of City Council

**FROM:** Mayor Rick Kriseman 

**RE:** Confirmation of Appointment Ann Marie Cash Levasseur to the International Relations Committee

I respectfully request that Council confirm the appointment of Ann Marie Cash Levasseur as a regular member to the International Relations Committee to serve an unexpired three-year term ending December 31, 2017.

A copy of Ms. Levasseur's resume has been provided to the Council office for your information.

RK/cs

Attachment

cc: W. Atherholt, Director of Cultural Affairs

A RESOLUTION CONFIRMING THE  
APPOINTMENT OF A REGULAR MEMBER TO  
THE INTERNATIONAL RELATIONS  
COMMITTEE; AND PROVIDING AN  
EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby confirms the appointment of Ann Marie Cash Levasseur as a regular member to the International Relations Committee to serve an unexpired three-year term ending December 31, 2017.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:

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City Attorney (Designee)

RESOLUTION NO. 2016 - \_\_\_\_\_

A RESOLUTION DEFERRING THE PUBLIC HEARING FOR PROPOSED ORDINANCE 211-H AND APPROVAL OF THE COMPREHENSIVE PLAN TEXT AMENDMENTS TO MARCH 3, 2016; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that City Council hereby defers the public hearing for proposed Ordinance 211-H and approval of the Comprehensive Plan text amendments (City File LGCP-2016-01) to March 3, 2016; and providing an effective date.

This resolution shall become effective immediately upon its adoption.

REVIEWED AND APPROVED AS TO  
FORM AND CONTENT:

\_\_\_\_\_  
City Attorney (or Designee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning & Economic Development Dept.

\_\_\_\_\_  
Date

MEMORANDUM

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

From: Rick Kriseman, Mayor

Date: January 27<sup>th</sup>, 2016

Subject: **TBARTA**

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I have decided to step down from my committee seat on the Tampa Bay Area Regional Transportation Authority (TBARTA) this year. I would like to recommend City Council approve Council Member Rice to be appointed to the TBARTA Executive Committee in my seat.

RESOLUTION NO. \_\_\_\_

A RESOLUTION PROVIDING FOR THE APPROVAL OF THE REMOVAL OF MAYOR RICK KRISEMAN AS THE APPOINTEE TO THE TAMPA BAY AREA REGIONAL TRANSPORTATION AUTHORITY (TBARTA) BOARD; PROVIDING FOR THE APPROVAL OF THE APPOINTMENT OF COUNCILMEMBER DARDEN RICE TO THE TBARTA BOARD; PROVIDING FOR THE REPEAL OF ALL PROVISIONS OF ALL PREVIOUS RESOLUTIONS WHICH ARE IN CONFLICT WITH THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in a prior resolution, City Council approved the appointment of Mayor Rick Kriseman as the City of St. Petersburg appointee to the Tampa Bay Area Regional Transportation Authority (TBARTA) board; and

WHEREAS, Mayor Rick Kriseman desires the appointment of a Councilmember to the TBARTA board; and

WHEREAS, Councilmember Darden Rice is willing to accept an appointment to the TBARTA Board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the removal of Mayor Rick Kriseman as the appointee to the TBARTA board is approved.

BE IT FURTHER RESOLVED that the appointment of Councilmember Darden Rice to the TBARTA board is approved.

BE IT FURTHER RESOLVED that all resolutions previously passed by this Council are repealed to the extent that provisions of those resolutions are in conflict with this resolution.

This resolution shall take effect immediately upon its adoption.

Approved as to form and content:

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City Attorney (designee)

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