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

1. If you are speaking under the Public Hearings, Appeals or Open Forum sections of the agenda, please observe the time limits indicated on the agenda.

2. Placards and posters are not permitted in the Chamber. Applause is not permitted except in connection with Awards and Presentations.

3. Please do not address Council from your seat. If asked by Council to speak to an issue, please do so from the podium.

4. Please do not pass notes to Council during the meeting.

5. Please be courteous to other members of the audience by keeping side conversations to a minimum.

6. The Fire Code prohibits anyone from standing in the aisles or in the back of the room.

7. If other seating is available, please do not occupy the seats reserved for individuals who are deaf/hard of hearing.

**GENERAL AGENDA INFORMATION**

For your convenience, a copy of the agenda material is available for your review at the Main Library, 3745 Ninth Avenue North, and at the City Clerk’s Office, 1st Floor, City Hall, 175 Fifth Street North, on the Monday preceding the regularly scheduled Council meeting. The agenda and backup material is also posted on the City’s website at [www.stpete.org](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.

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

Setting November 20, 2017 as the public hearing date for the following proposed Ordinance(s):

1. Ordinance of the City of St. Petersburg amending Chapter 20, Article IV, Division 2, handbills, to delete the definitions of commercial handbill and noncommercial handbill; deleting charges for commercial handbill distribution.

2. Ordinance enacting year-end appropriation adjustments for Fiscal Year 2017 for the operating Budget and Capital Improvement Program Budget and adjustments to the Fiscal Year 2018 budget.

E. Reports

1. Sewer Report

F. New Business

1. Referring the Housing, Land Use and Transportation Committee to discuss code changes related to non usable alleys. (Councilmember Nurse)

G. Council Committee Reports

1. Legislative Affairs and Intergovernmental Relations Committee (10/19/17)

H. Legal
I. Public Hearings and Quasi-Judicial Proceedings - 6:00 P.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 306-H repealing and superseding ordinances 300-H and 302-H for the purpose of implementing campaign finance reform for municipal elections in the City of St. Petersburg; making findings regarding foreign influence, super-PAC funding, and disclosure in municipal elections; amending the city Code to impose limits on contributions and expenditures related to municipal elections involving super PACs and foreign-influenced entities and to require increased disclosure of campaign finance matters related to municipal elections.

J. Open Forum

K. Adjournment
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.
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(Leisure Services)

1. Authorizing the Mayor or his designee to accept a Childcare Food Program grant in the amount of $267,937 from the Florida Department of Health, Bureau of Childcare Food Programs for after-school programs at City recreation centers and to execute all other documents necessary to effectuate this transaction.

/Public Works

2. Authorizing the Mayor or his designee to execute a three-party Railroad Reimbursement Agreement, Grade Crossing Traffic Control Devices – Municipal, between the City of St. Petersburg (“City”), the Florida Department of Transportation (“FDOT”), and CSX Transportation (“CSXT”) for the replacement and upgrade of the automatic grade crossing signals and traffic control devices at the 9th Avenue North near 18th Street North railroad crossing (FDOT Financial Project No. 44043015701, FDOT/AAR Crossing 626716K).

(Miscellaneous)

3. Authorizing the Mayor, or his designee, to execute a License Agreement with Museum of Fine Arts of St. Petersburg, Florida, Inc., a Florida not-for-profit organization, for valet parking, staff parking and semi-trailer and equipment storage within the Dolphin Parking Lot for a period of six (6) months for nominal consideration. (Requires affirmative vote of at least six (6) members of City Council.)
Note: An abbreviated listing of upcoming City Council meetings.

City Council Meeting
Thursday, November 2, 2017, 8:30 a.m., Council Chamber

Public Services & Infrastructure Committee
Thursday, November 9, 2017, 8:00 a.m., Room 100

Budget, Finance & Taxation Committee
Thursday, November 9, 2017, 9:15 a.m., Room 100

CRA / Agenda Review
Thursday, November 9, 2017, 1:30 p.m., Room 100

Committee of the Whole: Water Resources Dept. Management Evaluation
Monday, November 20, 2017, 8:00 a.m., Room 100

Housing, Land Use & Transportation Committee
Monday, November 20, 2017, 10:30 a.m., Room 100

Legislative Affairs & Intergovernmental Relations Committee
Monday, November 20, 2017, 1:15 p.m., Room 100

City Council Meeting: Second Budget Cleanup Public Hearing
Monday, November 20, 2017, 3:00 p.m., Council Chamber
Civil Service Board
1 Alternate Member
(Term expires 6/30/17)

City Beautiful Commission
4 Regular Members
(Terms expire 12/31/16 and 12/31/18)

Affordable Housing Advisory Committee
9 Regular Members
(Term expires 11/2/20)
PROCEDURES TO BE FOLLOWED FOR QUASI-JUDICIAL PROCEEDINGS:

1. Anyone wishing to speak must fill out a yellow card and present the card to the Clerk. All speakers must be sworn prior to presenting testimony. No cards may be submitted after the close of the Public Hearing. Each party and speaker is limited to the time limits set forth herein and may not give their time to another speaker or party.

2. At any time during the proceeding, City Council members may ask questions of any speaker or party. The time consumed by Council questions and answers to such questions shall not count against the time frames allowed herein. Burden of proof: in all appeals, the Appellant bears the burden of proof; in rezoning and land use cases, the Property Owner or Applicant bears the burden of proof except in cases initiated by the City, in which event the City Administration bears the burden of proof; for all other applications, the Applicant bears the burden of proof. Waiver of Objection: at any time during this proceeding Council Members may leave the Council Chamber for short periods of time. At such times they continue to hear testimony because the audio portion of the hearing is transmitted throughout City Hall by speakers. If any party has an objection to a Council Member leaving the Chamber during the hearing, such objection must be made at the start of the hearing. If an objection is not made as required herein it shall be deemed to have been waived.

3. Initial Presentation. Each party shall be allowed ten (10) minutes for their initial presentation.
   a. Presentation by City Administration.
   b. Presentation by Applicant followed by the Appellant, if different. If Appellant and Applicant are different entities then each is allowed the allotted time for each part of these procedures. If the Property Owner is neither the Applicant nor the Appellant (e.g., land use and zoning applications which the City initiates, historic designation applications which a third party initiates, etc.), they shall also be allowed the allotted time for each part of these procedures and shall have the opportunity to speak last.
   c. Presentation by Opponent. If anyone wishes to utilize the initial presentation time provided for an Opponent, said individual shall register with the City Clerk at least one week prior to the scheduled public hearing. If there is an Appellant who is not the Applicant or Property Owner, then no Opponent is allowed.

4. Public Hearing. A Public Hearing will be conducted during which anyone may speak for 3 minutes. Speakers should limit their testimony to information relevant to the ordinance or application and criteria for review.

5. Cross Examination. Each party shall be allowed five (5) minutes for cross examination. All questions shall be addressed to the Chair and then (at the discretion of the Chair) asked either by the Chair or by the party conducting the cross examination of the appropriate witness. One (1) representative of each party shall conduct the cross examination. If anyone wishes to utilize the time provided for cross examination and rebuttal as an Opponent, and no one has previously registered with the Clerk, said individual shall notify the City Clerk prior to the conclusion of the Public Hearing. If no one gives such notice, there shall be no cross examination or rebuttal by Opponent(s). If more than one person wishes to utilize the time provided for Opponent(s), the City Council shall by motion determine who shall represent Opponent(s).
   a. Cross examination by Opponents.
   b. Cross examination by City Administration.
   c. Cross examination by Appellant followed by Applicant, followed by Property Owner, if different.

6. Rebuttal/Closing. Each party shall have five (5) minutes to provide a closing argument or rebuttal.
   a. Rebuttal by Opponents.
   b. Rebuttal by City Administration.
   c. Rebuttal by Appellant followed by the Applicant, followed by Property Owner, if different.
MEMORANDUM
Council Meeting of November 9, 2017

TO: Chair Darden Rice and Members of City Council
FROM: Heather Judd, Assistant City Attorney
RE: First Reading for an Ordinance revising Chapter 20, Article IV, Division 2 related to Handbills

After a review of recent First Amendment State and Federal cases regarding municipal regulation of free speech in the areas of handbill distribution and solicitation, the Office of the City Attorney recommends some minor changes to Chapter 20 Article IV, Division 2 of the St. Petersburg City Code relating to handbill distribution in the City. These changes mainly involve cleanup of language and the deletions of unnecessary definitions. The prohibitions on certain means of distribution are not being altered.

The proposed ordinance was not processed through committee, but the City Attorney has no objections to such a referral. If passed the public hearing shall be on Monday, November 20, 2017.

Attachments: Draft Ordinance
AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING CHAPTER 20, ARTICLE IV, DIVISION 2, HANDBILLS, TO DELETE THE DEFINITIONS OF COMMERCIAL HANDBILL AND NONCOMMERCIAL HANDBILL; DELETING CHARGES FOR COMMERCIAL HANDBILL DISTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST PETERSBURG, FLORIDA DOES ORDAIN:

Section 1. The St. Petersburg City Code, Chapter 20, Article IV, Division 2, is hereby amended to read as follows:

DIVISION 2. - HANDBILLS

Sec. 20-100. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reduced original or copies of any matter or literature:

(1) Which advertises for sale any merchandise, product, commodity, or thing;

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, event or service of any kind, for which an admission fee is charged for the purpose of private gain or profit; or

(4) Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private gain.

Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any material or literature.

Noncommercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definition of a commercial handbill.
Public place means the right-of-way, public parks, public buildings and parking lots and structures designed for use in connection therewith.

Sec. 20-101. - Activities exempt from this division.

The provisions of this division shall not apply to the distribution of advertising material by the owner or lessee of a premises, or employees of such premises, to persons or motor vehicles located on the premises.

Sec. 20-102. - Distribution in public places.

It shall be unlawful for any person to distribute, place, throw, scatter or cast or to cause the distribution, placing, throwing, scattering or casting of any handbill in or upon any public place within the City; provided, however, it shall not be unlawful for any person to hand out or distribute any handbill in any public place to any person willing to accept the handbill. The City shall have the right to assess a reasonable charge to the commercial handbill distributor distributing handbills on public sidewalks adjacent to a public street for cleanup costs.

Sec. 20-103. - Placing in vehicles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast or cause the distribution, placing, throwing, scattering or casting of any handbill in or upon any motor vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of any motor vehicle who is willing to accept the handbill or placement of handbills on any automobile or other vehicle in a manner that will prevent them from being blown about by the elements.

Sec. 20-104. - Notice on private premises to prohibit distribution.

It shall be unlawful for any person to ring the doorbell or otherwise summon an occupant of a residence to the door for the purpose of soliciting, or to distribute, deposit, place, throw, scatter or cast or cause the distribution, placing, throwing, scattering or casting of any handbill upon any premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words, "No Trespassing," "No Pedestrians or Agents," "No Advertisement," "No Soliciting" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested contacted or to have their right of privacy disturbed or to have any handbills left upon their premises.
Section 7. 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 8. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section 9. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this Ordinance, in which case this Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

_____________________________________
City Attorney or Designee
TO: City Council Chair and City Council Members

SUBJECT: An Ordinance Enacting Year-End Appropriation Adjustments – FY17 Operating Budget & Capital Improvement Program Budget & Adjustments to the FY18 Budget

EXPLANATION / COST FUNDING ASSESSMENT INFORMATION:

This agenda item transitions budgets from the year just closed to the new budget year. For FY17, it adjusts budgets that exceeded annual appropriations and commits and assigns funds in the General Operating Fund for specific purposes. It also provides adjustments (supplemental appropriations) to the FY18 budget. Council is asked to approve an ordinance to enact these changes, as required by the Charter.

The agenda item is divided into three major parts. Each part may involve several types of transactions including appropriation transfers which generally have no effect on fund balance, or supplemental appropriations, which reduce the fund balance of the specified fund unless there are unanticipated revenues to support the expense average. This item is subdivided into the sections of the Ordinance giving a detailed description of the provisions within the Ordinance and reasons for each budget modification.

Back-up for the Ordinance is covered in Parts I, II, and III

Part I describes transactions which will clean up and finalize the FY17 budget (Ordinance Sections 1-5). The final accounting transactions for FY17 are being posted, requiring some adjustments to the FY17 appropriations for both operations and capital projects. Additional appropriations are necessary to authorize expenditures in excess of budgeted amounts, even if related revenues are available to cover these expenses. State law requires that any budgetary adjustments to the prior year budget be made within 60 days of the close of the fiscal year.

Part II recommends commitments and assignments of funds remaining in the General Operating Fund at the close of FY17 for a variety of purposes in FY18 and the future. Commitments and assignments are not legal obligations to expend funds set-aside in the various categories and require appropriation by City Council in order to do so. These appear in Section 6 of the Ordinance.

Part III provides for supplemental appropriations, which reduce the fund balance of the specified fund unless there are unanticipated revenues to support the expense average, to the FY18 Budget, including re-appropriation of unexpended FY17 monies and transfers, Ordinance Sections 7-9.

ATTACHMENTS: Ordinance for Council Action

APPROVALS:

Administrative: [Signature]

Budget: [Signature]
This report presents recommendations for budget adjustments in various funds. Expenditure and revenue estimates are based on financial data through October 20, 2017. Budget adjustments are only required for entities that exceed previous appropriations for the entity as a whole. While some appropriations are made at the departmental level, such as the Fire Department, others are made at the administration level. For example, an appropriation would be required for the Leisure Services Administration only if the expenditures exceeded the total appropriation for all departments within the administration. The Budget Ordinance is the guiding document for these requirements.

Supplemental appropriations are supported either by unanticipated revenue or by resources of the fund balance of the fund specified. Supplemental appropriations increase the total amount authorized in the fund.

PART I: FY17 APPROPRIATION ADJUSTMENTS

Ordinance Section 1

GENERAL FUND PRELIMINARY RESULTS
Based on the 10/20/17 close, we estimate net revenue of $240.244 million and expenses of $236.522 million (excluding BP expenditures and FY16 encumbrances) adding $3.722 million to the General Fund operating fund balance. The increased subsidies were identified earlier as part of the year end estimates presented to the Budget, Finance and Taxation committee.

GENERAL OPERATING FUND - Supplemental Appropriations -- These appropriations cover expenditures which exceeded budget in FY17. In some cases, the expenses are offset by additional revenue. In most cases, (listed as Category 1) these adjustments are for budget authority only, and have already been calculated in the total expenditures. The entries listed as Category 2 are new appropriations necessary to cover additional expenses and will reduce the General Fund balance by $521,000.

| Tropicana Field Subsidy Category 1 | 26,000 | A supplemental appropriation is needed to increase the subsidy to Tropicana Field because of higher offsite police traffic control costs and revenue receipts were lower than anticipated. |
| Jamestown Subsidy Category 1 | 18,500 | A supplemental appropriation is needed due to the increased costs of facility repairs and renovations. |
| Port Subsidy Category 1 | 67,500 | A supplemental appropriation is needed due to the increased costs of security services. |
| Advance to Golf Courses Category 2 | 521,000 | A supplemental appropriation is needed to advance funds to the Golf Course because of lower revenue. |
| Total General Government | 633,000 | Total on Ordinance for General Government Administration. |
| Police Category 1 | 492,000 | A supplemental appropriation is needed due to higher than budgeted costs for overtime due to expenses incurred from Hurricane Irma. A portion of these costs may eventually be reimbursed. |
| Stormwater-General Fund (Public Works) Category 1 | 145,000 | A supplemental appropriation is needed due to higher than budgeted costs for overtime due to expenses incurred from Hurricane Irma. A portion of these costs may eventually be reimbursed. |
| Fire Rescue Category 1 | 389,000 | A supplemental appropriation is needed due to higher than budgeted costs for overtime due to expenses incurred from |
Hurricane Irma. A portion of these costs may eventually be reimbursed.

**ENTERPRISE & SPECIAL REVENUE OPERATING FUNDS – Supplemental Appropriations**

These appropriations cover expenditures which exceeded budget. In some cases, revenue also exceeded the budget. The net impact of these revenue and expenditure variances will be covered from the fund balance in each individual fund.

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Crossing Guard</td>
<td>5,000</td>
<td>This fund records the revenue collected from the parking ticket surcharge. A supplemental appropriation is needed to transfer the additional revenue to the General Fund to reimburse the cost of the crossing guard program.</td>
</tr>
<tr>
<td>Mahaffey Theater</td>
<td>185,000</td>
<td>A supplemental appropriation is needed to record the cost of the naming rights. The revenue is payable to the city and then paid to the Mahaffey.</td>
</tr>
<tr>
<td>Coliseum</td>
<td>5,000</td>
<td>A supplemental appropriation is needed due to increased costs for commodities for resale. Additional revenues in the fund covered these additional expenses.</td>
</tr>
<tr>
<td>Sunken Gardens</td>
<td>102,000</td>
<td>A supplemental appropriation is needed due to increased costs for commodities for resale and equipment. Additional revenues in the fund covered these additional expenses.</td>
</tr>
<tr>
<td>Tropicana Field</td>
<td>36,000</td>
<td>A supplemental appropriation is needed to increase the subsidy to Tropicana Field because offsite police traffic control costs and revenue were lower than anticipated.</td>
</tr>
<tr>
<td>Arts in Public Places</td>
<td>56,500</td>
<td>A supplemental appropriation is needed for arts purchases.</td>
</tr>
<tr>
<td>Water Cost Stabilization</td>
<td>1,812,500</td>
<td>Interest earnings in this fund are transferred to the Water Resources Operating Fund. A supplemental appropriation is needed to cover additional interest earnings in the fund.</td>
</tr>
<tr>
<td>Stormwater</td>
<td>269,000</td>
<td>A supplemental appropriation is needed to cover the upfront costs incurred for the preparation for Hurricane Irma.</td>
</tr>
<tr>
<td>Sanitation Operating</td>
<td>42,710</td>
<td>A supplemental appropriation is needed to transfer funds to the Sanitation Debt Service Fund for a debt service reserve.</td>
</tr>
<tr>
<td>Sanitation Equipment Replacement</td>
<td>43,740</td>
<td>A supplemental appropriation is needed to transfer funds to the Sanitation Recycling Equipment Fund so that it can be closed.</td>
</tr>
<tr>
<td>Airport</td>
<td>28,000</td>
<td>A supplemental appropriation is needed due to facility repairs and renovations.</td>
</tr>
<tr>
<td>Jamestown</td>
<td>30,000</td>
<td>A supplemental appropriation is needed due to maintenance, facility repairs, and renovations.</td>
</tr>
<tr>
<td>Port</td>
<td>5,500</td>
<td>A supplemental appropriation is needed due to higher than budgeted utility costs and facility repairs.</td>
</tr>
</tbody>
</table>
Ordinance Section 2

CAPITAL IMPROVEMENT FUNDS – Supplemental Appropriations

These appropriations cover CIP project expenditures which exceeded budget. In some cases, revenue also exceeded the budget. *The net impact of these revenue and expenditure variances will be covered from the fund balance of each individual fund.*

<table>
<thead>
<tr>
<th>General Capital Improvement</th>
<th>159,381</th>
<th>Bond Interest Earnings</th>
<th>A supplemental appropriation is needed to transfer the interest earned on bond proceeds to the debt service fund. This is for the 2016A and 2016B issue.</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Capital Improvement</td>
<td>(106,171)</td>
<td>Pier Visioning</td>
<td>Rescinding funding in these projects for the bond interest earnings. The earnings will go directly into the debt service fund.</td>
</tr>
<tr>
<td>General Capital Improvement</td>
<td>(53,210)</td>
<td>Pier Approach</td>
<td></td>
</tr>
<tr>
<td>Recreation &amp; Culture Capital Improvement</td>
<td>102,400</td>
<td>Transfers</td>
<td>A supplemental appropriation is needed to transfer funds to the Public Safety Capital Improvement Fund for an emergency traffic signal at Fire Station 7.</td>
</tr>
<tr>
<td>Water Resources Capital Improvement</td>
<td>152,000</td>
<td>DIS Taps Meters Backflows FY17</td>
<td>A supplemental appropriation is needed due to increased customer funding for potable water service taps, meters, and backflows.</td>
</tr>
<tr>
<td>Water Resources Capital Improvement</td>
<td>72,000</td>
<td>Reclaimed Taps &amp; Backflows FY17</td>
<td>A supplemental appropriation is needed due to increased customer funding for reclaimed water service taps and backflow devices.</td>
</tr>
</tbody>
</table>

Ordinance Section 3

INTERNAL SERVICE FUNDS – Increased Authorizations

These additional allocations cover expenditures which exceeded budget. In some cases, revenue also exceeded the budget. *The net impact of these revenue and expenditure variances will be covered from the fund balance of each individual fund.*

<table>
<thead>
<tr>
<th>Materials Management</th>
<th>21,000</th>
<th>An increase in the authorization level of this internal service fund is needed due to increased facilities repairs and management costs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life Insurance</td>
<td>35,000</td>
<td>A supplemental appropriation is needed due to increased premiums. The additional expenses were offset by additional revenue.</td>
</tr>
</tbody>
</table>

Ordinance Section 4

Ordinance 241-H is hereby amended by incorporating into said Ordinance all appropriations and adjustments to the operating and capital improvement budgets pertaining to the fiscal year ending September 30, 2017 made by previous resolution, and all supplemental appropriations and adjustments contained in this Ordinance, which pertain to the Fiscal Year ending September 30, 2017. Ordinance Number 241-H as amended as provided herein shall constitute the final budget for the Fiscal Year ending September 30, 2017.
PART II: COMMITMENTS AND ASSIGNMENTS OF FUND BALANCES FOR FY17 YEAR END

Ordinance Section 5

Each year City Council has committed a portion of the General Operating Fund balance for specific purposes. Administration recommends the commitment and assignments of the following amounts totaling $5,509,228 within the General Operating Fund balance as of September 30, 2017. These commitments include amounts requested for re-appropriation during FY18.

OPERATING RE-APPROPRIATIONS $5,073,304
This commitment provides for funds to be rolled over for contracts, grants, or purchase orders issued in 2017 for which the corresponding purchases could not be completed due to timing or other issues.

LAND SALE PROCEEDS $89,170
This commitment was created to provide a funding source for acquiring property. Proceeds from the sale of city properties valued at less than $20,000 are deposited in the General Operating Fund and are to be used for acquiring property according to Resolution 2002-126 adopted by City Council on February 21, 2002.

QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM $81,250
This commitment was established to provide the city’s share for the QTI program during FY 2018, which provides funds to local businesses for the purpose of stimulating economic growth and employment.

LOCAL AGENCY PROGRAM (LAP) $265,504
This commitment is established to provide the city’s share over the next 15 years for maintenance of city roads and trails as a result of grant agreements with the Florida Department of Transportation (FDOT).

PART III: FY18 CHANGES TO GENERAL OPERATING FUND, ENTERPRISE FUNDS, SPECIAL REVENUE FUNDS, INTERNAL SERVICE FUNDS, CIP FUND BUDGETS & TRANSFERS FOR ART IN PUBLIC PLACES

Ordinance Section 6

RE-APPROPRIATION OF FY17 ENCUMBRANCES

Encumbrances are funded with FY17 fund balance from each respective fund. All of these amounts were previously appropriated in FY17 and have legal commitments for expenditure that will occur in FY18. These include the unspent portion of existing contracts. Actual encumbrances may be more or less after all financial transactions are posted.

General Operating Fund
Police $405,134
Fire 237,872
City Development Administration 445,784
Neighborhood Affairs Administration 140,338
Leisure Services Administration 610,370
General Government Administration 769,906
Public Works Administration 2,463,900
Total General Fund $5,073,304

All Other Funds
Emergency Medical Services 668,973
Local Housing Assistance 6,774
Parking 75,436
CDBG 102,335
Emergency Shelter Grant 35,057
HOME Program 188,579
Neighborhood Stabilization Program 5,272
Building Permit 74,414
Mahaffey Theater 61,408
Pier 18
Coliseum 5,672
Sunken Gardens 18,930
Local Law Enforcement State Trust 12,279
Police Grant 6,661
Arts in Public Places 19,875
Water Resources 2,860,313
Stormwater 520,609
Sanitation 372,071
Sanitation Equipment Replacement 3,582,184
Airport 53,031
Marina 18,557
Golf Course 46,824
Jamestown 15,140
Port 3,588
Fleet 444,995
Equipment Replacement 3,750,733
Municipal Office Buildings 25,712
Technology Services 327,248
Technology & Infrastructure 326,675
Materials Management 1,489
Health Insurance 38,884
Workers’ Compensation 4,149
Billing & Collections 37,304

**Ordinance Section 7**

**GENERAL FUND IMPACT**

The total impact to the General Fund by the adjustments in Section 7 is an increase in expense of $4,968,720. Of this total, $1,467,814 are BP related expenses and $655,920 is supported by grant revenue. The net impact to the General Fund is a reduction of $2,844,986.

**SUPPLEMENTAL APPROPRIATIONS**

*All supplemental appropriations are funded with fund balance from each respective fund or from unanticipated revenues.* Some of these amounts (grants) were previously appropriated in FY17 and have legal commitments for expenditures that will occur in FY18.

**GENERAL OPERATING FUND – FY18 Supplemental Appropriation**

<table>
<thead>
<tr>
<th>Council</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>24,861</td>
<td>A supplemental appropriation is needed to rollover funds for management consulting services that were not used in FY17.</td>
</tr>
<tr>
<td>Mayor’s Office</td>
<td>1,959,900</td>
<td>A supplemental appropriation is needed to rollover funds for citywide tree planting ($481,600), Solar United Neighborhoods Program ($375,000), Vulnerability Assessment ($300,000), ISAP Program ($2,550), Energy Efficiency and Retrofit ($189,922), Childhood Initiative ($150,000), Poynter Institute ($30,000), My Brothers’ Sisters’ Keeper ($365,353), TBBBC ($25,000), Simple Theater ($1,975), Ms. Kendra’s List ($30,000), and additional funds for the Carter G. Woodson Museum ($8,500).</td>
</tr>
<tr>
<td>Legal</td>
<td>2,150</td>
<td>A supplemental appropriation is needed to rollover funds for replacement of a water fountain.</td>
</tr>
<tr>
<td>Marketing</td>
<td>83,000</td>
<td>A supplemental appropriation is needed to rollover funds for Pier marketing activities ($50,000) and the Amazon bid ($33,000).</td>
</tr>
<tr>
<td>Audit</td>
<td>190,080</td>
<td>A supplemental appropriation is needed to rollover funds for disaster relief consulting for Hurricane Irma.</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------</td>
<td>------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Total General Government Administration</strong></td>
<td>2,259,991</td>
<td><strong>Total on Ordinance.</strong></td>
</tr>
<tr>
<td>Neighborhood Services</td>
<td>453,235</td>
<td>A supplemental appropriation is needed to rollover funds for the Rapid Rehousing Program ($400,000), Social Action Funding ($3,325), and to provide shelter and programming for young women aging out of foster care ($50,000).</td>
</tr>
<tr>
<td>Community Services</td>
<td>474,678</td>
<td>A supplemental appropriation is needed to rollover funds for the following programs: Keep Pinellas Beautiful $10,000, After School Youth Employment Program (ASYEP) $125,000, Summer Youth Intern Program '17 (SYIP) $151,023, Summer Training in Youth Leadership and Employment (STYLE) $35,000, Mayor's Mini Grant FY17 $5,655, Neighborhood Matching Grant FY17 OP $20,000, Reads To Me $100,000, and $28,000 for the National League of Cities Financial Inclusive Systems and City Leadership Grant.</td>
</tr>
<tr>
<td><strong>Total Neighborhood Affairs Administration</strong></td>
<td>927,913</td>
<td><strong>Total on Ordinance</strong></td>
</tr>
<tr>
<td>Police</td>
<td>200,000</td>
<td>A supplemental appropriation is needed to rollover funds for the purchase of required software and license upgrades required to be completed in FY18 to ensure continued support/compatibility of systems and equipment.</td>
</tr>
<tr>
<td>Fire Rescue</td>
<td>377,920</td>
<td>A supplemental appropriation is needed to rollover funds for the Assistance to Firefighters (AFG) Grant ($347,920) and the Water Rescue Grant ($30,000).</td>
</tr>
<tr>
<td>Transportation &amp; Parking</td>
<td>17,000</td>
<td>A supplemental appropriation is needed to rollover funds for construction of concrete flatwork and the activities for bike share hubs.</td>
</tr>
<tr>
<td>Planning &amp; Economic Dev</td>
<td>1,080,027</td>
<td>A supplemental appropriation is needed to rollover funds for Forward Pinellas ($85,000), Phillips Skyway Marina ($100,000), Bike Friendly Program ($5,000), St. Pete Maker Support ($5,000), Grow Smarter Job Creation ($75,000), Flood Mitigation Assistance ($250,000), Rehabs for Rebates ($92,561), and the Neighborhood Commercial Projects ($467,466).</td>
</tr>
<tr>
<td><strong>Total City Development Administration</strong></td>
<td>1,097,027</td>
<td><strong>Total on Ordinance</strong></td>
</tr>
<tr>
<td>Library (Leisure Services Administration)</td>
<td>39,127</td>
<td>A supplemental appropriation is needed to rollover funds for Library Collections.</td>
</tr>
<tr>
<td>Engineering (Public Works Administration)</td>
<td>66,742</td>
<td>A supplemental appropriation is needed to rollover funds for the funding for the ROW Permit Digitizing project ($15,000), Citywide Energy Enhancements ($24,483), and Seagrass Mitigation Bank ($27,259).</td>
</tr>
</tbody>
</table>

**Other operating funds FY18 Supplemental Appropriations**

<p>| Local Housing Assistance | 1,955,193 | A supplemental appropriation is needed to rollover funds for unspent grant funds. |</p>
<table>
<thead>
<tr>
<th>Parking</th>
<th>270,000</th>
<th>A supplemental appropriation is needed to rollover funds for the James Museum projects. Expenses were delayed due to the timing of the opening of the museum.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDBG</td>
<td>675,191</td>
<td>A supplemental appropriation is needed to rollover funds for unspent grant funds.</td>
</tr>
<tr>
<td>HOME Program</td>
<td>1,745,443</td>
<td>A supplemental appropriation is needed to rollover funds for unspent grant funds.</td>
</tr>
<tr>
<td>Neighborhood Stabilization</td>
<td>1,580,674</td>
<td>A supplemental appropriation is needed to rollover funds for unspent grant funds.</td>
</tr>
<tr>
<td>Pier</td>
<td>30,000</td>
<td>A supplemental appropriation is needed to rollover funds for the Pier security analysis ($10,000) and a naming rights consultant ($20,000).</td>
</tr>
<tr>
<td>Water Resources</td>
<td>147,229</td>
<td>A supplemental appropriation is needed to rollover funds for unspent grant funds for the Toilet Rebate Program and Sensible Sprinkling Program.</td>
</tr>
<tr>
<td>Stormwater</td>
<td>180,079</td>
<td>A supplemental appropriation is needed to rollover funds for the Total Maximum Daily Load Project ($130,079), and the space needs assessment report for a new operations building ($50,000).</td>
</tr>
<tr>
<td>Port</td>
<td>31,000</td>
<td>A supplemental appropriation is needed for the Port marketing contract. Funds are being transferred from the Port Capital Projects fund for this.</td>
</tr>
<tr>
<td>Technology Services</td>
<td>295,000</td>
<td>An increase in the authorization level of the internal service fund is needed to rollover funds for a Kronos upgrade ($215,000), Next Gen Firewall ($50,000), and network monitoring software ($20,000).</td>
</tr>
<tr>
<td>Technology &amp; Infrastructure</td>
<td>1,232,800</td>
<td>An increase in the authorization level of the internal service fund is needed for the replacement of 225 laptops for the Police Department ($784,800), the Kronos Upgrade/Replacement ($418,000), and for additional servers ($30,000).</td>
</tr>
</tbody>
</table>

**CAPITAL IMPROVEMENT FUNDS – FY18 Supplemental Appropriations**

<table>
<thead>
<tr>
<th>General Capital Improvement (51,380)</th>
<th>Acquisition of Woodson Museum</th>
<th>The acquisition project is complete, so the funds in that project can be rescinded and a supplemental appropriation in the Woodson HVAC project can be done.</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Capital Improvement 51,380</td>
<td>Woodson HVAC Improvements</td>
<td>A supplemental appropriation is needed to complete the project. Funds are being transferred from the Recreation &amp; Culture Capital Projects Fund for this.</td>
</tr>
<tr>
<td>Public Safety Capital Improvement 102,400</td>
<td>Fossil Park Fire Station 7</td>
<td>A supplemental appropriation is needed to spend the interest earned on the bond proceeds.</td>
</tr>
<tr>
<td>Water Resources Capital Projects 520,094</td>
<td>Bond Interest Earnings</td>
<td>A supplemental appropriation from the unappropriated balance of the fund to transfer to the Port Operating Fund for marketing.</td>
</tr>
<tr>
<td>Port Capital Projects 31,000</td>
<td>Transfers</td>
<td></td>
</tr>
</tbody>
</table>

**Ordinance Section 8**

**TRANSFERS TO THE ARTS IN PUBLIC PLACES FUND**

For public works projects with construction costs between $100,000 and $2,500,000, two percent (2%) is set aside for the acquisition of works of art. For public works with construction costs between $2,500,001 and $10,000,000, one percent (1%) is set aside for the acquisition of works of art. For public works projects with construction costs exceeding $10,000,001, three-quarters of one percent (0.75%) is set aside for the acquisition of works of art. It is capped at $500,000 for any single project. The following transfers, totaling $5,329 to the Art in Public Places Fund, is based on FY17 transactions:

Recreation & Culture Capital Improvement Fund 5,329

Approval of the attached ordinance is requested.
ORDINANCE NO. 308-H

AN ORDINANCE ENACTING YEAR-END APPROPRIATION ADJUSTMENTS FOR FISCAL YEAR 2017 FOR THE OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM BUDGET AND ADJUSTMENTS TO THE FISCAL YEAR 2018 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1: The following appropriation transfers and supplemental appropriations to the City of St. Petersburg operating budget for the Fiscal Year ending September 30, 2017 are approved from the fund balance of each respective operating fund listed below:

Supplemental Appropriations:
- General Fund-General Government Administration 633,000
- General Fund-Police 492,000
- General Fund-Public Works Administration (Stormwater) 145,000
- General Fund-Fire Rescue 389,000
- School Crossing Guard 5,000
- Mahaffey Theater 185,000
- Coliseum 5,000
- Sunken Gardens 102,000
- Tropicana Field 36,000
- Arts in Public Places 56,500
- Water Cost Stabilization 1,812,500
- Stormwater 269,000
- Sanitation Operating 42,710
- Sanitation Equipment Replacement 43,740
- Airport 28,000
- Jamestown 30,000
- Port 5,500

Section 2: The following appropriations (numbers in parentheses denote reduced appropriations) to the City of St. Petersburg capital improvement program (CIP) budget for the Fiscal Year ending September 30, 2017 are approved from the fund balance of each respective CIP fund listed below:

General Capital Improvements
- Bond Interest Earnings 159,381
- Pier Visioning (106,171)
- Pier Approach (53,210)

Recreation & Culture Capital Improvement Fund
- Transfers 102,400

Water Resources Capital Improvement Fund
- DIS Taps Meters Backflows FY17 152,000
- Reclaimed Taps & Backflows FY17 72,000
Section 3: The following increases to the Internal Service Fund authorizations are approved for the Fiscal Year ending September 30, 2017:

Materials Management 21,000
Life Insurance 35,000

Section 4: Ordinance 241-H is hereby amended by incorporating into said Ordinance all appropriations and adjustments to the operating and capital improvement budgets pertaining to the fiscal year ending September 30, 2017 made by previous resolution, and all supplemental appropriations and adjustments contained in this Ordinance, which pertain to the Fiscal Year ending September 30, 2017. Ordinance Number 241-H as amended as provided herein shall constitute the final budget for the Fiscal Year ending September 30, 2017.

Section 5: The following amounts are established as Commitments and Assignments for future appropriation in the General Operating Fund Balance. Commitments can be changed by a resolution of City Council:

Operating Re-appropriations $5,073,304
Land Sale Proceeds 89,170
Qualified Target Industry (QTI) Tax Refund Program 81,250
Local Agency Program (LAP) 265,504

Section 6: The following amounts encumbered during FY 2017 are re-appropriated in the Fiscal Year ending September 30, 2018 budget from the fund balance of each respective fund:

General Operating Fund:
Police $ 405,134
Fire 237,872
City Development Administration 445,784
Neighborhood Affairs Administration 140,338
Leisure Services Administration 610,370
General Government Administration 769,906
Public Works Administration 2,463,900
Emergency Medical Services 668,973
Local Housing Assistance 6,774
Parking 75,436
CDBG 102,335
Emergency Shelter Grant 35,057
HOME Program 188,579
Neighborhood Stabilization Program 5,272
Building Permit 74,414
Mahaffey 61,408
Pier 18
Coliseum 5,672
Sunken Gardens 18,930
Local Enforcement State Trust 12,279
Police Grant 6,661
Arts in Public Places 19,875
Water Resources 2,860,313
Stormwater 520,609
Sanitation 372,071  
Sanitation Equipment Replacement 3,582,184  
Airport 53,031  
Marina 18,557  
Golf Course 46,824  
Jamestown 15,140  
Port 3,588  
Fleet 444,995  
Equipment Replacement 3,750,733  
Municipal Office Buildings 25,712  
Technology Services 327,248  
Technology & Infrastructure 326,675  
Materials Management 1,489  
Health Insurance 38,884  
Workers’ Compensation 4,149  
Billing & Collections 37,304  

Section 7: The following supplemental appropriations to the City of St. Petersburg operating budget for the Fiscal Year ending September 30, 2018 are approved from the fund balance of each respective operating fund listed below:

Supplemental Appropriations:

General Fund
- General Government Administration 2,259,991
- Neighborhood Affairs Administration 927,913
- Police 200,000
- Fire Rescue 377,920
- City Development Administration (Trans. & Parking/Eco. Dev) 1,097,027
- Leisure Services Administration (Library) 39,127
- Public Works Administration (Engineering) 66,742

Local Housing Assistance 1,955,193
- Parking 270,000
- CDBG 675,191
- HOME Program 1,745,443
- Neighborhood Stabilization 1,580,674
- Pier 30,000
- Water Resources 147,229
- Stormwater 180,079
- Port 31,000
- Technology Services 295,000
- Technology & Infrastructure 1,232,800

General Capital Improvement
- Acquisition of Woodson Museum (51,380)
- Woodson Museum HVAC Improvements 51,380

Public Safety Capital Improvements
- Fossil Park Fire Station 7 102,400

Water Resources Capital Projects:
- Bond Interest Earnings Adjustments 520,094
Section 8: The transfers from the following fund to the Arts in Public Places Fund is approved based on projects meeting the City Code Percent for the Arts criteria:

Recreation & Culture Capital Improvement Fund $5,329

Section 9: All appropriations contained in this Ordinance regarding the budget for Fiscal Year ending September 30, 2018 may be amended in accordance with the City Code or as provided for in Ordinance No. 298-H.

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

APPROVED BY DEPARTMENT:

[Signature]
Budget Department

APPROVED AS TO FORM AND SUBSTANCE:

[Signature]
City Attorney (or designee)
TO: Members of City Council  
DATE: November 2, 2017  
COUNCIL DATE: November 9, 2017  
RE: Non-usable Alleys

ACTION DESIRED:

Respectfully requesting a referral to the Housing, Land Use and Transportation Committee to discuss code changes to the following:

- Allow a majority of property owners on an impassible alley to vacate the alley, or require the City to open these alleys to vehicle traffic, or
- Vacate these alleys while creating easements for utilities that may be in those alleys, Therefore, allowing residents to run fences across these alleys.

RATIONALE:

Attached is a letter that explains the problem with alleys in name only in several neighborhoods. These alleys are not accessible by vehicles and as a result are usually vastly overgrown. If there are utilities in the alleys, they are already accessed through the backyards rather than through the alley. Unfortunately, if they are not fenced, they become either a dumping ground or a path for criminals to break into houses from the rear. Hundreds of neighbors have run fences across the alleys and then take care of this space while increasing their security.

See attachment

Karl Nurse, Council Member  
District 6
Hi Karl,

So after a month of investigation and talking to every possible person I could find down at the City Hall I have determined that according to pavement and traffic operations department they have no intention on opening up these alleys and they told me that all the residents have to get together to agree to have the alleys opened up and paved, pretty much similar to if we want to vacate the alleys. Yet Codes is saying they’re going to go through and make everybody take down their gates and fences and buildings etc. So in any reasonable person’s mind this would mean that Codes is deciding to open up the alleys even though according to law or statute or whatever the proper terminology would be only the residents can decide to open up the alley or payment and traffic operations. So I’m not sure what to do with that disconnect? Thoughts?

Also zoning has determined these alleys are impassable and are allowing curb cuts to new homes yet codes is telling us we need to remove our fences and gates because we are blocking the alley! Once again a ridiculous disconnect there between the two departments. It seems if they’re going to make me take down my gate so people can, in theory, access the alley, then Domain Homes shouldn’t be being permitted to make new curb cuts off the road. They can’t have it both ways!

Any suggestions or thoughts on where I should go from here? Can I attend any city meetings? As I said the mayor’s office won’t respond to my multiple phone calls so that’s a dead end. My attorney told me that since it’s been over a month and Codes has only cited my gates and nobody else’s fences that at this point I have grounds for harassment but I’m not sure what that would gain me? Any suggestions would very appreciated!!

-brad.
603-345-5156

Sent from my iPad
The Legislative Affairs and Intergovernmental Relations Committee met on October 19.

The city’s contract lobbyists, Capitol Alliance Group representatives Jeff Sharkey and Taylor Biehl attended and reported on activities leading up to the beginning of the 2018 legislative session in January. Budgetary issues will drive the deliberations of the legislature, particularly in the wake of Hurricane Irma. The State was anticipating having a $52 million surplus. However, Hurricane Irma has cost the State $141 million. State economists have predicted that Hurricane Irma will probably cost the State $800 or $900 million through tax losses and increased expenditures. Local appropriations projects will likely be limited because of the shortfall.

Preemption of local home rule authority is expected to be one of Speaker Corcoran’s priorities again this year and many bills limiting local authority have already been filed. Limitation of Community Redevelopment Agencies’ authority, short term-rentals, bills to restrict local government bonding authority and prohibit use of public lands for professional sports facilities are already moving through the process, even before the January filing deadline for new legislation.

The committee discussed the need for Council members to become more engaged with local legislators, and to travel to Tallahassee to lobby them directly. The committee expressed interesting in piggy-backing with the Chamber of Commerce’s trip to Tallahassee to represent issues important to St. Petersburg citizens and businesses.

The committee voted to direct the Legal Department to draft a resolution in support of local government home rule to be delivered to the local legislative delegation.

Local appropriations project are due to the House and Senate sponsors in mid-November and city administration is still identifying funding to pursue.

The committee also discussed Councilmember Kennedy’s referral to the committee of the veto of funding for Civics Education in last year’s state budget. Research on this which was provided by Sally Everett was discussed, and all agreed on the importance of civics education. However, in light of the other crucial issues facing St. Petersburg and local governments in general, it was decided to take no formal action to request further funding.

The LAIR committee is scheduled to meet again on November 20.
MEMORANDUM

To: Darden Rice, City Council Chair; Members of City Council
From: Brett B. Pettigrew, Assistant City Attorney
Date: October 20, 2017
Re: Cleanup ordinance to consolidate and harmonize campaign finance provisions adopted by City Council on October 5, 2017

On October 5, 2017, City Council adopted the two ordinances for the purpose of implementing campaign finance reform for municipal elections in the City of St. Petersburg:

- **Ordinance 300-H**, which was drafted by Free Speech for People (“FSFP”) and implemented contribution and expenditure limits involving Super PACs and foreign-influenced business entities.

- **Ordinance 302-H**, which was drafted by the Legal Department and implemented enhanced disclosure requirements

Because these ordinances were originally drafted as alternatives to one another, they were inconsistent in places as to terminology and numbering, and at the October 5, 2017 meeting, City Council requested that the Legal Department work with FSFP to develop a cleanup ordinance to combine the provisions adopted in ordinances 300-H and 302-H into a single ordinance that amends City Code in a manner that is consistent as to terminology and numbering.

A proposed cleanup ordinance is attached for your consideration. FSFP has reviewed this cleanup ordinance and confirmed that it reflects the substantive provisions for contribution and expenditure limits previously adopted in ordinance 300-H.

With respect to disclosure, the cleanup ordinance reflects the following substantive changes initiated by the Legal Department:

- An independent spender may now inform City Clerk of the identity of another election official with whom a statutory statement of organization has been filed, rather than filing a copy directly with the City Clerk. This change is made for consistency with the Florida Statutes.
• Provisions regarding certification of disclosure materials now specifically state that they are intended to implicate Chapter 104 of the Florida Statutes, which provides statutory penalties for falsifying an election-related oath or affirmation.

• Provisions related to electronic filing have been removed. This does not reduce the scope of disclosure in any way and allows City staff to continue working through practical issues related to this matter.

Otherwise, the cleanup ordinance reflects the substantive provisions for disclosure that were previously adopted in ordinance 302-H.
ORDINANCE NO. _______

AN ORDINANCE REPEALING AND SUPERSEDING ORDINANCES 300-H AND 302-H FOR THE PURPOSE OF IMPLEMENTING CAMPAIGN FINANCE REFORM FOR MUNICIPAL ELECTIONS IN THE CITY OF ST. PETERSBURG; MAKING FINDINGS REGARDING FOREIGN INFLUENCE, SUPER-PAC FUNDING, AND DISCLOSURE IN MUNICIPAL ELECTIONS; AMENDING THE CITY CODE TO IMPOSE LIMITS ON CONTRIBUTIONS AND EXPENDITURES RELATED TO MUNICIPAL ELECTIONS INVOLVING SUPER PACS AND FOREIGN-INFLUENCED ENTITIES AND TO REQUIRE INCREASED DISCLOSURE OF CAMPAIGN FINANCE MATTERS RELATED TO MUNICIPAL ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 5, 2017, the City Council of the City of St. Petersburg, Florida, ("City Council") adopted ordinance 300-H, amending the St. Petersburg City Code ("City Code") to impose limits on contributions related to municipal elections from super PACs and foreign-influenced entities; and

WHEREAS, on October 5, 2017, City Council also adopted ordinance 302-H, amending City Code to require increased disclosure of independent expenditures, expenditures for electioneering communications, and other campaign finance matters related to municipal elections; and

WHEREAS, these ordinances amend the same portion of City Code but, as adopted, are inconsistent in places as to terminology and numbering; and

WHEREAS, because ordinances 300-H and 302-H have not yet gone into effect, City Council desires to resolve any inconsistencies in those ordinances by passing a new ordinance that repeals ordinances 300-H and 302-H and combines certain provisions previously adopted in those ordinances into a single ordinance that is consistent as to terminology and numbering.
NOW, THEREFORE, THE CITY OF ST. PETERSBURG ORDAINS THE FOLLOWING:

SECTION 1—PURPOSE AND EFFECT: This ordinance is adopted for the purpose of combining into a single ordinance certain provisions that were previously adopted by City Council through ordinances 300-H and 302-H but that have not yet gone into effect. Accordingly, this ordinance repeals ordinances 300-H and 302-H and is intended to supersede each of those ordinances in its entirety.

SECTION 2—FINDINGS REGARDING FOREIGN INFLUENCE AND SUPER-PAC FUNDING: The City Council of the City of St. Petersburg, Florida, makes the following findings regarding foreign influence and the effects of super-PAC funding in municipal elections:

(a) The U.S. government has concluded that the 2016 election was subject to extensive foreign involvement, as set forth in the U.S. Director of National Intelligence’s January 2017 report on “Assessing Russian Activities and Intentions in Recent US Elections.”

(b) The U.S. Congress, and the U.S. Supreme Court, have already recognized the need to protect U.S. elections (including local elections) from foreign influence, through the ban on contributions and expenditures by foreign nationals imposed by 52 U.S.C. 30121 and upheld by the Supreme Court in Bluman v. Federal Election Commission, 800 F. Supp. 2d 281 (D.D.C. 2011) (3-judge court), aff’d, 565 U.S. 1104 (2012).

(c) Current law does not adequately protect against foreign nationals (including foreign governments) from influencing elections through corporate political spending by U.S. corporations with significant foreign ownership, as explained by Federal Election Commissioner Ellen Weintraub, Professor John Coates, Professor Laurence Tribe, and Professor Charles Fried in letters submitted to the City Council in October 2016.

(d) Efforts to address this phenomenon through rulemaking at the Federal Election Commission that would apply to local elections have been unsuccessful, as summarized by Commissioner Weintraub in her July 19, 2017 statement “How Our Broken Campaign Finance System Could Allow Foreign Governments to Buy Influence in Our Elections and What We Can Do About It.”

(e) Federal law and academic literature on corporate governance consider a single shareholder owning 5% or more to be in a position to influence corporate governance, as explained in the report appended by Professor Coates to his October 2016 letter to the City Council. Testimony by experts at a Federal Election Commission forum in June 2016 converged toward this threshold.
Similarly, a corporation with a collection of foreign owners totaling 20% ownership would be unacceptably subject to foreign influence, as illustrated by 47 U.S.C. 310(b)’s 20% maximum of foreign ownership for broadcast licensees.

Corporations with foreign ownership at these levels have been politically active in recent years, including in local elections around the country, as explained in the letter from Professor Coates in his October 2016 letter to the City Council.

To protect the integrity of the democracy of St. Petersburg, it is necessary to ensure that corporations that spend money in city elections are not foreign-influenced.

“Super PACs,” including independent expenditure political committees and electioneering communications organizations, are a growing phenomenon in local elections and in Florida, as explained in the October 2016 letter to the City Council from Professor Joseph Morrissey.

Large contributions to super PACs pose the risk of quid pro quo corruption or the appearance of quid pro quo corruption, even if the super PAC’s media activities are not “coordinated” with political campaigns, as explained in the letter from Professor Albert Alschuler submitted to the City Council in October 2016.

Florida-based donors are very active in contributing to federal and state super PACs. One such contribution has led to a criminal indictment for bribery against both the super PAC donor and the supported candidate. Regardless of the eventual outcome of that criminal proceeding, it demonstrates how large contributions to super PACs can yield quid pro quo corruption, as explained in the letter from Professor Morrissey.

Super PACs have become an increasing phenomenon in local elections, including in Florida. They are used to circumvent local contribution limits, as explained in the letter from Professor Morrissey.

To protect the integrity of the democracy of St. Petersburg, it is necessary to ensure that large contributions not fund municipally active outside spending groups.

SECTION 3—FINDINGS REGARDING DISCLOSURE: The City Council of the City of St. Petersburg, Florida, makes the following findings regarding disclosure of independent expenditures and expenditures for electioneering communications:

The campaign finance disclosure obligations established by the Florida Election Code (chapter 106, in particular) do not provide the City’s electors with sufficient information to
evaluate the sources of independent expenditures and expenditures for electioneering communications, including matters of corporate control, foreign influence, and business relationships with the City.

(b) Because most political committees and electioneering communications organizations involved with City elections claim to have statewide interests, they file required reports of campaign finance activity with the Florida Division of Elections. These reports do not identify which contributions, expenditures, and other financial transactions are related to elections held in the City (as opposed to other areas of the state), making it impossible for the City’s electors to evaluate the extent to which these groups participate in and influence City elections.

(c) Instituting local campaign finance disclosure requirements that are designed to supplement the campaign finance disclosure requirements imposed by the Florida Election Code will provide the City’s electors with access to meaningful information about the sources of funding behind independent expenditures and expenditures for electioneering communications that influence City elections.

(d) The local campaign finance disclosure requirements implemented by this ordinance are substantially related to the City’s important governmental interest in providing the City’s electors with access to information about those individuals and entities seeking to influence City elections through independent expenditures and expenditures for electioneering communications.

SECTION 4 —AMENDMENT OF CITY CODE: Chapter 10 of the St. Petersburg City Code is amended by reserving section numbers 10-42 through 10-50 as part of article II and inserting after article II the following new articles III, IV, and V:

ARTICLE III. — CAMPAIGN FINANCE, GENERALLY

Sec. 10-51. – Definitions.

In articles III, IV, and V:

(a) The following terms have the meanings provided by Florida Statutes chapter 106:

(1) Division.

(2) Electioneering communication.

(3) Electioneering communications organization.
(4) Expenditure.

(5) Independent expenditure.

(6) Person.

(7) Political committee.

(b) “Ballot question” means a referendum, initiative, recall, Charter amendment, or other ballot question put solely to the City’s electors.

(c) “Business entity” means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity.

(d) “Candidate” means a candidate for Mayor or City Council Member.

(e) “Chief executive officer” means the highest-ranking officer or decision-making individual with authority over a business entity’s affairs.

(f) “Covered communication” means (i) a political advertisement related to a candidate or a ballot question that is paid for, in whole or in part, through an independent expenditure or (ii) an electioneering communication related to a candidate.

(g) “Covered candidate-related expenditure” means (i) an independent expenditure made with respect to a candidate or (ii) an expenditure for an electioneering communication made with respect to a candidate.

(h) “Covered expenditure” means (i) an independent expenditure made with respect to a candidate or a ballot question or (ii) an expenditure for an electioneering communication made with respect to a candidate.

(i) “Covered election” means any election (regardless of whether it is a primary, general, or special election) in which the City’s electors vote on election of a candidate or a ballot question.

(j) “Covered transaction” means any contribution, transfer of funds, loan, expenditure, or other financial transaction that is (i) required to be included in a statutory report and (ii) related to a candidate or a ballot question.

(k) “Entity” means any person that is not an individual, including any business entity.
“Foreign national” means (i) a foreign national, as defined in 52 U.S.C. § 30121(b); or (ii) an entity for which a foreign national, as defined in 52 U.S.C. § 30121(b), holds, owns, controls, or otherwise has direct or indirect beneficial ownership of 50% or more of the equity, outstanding voting shares, membership units, or other applicable ownership interests of the entity.

“Foreign-influenced business entity” means a business entity for which at least one of the following conditions is met:

1. a single foreign national holds, owns, controls, or otherwise has direct or indirect beneficial ownership of 5% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity;

2. two or more foreign nationals, in aggregate, hold, own, control, or otherwise have direct or indirect beneficial ownership of 20% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity;

3. a foreign national participates directly or indirectly in the entity’s decision-making process with respect to the entity’s political activities in the United States, including the business entity’s political activities with respect to a covered election for a candidate.

“Independent spender” means any person who qualifies as such pursuant to section 10-71.

“Independent spending report” means any report filed with the City Clerk by an independent spender pursuant to article V. Notice of independent spender status filed with to the City Clerk pursuant to section 10-72 is not an independent spending report.

“Individual” means one person who is a natural person, rather than a legal entity or other combination of individuals having collective capacity.

“Outside-spending group” means any political committee or electioneering communications organization that qualifies as such pursuant to section 10-61.
“Statutory report” means any report of campaign finance activity described in F.S. §§ 106.07, 106.0703, or 106.071.

“Supervisor of elections” means the Pinellas County Supervisor of Elections.

Sec. 10-52. – Enforcement

(a) The POD is authorized to enforce the provisions of articles III, IV, and V through the imposition of penalties in accordance with Florida law.

(b) If the amount appropriated for enforcement of articles III, IV, and V has been completely expended for the current fiscal year but additional enforcement expenses are expected before the end of that fiscal year, the POD shall prepare and submit to City Council an estimate of enforcement costs expected to be incurred during the remainder of the current fiscal year, and the City Council shall consider that estimate in its decision to appropriate additional funds for the enforcement of articles III, IV, and V.

Sec. 10-53. – Severability.

In accordance with section 1-11, each provision of articles III, IV, and V is intended to be severable, and a determination that any portion of article III, IV, or V is invalid should not affect the validity of the remaining portions of articles III, IV, and V.

Secs. 10-54—10-60. – Reserved.

ARTICLE IV. – CONTRIBUTION LIMITS

Sec. 10-61. – Contribution limits for outside-spending groups.

(a) A political committee or electioneering communications organization is considered an outside-spending group for purposes of this article when that political committee or electioneering communications organization either:

(1) makes a covered candidate-related expenditure; or

(2) mentions this city, either explicitly or by means susceptible of no reasonable interpretation other than this city, in a solicitation for a contribution or in a description of a planned covered candidate-related expenditure, that is distributed or otherwise made available to contributors or to the general public; or
(3) solicits contributions for, among other purposes, the purpose of covered candidate-related expenditures; or

(4) otherwise conveys, in solicitations for contributions or in materials otherwise made available to prospective or actual contributors, either explicitly or by means susceptible to no other reasonable interpretation, that contributions may be used for covered candidate-related expenditures; or

(5) accepts a contribution that has been specifically designated for partial or exclusive use in a covered candidate-related expenditure.

(b) The treasurer of an outside-spending group shall separately designate, record, and account for, by any means consistent with state law, funds that are eligible for use for covered candidate-related expenditures.

(c) The following shall not be designated as eligible for use for covered candidate-related expenditures:

(1) any portion of a contribution to an outside-spending group that exceeds the aggregate of $5,000 per person per calendar year; or

(2) any contribution from a business entity to an outside-spending group for which the business entity fails to provide, within 30 days of making the contribution, a copy of the statement of certification required under Section 10-62.

(d) The treasurer of an outside-spending group shall ensure that disbursements for covered candidate-related expenditures are made from funds designated as eligible for such use.

(e) It shall be unlawful for the treasurer of an outside-spending group to make or authorize disbursements in violation of this section.

(f) The treasurer of an outside-spending group shall advise contributors and prospective contributors of the limits in this section.

Sec. 10-62. – Election spending by foreign-influenced business entities.

(a) This section applies to any business entity that:

(1) makes a covered candidate-related expenditure of $5,000 or more or
makes a contribution to an outside-spending group.

(b) The chief executive officer of a business entity subject to this section shall file with the City Clerk’s Office, within 30 days after making the contribution or expenditure, a statement of certification avowing that, after due inquiry and under penalty of perjury, the business entity is not a foreign-influenced business entity. The statement of certification shall include the following:

(1) the name and mailing address of the business entity,

(2) for each contribution or expenditure, the amount, date, and recipient,

(3) the statement “I certify, after due inquiry and under penalty of perjury, that, on the date(s) on which the referenced contribution(s) or expenditure(s) was/were made, [name of business entity] was not a foreign-influenced business entity as defined by the St. Petersburg City Code,” and

(4) the signature of the business entity’s chief executive officer.

(c) It shall be unlawful for a business entity that is subject to this section to fail to timely file the statement of certification.

Secs. 10-63—10-70. – Reserved.

ARTICLE V. – DISCLOSURE

Sec. 10-71. – Scope and purpose of disclosures.

(a) A person is considered an independent spender for a particular covered election once that person has made one or more covered expenditures with respect to any candidate or ballot question for that covered election that aggregate to $5,000 or more.

(b) Once a person is considered an independent spender for a particular covered election, that person shall comply with the disclosure obligations imposed by this article.

(c) The disclosure obligations imposed by this article are intended to supplement disclosure obligations established by the Florida Election Code by
providing information to the City’s electors that is not available through statutory reports.

(d) The disclosure obligations imposed by this article are intended to be carried out in conjunction with (and not instead of) the disclosure obligations imposed by the Florida Election Code. Accordingly, the City shall promulgate forms and procedures to be used in conjunction with forms and procedures established by the Florida Election Code and the division.

(e) The disclosure obligations imposed by this article are not intended to be perpetual and are based on statutory reporting schedules, as more particularly described in section 10-73, and statutory disclaimer obligations, as more particularly described in section 10-75.

Sec. 10-72. – Notice of independent spender status.

(a) **Timing.** Once a person has qualified as independent spender for a covered election pursuant to section 10-71, that person shall provide notice of its status as independent spender for that covered election by doing one of the following, no later than the date of filing its first independent spending report for a covered election: (i) file the information described in this section 10-72 with the City Clerk; or (ii) affirm that information filed with the City Clerk pursuant to this section 10-72 for a previous covered election remains a complete and accurate disclosure of the information currently required by this section 10-72.

(b) **Statement of organization.** If, pursuant to F.S. § 106.03, an independent spender is required to file a statement of organization with the division, the supervisor of elections, or any election officer in the state other than the City Clerk, that independent spender shall, at its discretion, file with the City Clerk either (i) a copy of that statement of organization or (ii) the name of the election official with whom that statement of organization is filed.

(c) **Information in lieu of statement of organization.** If an independent spender is not required to file a statement of organization directly with the City Clerk pursuant to F.S. § 106.03 or file information related to a statement of organization filed elsewhere pursuant to subsection (b), that independent spender shall instead file the following information with the City Clerk in lieu of a statement of organization:

(1) The name, mailing address, street address, telephone number, and e-mail address of the independent spender.
(2) If the independent spender is an individual, (i) the independent spender’s occupation and (ii) the name, mailing address, street address, telephone number, and e-mail address of the independent spender’s employer.

(3) If the independent spender is an entity, the name, mailing address, street address, and relationship of any organization affiliated with or connected to the independent spender.

(4) If the independent spender is an entity and has a custodian of books and accounts or other individual officially responsible for the entity’s recordkeeping, the name, mailing address, street address, telephone number, and e-mail address of that individual.

(5) If the independent spender is an entity and has any principal officers or other individuals who are officially responsible for the operation and control of the entity, the name, mailing address, street address, telephone number, and e-mail address of each such individual.

(6) The name, address, office sought, and party affiliation of any candidate the independent spender is supporting or opposing, as well as an indication of support or opposition for that candidate.

(7) Any ballot question the independent spender is supporting or opposing, as well as an indication of support or opposition for that ballot question.

(8) If the independent spender is supporting all candidates from a particular party, a statement to that effect and the name of the applicable party.

(d) Relationship with City. An independent spender shall provide the following information about itself to the City Clerk as part of the notice requirement established by this section:

(1) Whether the independent spender or an entity owned by, controlled by, or affiliated with that independent spender either (i) has a current contract with the City for the provision of goods or services valued in excess of $5,000 or (ii) expects to bid, within the following 12 months, on any contract with the City for the provision of goods or services valued in excess of $5,000.
Whether the independent spender or an entity owned by, controlled by, or affiliated with that independent spender is a lobbyist or a lobbying firm with respect to the City under F.S. §§ 11.045, 112.3215.

(e) **Corporate information.** An independent spender that is an entity shall provide the following information to the City Clerk as part of the notice requirement established by this section:

1. The URL for the entity’s website, if any.
2. The type of entity (e.g., corporation, LLC, etc.) and the state of formation, if any.
3. The tax-exempt status of the entity.
4. Whether the entity is a foreign-influenced business entity.
5. The name of any principal owner of the entity.
6. The name of each officer, board member, or equivalent for the entity.
7. The name, mailing address, street address, telephone number, and e-mail address of at least one individual in charge of making decisions regarding covered spending for the entity.
8. The name, mailing address, street address, telephone number, and e-mail address of the agent for service of process in Florida for the entity.
9. The name, mailing address, street address, telephone number, and e-mail address of the person filing the notice on behalf of the entity.

(f) **Certification.** The person filing information with the City Clerk pursuant to this section shall certify as to the correctness of that information; and each person so certifying shall bear the responsibility for the accuracy and veracity of that information. To the fullest extent possible under applicable law, this certification is deemed to be an oath or affirmation in connection with and arising out of an election pursuant to F.S. § 104.011.
Sec. 10-73. – Filing schedule for independent spending reports.

An independent spender shall file each independent spending report with the City Clerk as follows:

(a) *Political committee.* If the independent spender is a political committee required to file a statutory report pursuant to F.S. § 106.07, that independent spender shall file each independent spending report with the City Clerk according to the statutory reporting schedule established pursuant to F.S. § 106.07.

(b) *Electioneering communications organization.* If the independent spender is an electioneering communications organization required to file statutory reports pursuant to F.S. § 1106.0703, that independent spender shall file each independent spending report with the City Clerk according to the statutory reporting schedule established pursuant to F.S. § 106.0703.

(c) *Other independent spending.* If the independent spender is required to file statutory reports pursuant to F.S. § 106.071, that independent spender shall file each independent spending report with the City Clerk according to the statutory reporting schedule established pursuant to F.S. § 106.071.

(d) *No statutory reporting requirement.* If the independent spender is not required to file a statutory reports pursuant to F.S. §§ 106.07, 106.0703, or 106.071, the independent spender shall file each independent spending report with the City Clerk according to the reporting schedule established by the Clerk for political committees pursuant to F.S. § 106.07.

Sec. 10-74. – Contents of independent spending reports.

(a) *Statutory reporting.* Each independent spender shall include in each independent spending report the information identified in the Florida Election Code as part of the statutory reporting process as follows:

(1) If an independent spender is a political committee required to file a statutory report with the division or the supervisor of elections pursuant to F.S. § 106.07, that independent spender shall also file a version of that report with the City Clerk that is limited to covered transactions.

(2) If an independent spender is an electioneering communications organization required to file a statutory report with the division or the
supervisor of elections pursuant to F.S. § 106.0703, that independent spender shall also file a version of that report with the City Clerk that is limited to covered transactions.

(3) If an independent spender is required to file a statutory report with the division or the supervisor of elections pursuant to F.S. § 106.071, that independent spender shall also file a version of that report with the City Clerk that is limited to covered transactions.

(4) Otherwise, the independent spender shall file with the City Clerk the statutory report required to be filed with the City Clerk by F.S. §§ 106.07, 106.0703, or 106.071, as applicable.

(b) Bifurcated transactions. To the extent that any covered transaction filed with the City Clerk pursuant to subsection (a) is only partially applicable to a candidate or a ballot question, the independent spender shall identify what percentage of the covered transaction is applicable to the applicable candidate or a ballot question.

(c) Supplemental information regarding contributions. For each contribution filed with the City Clerk pursuant to subsection (a), the independent spending report must also include the following information about that contribution:

(1) If the contributor is an entity, the name of an individual serving as president, managing member, or CEO or who otherwise exercises control over the entity, along with the name of that individual’s position or a description of that individual’s role in controlling the entity.

(2) If the contributor’s aggregate contributions to the independent spender over the preceding 12 months exceeds $5,000, the information listed in section 10-72(d) with respect to that contributor.

(3) If the contributor is an entity and the contributor’s aggregate contributions to the independent spender over the preceding 12 months exceeds $5,000, the information listed in section 10-72(e) with respect to that contributor.

(d) Certification. The person filing an independent spending report with the City Clerk shall certify the correctness of all information contained in that independent spending report in the same manner as the applicable statutory
Sec. 10-75. – Disclaimers.

(a) **Requirement.** This section requires that additional information be incorporated into disclaimers already required by the Florida Election Code as follows:

   (1) If an independent spender is required to include a disclaimer on a political advertisement pursuant to F.S. § 106.071, that independent spender shall incorporate into the disclaimer required by that statute, on any version of that political advertisement distributed in the City, the supplemental information required by this section.

   (2) If an independent spender is required to include a disclaimer on an electioneering communication pursuant to F.S. § 106.1439, that independent spender shall incorporate into the disclaimer required by that statute, on any version of that electioneering communication that is distributed in the City, the supplemental information required by this section.

   (3) Any information that must be incorporated in a disclaimer pursuant to this section must be presented in the same manner as the information required by the applicable statute with respect to size, duration, placement, and other applicable characteristics.

(b) **Control of Entity.** If the disclaimer must, pursuant to the applicable statute, include name of a person who paid for the covered communication and that person is an entity, the disclaimer must also include the name of an individual who is an officer or who is otherwise officially responsible for the operation and control of the entity.

(c) **Identification of Top Donors.** For purposes of this section, an independent spender’s “top donors” are its largest aggregate contributors who, during the preceding 12 months, have each contributed an aggregate amount of $5,000 or more to the independent spender for use in making covered expenditures, listed in descending order by aggregate amount.

(d) **Listing of Top Donors.** If there are no top donors at the time a covered communication is distributed, no additional information is required by this
section. Otherwise, the independent spender shall identify top donors in the
disclaimer as follows:

(1) The disclaimer must include the three top donors, if that many exist.
Otherwise, the one or two existing top donors must be included.

(2) If the third largest donor has donated the same amount as the fourth
largest donor, the independent spender may choose which three top
donors to include, so long as no donor is included that has donated
less than any other donor that is not included.

(3) The disclaimer must identify the top donors by name and identify
them as “top donors.”

(4) If any top donor is an entity, the disclaimer must also include the
name of an individual serving as president, managing member, or
CEO of that entity or who otherwise exercises control over that enti-

**Sec. 10-76. – Records.**

For a period of three years following the applicable covered election or for any
longer period imposed by applicable law, an independent spender shall keep any
record needed to verify any disclosure information filed with the City Clerk pursu-
ant to this article and make any such record available to the City Clerk and the POD
upon request.

**SECTION 5—EFFECTIVE DATE:** If this ordinance is not vetoed by the Mayor in accordance
with the City Charter, it will become effective on January 1, 2018. If this ordinance is vetoed by
the Mayor in accordance with the City Charter, it will not become effective unless the City Council
overrides the veto in accordance with the City Charter, in which case it will become effective on
January 1, 2018.

Approved as to form:

[Signature]

City Attorney (Designee)
ST. PETERSBURG CITY COUNCIL

CONSENT AGENDA

Meeting of November 9, 2017

TO: City Council Chair & Members of City Council

SUBJECT:
A resolution authorizing the Mayor or his designee to accept a Childcare Food Program grant in the amount of $205,245 from the Florida Department of Health, Bureau of Childcare Food Programs for after-school programs at City recreation centers and to execute all other documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION:
The State of Florida Department of Health, Bureau of Childcare Food Programs ("Department") has again awarded the City of St. Petersburg a Childcare Food Program grant in the amount of $205,245 to provide funding for snacks for children attending after-school programs at City recreation centers. The program provides for a nutritious snack to be given to any child registered in a recreation facility throughout the school year. The grant will reimburse the City for snacks for children at 11 sites in St. Petersburg.

In the past, the grant agreement for the after-school snacks was for a term of one year. This is the seventh one-year grant made by the Department pursuant to a "permanent contract" between the Department and the City executed in 2011. This permanent contract has no expiration, but is terminable at will by the Department or the City.

RECOMMENDATION:
The Administration recommends that the City Council adopt the attached resolution authorizing the Mayor or his designee to accept a Childcare Food Program grant in the amount of $205,245 from the Florida Department of Health, Bureau of Childcare Food Programs for after-school programs at City recreation centers and to execute all other documents necessary to effectuate this transaction; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION:
Revenues of approximately $205,245 will be received from the Florida Department of Health, Bureau of Childcare Food Programs, State of Florida, and has been appropriated for the FY18 Budget in the Parks and Recreation Department. Subsequent awards will be appropriated as received.

ATTACHMENTS: Resolution

APPROVALS: Administration: Shey K. McIver Budget: Barry J. McKee
RESOLUTION No. 2017 - ____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT A CHILDCARE FOOD PROGRAM GRANT IN THE AMOUNT OF $205,245 FROM THE FLORIDA DEPARTMENT OF HEALTH, BUREAU OF CHILDCARE FOOD PROGRAMS FOR AFTER-SCHOOL PROGRAMS, AT CITY RECREATION CENTERS AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg’s children are an important and valuable resource; and

WHEREAS, the City of St. Petersburg Parks and Recreation Department applied for and received a grant award in the amount of $205,245, from the Florida Department of Health ("Department"), to provide funding for snacks for middle and elementary school-aged children at City recreation centers; and

WHEREAS, the Department executed a permanent contract with the City of St. Petersburg in 2011 to provide a Childcare Food Program (CCFP) that will continue in effect from year to year until terminated by the Department or the City of St. Petersburg; and

WHEREAS, the grant funds from this award have been appropriated for the Parks and Recreation Department budget for FY18, and any subsequent awards will be appropriated as received.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to accept a Childcare Food Program grant in the amount of $205,245 from the Florida Department of Health, Bureau of Childcare Food Programs, for after-school programs at City recreation centers and to execute all other documents necessary to effectuate this transaction.

This resolution shall become effective immediately upon its adoption.

Approvals:

Legal: [Signature] Administration: [Signature]
ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 9, 2017

TO: The Honorable Darden Rice, Chair, and Members of City Council

SUBJECT: A resolution authorizing the Mayor or his designee to execute a three-party Railroad Reimbursement Agreement, Grade Crossing Traffic Control Devices – Municipal, between the City of St. Petersburg ("City"), the Florida Department of Transportation ("FDOT"), and CSX Transportation ("CSXT") for the replacement and upgrade of the automatic grade crossing signals and traffic control devices at the 9th Avenue North near 18th Street North railroad crossing (FDOT Financial Project No. 44043015701, FDOT/AAR Crossing 626716K); and providing an effective date.

EXPLANATION: FDOT has selected the City's 9th Avenue North near 18th Street North railroad crossing for design and construction funding in the amount of $386,983 from the 2016/2017 Railroad Crossings Signal Safety Program. The program provides for replacement and upgrades to the railroad crossing with construction funding provided by the FDOT, in the amount of $386,983. Under the Reimbursement Agreement, CSXT will be responsible for operating and maintaining the crossing signals with maintenance costs to be shared equally between the City and CSXT. The City's contribution to annual maintenance expenses are anticipated to be $1,800, but expenses may be adjusted in subsequent years to meet any increase in maintenance expenses.

RECOMMENDATION: Administration recommends that City Council authorize the Mayor or his designee to execute a three party Railroad Reimbursement Agreement, Grade Crossing Traffic Control Devices – Municipal, between the City of St. Petersburg, the Florida Department of Transportation, and CSX Transportation for the replacement and upgrade of the automatic grade crossing signals and traffic control devices at the 9th Avenue North near 18th Street North railroad crossing (FDOT Financial Project ID 4403015701, FDOT/AAR Crossing Number 626716K).

COST/FUNDING/ASSESSMENT INFORMATION: Funding for the shared maintenance costs will be incorporated in the annual budget for the Stormwater, Pavement & Traffic Operations Department, Traffic Signals Division (400-1281) in the General Fund (0001).

ATTACHMENTS: Railroad Reimbursement Agreement Grade Crossing Traffic Control Devices – Municipal

APPROVALS: Administrative  Budget
Resolution No. 2017-____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A THREE-PARTY RAILROAD REIMBURSEMENT AGREEMENT, GRADE CROSSING TRAFFIC CONTROL DEVICES – MUNICIPAL ("REIMBURSEMENT AGREEMENT"), BETWEEN THE CITY OF ST. PETERSBURG ("CITY"), THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"), AND CSX TRANSPORTATION ("CSXT") FOR THE REPLACEMENT AND UPGRADE OF THE AUTOMATIC GRADE CROSSING SIGNALS AND TRAFFIC CONTROL DEVICES AT THE 9TH AVENUE NORTH NEAR 18TH STREET NORTH RAILROAD CROSSING (FDOT FINANCIAL PROJECT NO. 44043015701, FDOT/AAR CROSSING 626716K); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, FDOT has selected the City’s 9th Avenue North near 18th Street North railroad crossing for design and construction funding in the amount of $386,983 from the 2016/2017 Railroad Crossings Signal Safety Program; and

WHEREAS, the program provides for replacement and upgrades to the railroad crossing with construction funding provided by the FDOT, in the amount of $386,983; and

WHEREAS, under the Reimbursement Agreement, CSXT will be responsible for operating and maintaining the crossing signals with maintenance costs to be shared equally between the City and CSXT; and

WHEREAS, the City’s contribution to annual maintenance expenses are anticipated to be $1,800, but expenses may be adjusted in subsequent years to meet any increase in maintenance expenses; and

WHEREAS, the Administration recommends that the Reimbursement Agreement be executed by the City.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee is authorized to execute the three party Railroad Reimbursement Agreement, Grade Crossing Traffic Control Devices – Municipal, between the City of St. Petersburg, the Florida Department of Transportation, and CSX Transportation for the replacement and upgrade of the automatic grade crossing signals and traffic control devices at the 9th Avenue North near 18th Street North railroad crossing (FDOT Financial Project ID 4403015701, FDOT/AAR Crossing Number 626716K).

This resolution shall become effective immediately upon its adoption.

Approvals:

Administration:

Approved as to Content and Form:

By:  

City Attorney (designee) 
Legal: 00346266.doc v1
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
RAILROAD REIMBURSEMENT AGREEMENT
GRADE CROSSING TRAFFIC CONTROL DEVICES - MUNICIPAL

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<th>COUNTY NAME</th>
<th>PARCEL &amp; RW NUMBER</th>
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<td>PINELLAS</td>
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THIS AGREEMENT, made and entered into this __________ day of __________________, 2017,

by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the

DEPARTMENT, and CSX Transportation

a corporation organized and existing under the laws of Virginia

with its principal place of business in the City of Jacksonville, County of Duvall,

State of Florida, hereinafter called the COMPANY; and the City of St. Petersburg,

a municipal corporation, hereinafter called the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is constructing, reconstructing or otherwise changing a portion of the Public Road System, designated by the Financial Project ID 44043015701, on 9th Avenue North, which crosses at grade the right of way and tracks of the COMPANY'S Milepost ARE 897.25

FDOT/AAR Crossing Number 626716K, at or near ________________, as shown on DEPARTMENT'S Plan Sheet No. 17882, attached hereto as a part hereof; and

NOW, THEREFORE, in consideration of the mutual undertakings as herein set forth, the parties hereto agree as follows:

1. The COMPANY shall furnish the necessary materials and install Automatic Grade Crossing Signals Type __________ Class __________ and/or other traffic control devices at said location on an actual cost basis and in accordance with (1) the attached detailed statement of the work, plans, and specifications; and (2) the DEPARTMENT'S Plans and Standard Index Number 17882 attached hereto and made a part hereof.

2. After installation of said signals is completed, fifty (50%) percent of the expense thereof in maintaining the same shall be borne by the CITY and fifty (50%) percent shall be borne by the COMPANY, as enumerated by the Schedule of Annual Cost of Automatic Highway Grade Crossing Devices attached hereto and by this reference made a part hereof and subject to future revision.

3. After said signals have been installed and found to be in satisfactory working order by the parties hereto, the same shall be immediately put into service, operated and maintained by the COMPANY so long as said COMPANY or its successors or assigns shall operate the said signals at said grade crossing; or until it is agreed between the parties hereto that the signals are no longer necessary or until the said crossing is abandoned; or legal requirements occur which shall cease operation of signals thereat.
The COMPANY agrees that any future relocation or adjustment of said signals shall be performed by the
COMPANY, but at the expense of the party initiating such relocation. Upon relocation the maintenance responsibilities
shall be in accordance with the provisions of this agreement. It is further agreed that the cost of maintaining any
additional or replacement signal equipment at the same location will be shared as provided under Paragraph 2. above.

4. Unless otherwise agreed upon herein, the CITY agrees to ensure that at the crossing the advance
warning signs and railroad crossing pavement markings will conform to the U.S. Department of Transportation Manual on
Uniform Traffic Control Devices within 30 days of notification that the railroad signal improvements have been completed
and that such signs and pavement markings will be continually maintained at an acceptable level.

5. The COMPANY hereby agrees to install and/or adjust the necessary parts of its facilities along said road
in accordance with the provisions set forth in the:

☐ (a) DEPARTMENT Procedure No. 725-080-002 Appendix D.4, and Rule 14.57.011 "Public
Railroad-Highway Grade Crossing Costs", Florida Administrative Code.

☒ (b) Federal Highway Administration Federal-Aid Policy Guide, 23 C.F.R. Subchapter G, Part 646,
Subpart B, and 23 C.F.R., Subchapter B, Part 140, Subpart I,

and any supplements thereto or revisions thereof, which, by reference hereto, are made a part hereof. The COMPANY
further agrees to do all of such work, with its own forces or by a contractor paid under a contract let by the COMPANY, all
under the supervision and approval of the DEPARTMENT and the Federal Highway Administration, when applicable.

6. The DEPARTMENT hereby agrees to reimburse the COMPANY for all costs incurred by it in the
installation and/or adjustment of said facilities, in accordance with the provisions of Procedure No. 725-080-002 Appendix
D-4 "Billing Requirements," and any supplements thereto or revisions thereof. It is understood and agreed by and
between the parties hereto that preliminary engineering costs not incorporated within this agreement shall not be subject
to payment by the DEPARTMENT.

7. Attached hereto, and by this reference made a part hereof, are plans and specifications of the work
to be performed by the COMPANY pursuant to the terms hereof, and an itemized estimate of the cost thereof in the amount
of $ 386,983.00 . All work performed by the COMPANY pursuant hereto, shall be performed according
to these plans and specifications as approved by the DEPARTMENT and the Federal Highway Administration if federal aid
participating; and all subsequent plan changes shall likewise be approved by the DEPARTMENT and the Federal Highway
Administration, when applicable.

8. All labor, services, materials, and equipment furnished by the COMPANY in carrying out the work to be
performed hereunder shall be billed by the COMPANY direct to the DEPARTMENT. Separate records as to the costs of
contract bid items and force account items performed for the COMPANY shall also be furnished by the COMPANY to the DEPARTMENT.

9. The COMPANY has determined that the method to be used in developing the relocation or installation cost shall be as specified for the method checked and described hereafter:

☐ (a) Actual and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.

☐ (b) Actual and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by the DEPARTMENT.

☐ (c) An agreed lump sum $ ______________, as supported by a detail analysis of estimated cost attached hereto. (NOTE: This method is not applicable where the estimated cost of the proposed adjustment exceeds $100,000.)

10. The installation and/or adjustment of the COMPANY'S facility as planned ☐ will ☐ will not involve additional work over and above the minimum reimbursable requirements of the DEPARTMENT. (If upgrading and/or nonreimbursable work is involved at the option of the COMPANY, then credit against the cost of the project is required and will be governed by the method checked and described hereafter):

☐ (a) ______________% will be applied to the final billing of work actually accomplished to determine required credit for (betterment) and/or (expired service life) and/or (nonreimbursable segments).

☐ (b) All work involving nonreimbursable segments will be performed by special COMPANY work or job order number apart and separate from the reimbursable portion of the work; such work or job order number to be ______________. The COMPANY further agrees to clearly identify such additional work areas in the COMPANY'S plans and estimates for the total work covered by this Agreement.

☐ (c) $ ______________ credited for ☐ betterment ☐ expired service life ☐ nonreimbursable segments in accord with Article 9.(c) hereinafore.

11. It is specifically agreed by and between the DEPARTMENT and the COMPANY that the DEPARTMENT shall receive fair and adequate credit for any salvage which shall accrue to the COMPANY as a result of the above installation and/or adjustment work.

12. It is further agreed that the cost of all improvements made during this adjustment work shall be borne by the COMPANY, subject only to the DEPARTMENT bearing such portion of this cost as represents the cost of adjustment of previously existing facility, less salvage credit as set forth in the immediately preceding paragraph.
13. Upon completion of the work the COMPANY shall, within one hundred eighty (180) days, furnish the DEPARTMENT with two (2) copies of its final and complete billing of all costs incurred in connection with the work performed hereunder, such statement to follow as closely as possible the order of the items contained in the estimate attached hereto. The totals for labor, overhead, travel expense, transportation, equipment, material and supplies, handling costs and other services shall be shown in such a manner as will permit ready comparison with the approved plans and estimates. Materials shall be itemized where they represent major components of cost in the relocation following the pattern set out in the approved estimate as closely as is possible. Salvage credits from recovered and replaced permanent and recovered temporary materials shall be reported in said bills in relative position with the charge for the replacement or the original charge for temporary use.

The final billing shall show the description and site of the Project; the date on which the first work was performed, or, if preliminary engineering or right-of-way items are involved, the date on which the earliest item of billed expense was incurred; the date on which the last work was performed or the last item of billed expense was incurred; and the location where the records and accounts billed can be audited. Adequate reference shall be made in the billing to the COMPANY’S records, accounts and other relevant documents. All cost records and accounts shall be subject to audit by a representative of the DEPARTMENT. Upon receipt of invoices, prepared in accordance with the provisions of the above indicated Reimbursement Policy, the DEPARTMENT agrees to reimburse the COMPANY in the amount of such actual costs as approved by the DEPARTMENT’S auditor.

14. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the DEPARTMENT’S Comptroller under Section 334.044(29), F.S., or by the Department of Financial Services under Section 215.422(14), Florida Statutes (F.S.).

15. In accordance with Section 287.058, Florida Statutes, the following provisions are in this Agreement: If this Contract involves units of deliverables, then such units must be received and accepted in writing by the Contract Manager prior to payments. Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.

17. In accordance with Section 215.422, Florida Statutes, the following provisions are in this Agreement:
Contractors providing goods and services to the Department should be aware of the following time frames. Upon receipt, the Department has five (5) working days to inspect and approve the goods and services, unless the Agreement specifies otherwise. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to Section 215.422(3)(b), Florida Statutes, will be due and payable, in addition to the invoice amount, to the Contractor. Interest penalties of less than one (1) dollar will not be enforced unless the Contractor requests payment. Invoices which have to be returned to a Contractor because of Contractor preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for contractors/vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Division of Consumer Services at 1-877-693-5236.
18. In the event this contract is for services in excess of TWENTY FIVE THOUSAND DOLLARS ($25,000.00) and a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that such funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of TWENTY FIVE THOUSAND DOLLARS ($25,000.00) and which have a term for a period of more than one year.

19. In accordance with Section 287.133 (2)(a), Florida Statutes, the following provisions are included in this Agreement:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

20. In accordance with Section 287.134(2)(a), Florida Statutes, the following provisions are included in this Agreement:

An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

21. In accordance with Section 287.0582, Florida Statutes, the following provision is included in this Agreement:

The Department's obligation to pay under this section is contingent upon an annual appropriation by the Florida Legislature.

22. The COMPANY covenants and agrees that it will indemnify and hold harmless the DEPARTMENT and all of DEPARTMENT'S officers, agents, and employees from any claim, loss, damage, cost charge, or expense arising out of any act, action, neglect, omission or delay by the COMPANY during the performance of the contract.
whether direct or indirect, and whether to any person or property to which the DEPARTMENT or said parties may be subject, except that neither the COMPANY nor any of its subcontractors will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the DEPARTMENT or any of its officers, agents, or employees.

23. COMPANY shall:

1. utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the COMPANY during the term of the contract; and

2. expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

24. It is understood and agreed by the parties to this Agreement that if any part, term, or provision of this Agreement is held illegal by the courts or in conflict with any law of the State of Florida, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

25. Any questions or matters arising under this Agreement as to validity, construction, enforcement, performance, or otherwise, shall be determined in accordance with the laws of the State of Florida. Venue for any action arising out of or in any way related to this Agreement shall lie exclusively in a state court of appropriate jurisdiction in Leon County, Florida.

26. The parties agree to bear their own attorney's fees and costs with respect to this Agreement.

27. The parties agree that this Agreement is binding on the parties, their heirs-at-law, and their assigns and successors in interest as evidenced by their signatures and lawful executions below.

28. A modification or waiver of any of the provisions of this Agreement shall be effective only if made in writing and executed with the same formality as this Agreement.

29. To the extent permitted by applicable law without causing this obligation to be subject to approval by referendum pursuant to the Florida Constitution, the City shall appropriate in its annual budget, for each Fiscal Year, non-ad valorem funds lawfully available to satisfy its maintenance responsibilities under this Agreement. This provision does not create any lien upon, or pledge of, such non-ad valorem funds, nor does it preclude the City from pledging such funds in the future, or from levying and collecting any particular non-ad valorem funds.

30. The Parties recognizes that the City must comply with Section 166.241, Florida Statutes, Article VII of the Florida Constitution, and Section 2-127 of the City Code. This Agreement shall not be construed to modify, in any way, the City's obligations under the statute, constitution and ordinance.
IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers, the day and year first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: ________________________________
(TITLE: Director of Transportation Development)

COMPANY: CSX Transportation

BY: ________________________________

CITY OF St. Petersburg, FLORIDA

BY: ________________________________
(TITLE: ________________________________)

Legal Review
Approved as to Funds
Available

Approved as to FAPG
Requirements

BY: ________________________________
Date

Attorney - DOT

BY: ________________________________
Date

Comptroller - DOT

BY: ________________________________
Date

FHWA
GRADE CROSSING TRAFFIC CONTROL DEVICES AND FUTURE RESPONSIBILITY

RESOLUTION NO. ________________________

ON MOTION OF Commissioner (Councilman) ___________________________, seconded by Commissioner (Councilman) ___________________________, the following RESOLUTION was adopted:

WHEREAS, the State of Florida Department of Transportation is constructing, reconstructing or otherwise changing a portion of the Public Road System, on 9TH AVENUE NORTH ____________________________, which shall call for the installation and maintenance of railroad grade crossing traffic control devices for railroad grade crossing over or near said highway; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETERSBURG, FLORIDA;

That the City of ST. PETERSBURG ________ enter into a RAILROAD REIMBURSEMENT AGREEMENT with the State of Florida Department of Transportation and the CSX TRANSPORTATION, INC. Company for the installation and maintenance of certain grade crossing traffic control devices designated as Financial Project Number 44043015701 on 9TH AVENUE NORTH ________, which crosses the right of way and tracks of the Company at FDOT/AAR Crossing No. 626716-K located near ARE 897.25 Florida; and

That the City assume it's share of the costs for future maintenance and adjustment of said grade crossing traffic control devices as designated in the RAILROAD REIMBURSEMENT AGREEMENT; and

That the Mayor and City Clerk be authorized to enter into such agreements with the State of Florida Department of Transportation; and the CSX TRANSPORTATION, INC. Company as herein described; and

That this RESOLUTION shall take effect immediately upon adoption.

INTRODUCED AND PASSED by the City Commission of the City of ST. PETERSBURG ____________________________, Florida, in regular session this ______ day of ____________________ , ______.

____________________________
Mayor - Commissioner

____________________________
ATTEST: ____________________________ (SEAL)
City Auditor and Clerk
GENERAL NOTES:

1. No guardrail is required for signals; however, gate form of impact attenuation device may be specified for certain locations.
2. Flasher to be installed when and if called for in plans or specifications.
3. Top of foundation shall not be no higher than 6' above finished shoulder grade.

4. Type of traffic control device
   a) Flashing warning devices
   b) Flashing warning devices with cantilever
   c) Flashing warning devices with gate
   d) Flashing warning devices with cantilever and gate

5. Class of traffic control devices (Not Shown)
   a) 2 Quadrant flashing warning devices-
   b) 4 Quadrant flashing warning devices-
   c) 2 Quadrant flashing warning devices-gates-one track
   d) 4 Quadrant flashing warning devices gates-one track
   e) 2 Quadrant flashing warning devices-gates-multiple tracks
   f) 4 Quadrant flashing warning devices-gates-multiple tracks

TRAFFIC CONTROL DEVICES FOR Flush Shoulder Roadway

Railroad Grade Crossing
Traffic Control Devices

FY 2017-18 Design Standards

Railroad Grade Crossing
Traffic Control Devices

INDEX
No. 17882

Sheet 1 of 4
NOTES:
1. When computing pavement message, quantities do not include traverse lines.
2. Placement of sign W10-1 in a residential or business district, where low speeds are prevalent, the W10-1 sign may be placed a minimum distance of 100 ft from the crossing. Where street intersections occur between the RR pavement message and the tracks an additional W10-1 sign and additional pavement message should be used.
3. A portion of the pavement markings symbol should be directly opposite the W10-1 sign.
4. Recommended location for FTP-61-06 or FTP-62-06 signs, 100' urban and 500' rural. See Index 3733-R for sign details.
5. Gate Length Requirements:
   For Two-way undivided sections:
   The gate should extend to within 1' of the center line. On multiple approaches, the gate length may not reach to within 1' of the center line. For these cases, the distance from the gate to the center line shall be a maximum of 4'.
   For one-way or divided sections:
   The gate shall be of sufficient length such that the distance from the gate tip to the inside edge of pavement is a maximum of 4'.
Specified Length of Gate Arm

<table>
<thead>
<tr>
<th>Specified Length Of Gate Arm</th>
<th>Dimension &quot;A&quot;</th>
<th>Dimension &quot;B&quot;</th>
<th>Dimension &quot;C&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 ft</td>
<td>8&quot;</td>
<td>36&quot;</td>
<td>7&quot;</td>
</tr>
<tr>
<td>15 ft</td>
<td>8&quot;</td>
<td>36&quot;</td>
<td>8&quot;</td>
</tr>
<tr>
<td>16-17 ft</td>
<td>24&quot;</td>
<td>36&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td>18-19 ft</td>
<td>28&quot;</td>
<td>42&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td>20-23 ft</td>
<td>30&quot;</td>
<td>5&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td>24-26 ft</td>
<td>30&quot;</td>
<td>6&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td>29-31 ft</td>
<td>30&quot;</td>
<td>7&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td>32-34 ft</td>
<td>30&quot;</td>
<td>9&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td>35-37 ft</td>
<td>30&quot;</td>
<td>10&quot;</td>
<td>9&quot;</td>
</tr>
<tr>
<td>38 And Over</td>
<td>30&quot;</td>
<td>10&quot;</td>
<td>10&quot;</td>
</tr>
</tbody>
</table>

NOTE:
For additional information see the "Manual on Uniform Traffic Control Devices" Part B: The "Traffic Control Handbook", Part VIII; and AASHTO "A Policy on Geometric Design of Streets and Highways."

MEDIAN SIGNAL GATES FOR
MULTILINE UNDIVIDED URBAN SECTIONS
(THREE OR MORE DRIVING LANES IN ONE DIRECTION, 45 MPH OR LESS)

MEDIAN SECTION AT SIGNAL GATES

Type F Curb
6" Min. Height

PLAN

17'-5" Min.
12" Min.
30" Min.

Crown Of Roadway
Travel Way

RAILROAD GRADE CROSSING
TRAFFIC CONTROL DEVICES

INDEX NO. 17882

FY 2017-18
DESIGN STANDARDS

LAST REVISION 01/01/12

4 of 4
<table>
<thead>
<tr>
<th>FINANCIAL PROJECT NO.</th>
<th>ROAD NAME OR NUMBER</th>
<th>COUNTY NAME</th>
<th>PARCEL &amp; RAW NUMBER</th>
<th>FAP NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>44043015701</td>
<td>9th Avenue North</td>
<td>PINELLAS</td>
<td>1 (15500-SIGG)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

COMPANY NAME: CSX Transportation, Inc.

A. FDOT/AAR XING NO.: 626716K

RR MILE POST TIE: ARE 897.25

B. TYPE SIGNALS PROPOSED: Flashing Lights and Gates

CLASS  III

DOT INDEX: 17882

**SCHEDULE OF ANNUAL COST OF AUTOMATIC HIGHWAY GRADE CROSSING TRAFFIC CONTROL DEVICES**

**Annual Maintenance Cost Exclusive of Installation**

<table>
<thead>
<tr>
<th>CLASS</th>
<th>DESCRIPTION</th>
<th>COST*</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>2-Quadrant Flashing Lights with One Track</td>
<td>$2,386.00</td>
</tr>
<tr>
<td>II</td>
<td>2-Quadrant Flashing Lights with Multiple Tracks</td>
<td>$3,158.00</td>
</tr>
<tr>
<td>III</td>
<td>2-Quadrant Flashing Lights and Gates with One Track</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>IV</td>
<td>2-Quadrant Flashing Lights and Gates with Multiple Tracks</td>
<td>$4,520.00</td>
</tr>
<tr>
<td>V</td>
<td>3 or 4-Quadrant Flashing Lights and Gates with One Track</td>
<td>$7,116.00</td>
</tr>
<tr>
<td>VI</td>
<td>3 or 4-Quadrant Flashing Lights and Gates with Multiple Tracks</td>
<td>$8,930.00</td>
</tr>
</tbody>
</table>

**AUTHORITY:** FLORIDA ADMINISTRATIVE RULE 14-57.011

Public Railroad-Highway Grade Crossing Costs

**EFFECTIVE DATE:** July 22, 1982

**GENERAL AUTHORITY:** 334.044, F.S.

**SPECIFIC LAW IMPLEMENTED:** 335.141, F.S.

*This schedule will become effective July 1, 2018 and will be reviewed every 5 years and revised as appropriate based on the Consumer Price Index for all Urban Consumers published by the U.S. Department of Labor.*
# Order of Magnitude Estimate

**CSX Public Projects**  
500 Water Street (J-301)  
13th Floor  
Jacksonville, FL, 32202  
Telephone (904) 359-4042

**Outside Party:** FDOT District 7  
**Street Name:** 9th Avenue North  
**City:** St. Petersburg  
**State:** FL  
**Railroad M.P.:** ARE 897.25  
**DOT#:** 62676K  
**County:** Pinellas  
**Type:** New Installation

**PROJECT DESCRIPTION:** Installation of new cantilever flashing lights and gates, one pedestrian gate in the SE quadrant, new house with remote monitoring, Ring-10 (3-track logic), and new AC meter service.

<table>
<thead>
<tr>
<th>Engineering Costs:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$ 3,375</td>
</tr>
<tr>
<td>Contract Engineering</td>
<td>$ 19,110</td>
</tr>
<tr>
<td>Construction Engineering</td>
<td>$ 5,472</td>
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<tr>
<td><strong>Total Engineering Costs:</strong></td>
<td><strong>$ 27,957</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Material Costs:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Shop Material</td>
<td>$ 26,083</td>
</tr>
<tr>
<td>Field Material</td>
<td>$ 119,544</td>
</tr>
<tr>
<td>Material Shipping (Freight)</td>
<td>$ 9,928</td>
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<tr>
<td>Sales Tax</td>
<td>$ -</td>
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<tr>
<td>AC Power</td>
<td>$ 2,500</td>
</tr>
<tr>
<td>Additional Items</td>
<td>$ -</td>
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<tr>
<td><strong>Total Material Costs:</strong></td>
<td><strong>$ 158,056</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Equipment Costs:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Company Owned</td>
<td>$ -</td>
</tr>
<tr>
<td><strong>Total Equipment Costs:</strong></td>
<td><strong>$ -</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Labor Costs:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Labor</td>
<td>$ 36,480</td>
</tr>
<tr>
<td>Shop Labor</td>
<td>$ 1,900</td>
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<tr>
<td>Track Labor</td>
<td>$ 26,600</td>
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<tr>
<td>Additives for Construction Labor</td>
<td>$ 43,189</td>
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<tr>
<td>Additives for Shop Labor</td>
<td>$ 2,249</td>
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<td>Additives for Track Labor</td>
<td>$ 31,492</td>
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<tr>
<td>Meals and Lodging (Subsistence)</td>
<td>$ 14,400</td>
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<tr>
<td><strong>Total Labor Costs:</strong></td>
<td><strong>$ 156,310</strong></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Miscellaneous Costs:</th>
<th></th>
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<tbody>
<tr>
<td>Administrative</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Waste Management</td>
<td>$ 480</td>
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<tr>
<td>Vacuum Truck Service</td>
<td>$ 4,000</td>
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<tr>
<td><strong>Total Miscellaneous Costs:</strong></td>
<td><strong>$ 9,480</strong></td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>$ 351,803</strong></td>
</tr>
<tr>
<td>Contingency</td>
<td>$ 35,160</td>
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<tr>
<td><strong>Total:</strong></td>
<td><strong>386,963</strong></td>
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</table>

**Prepared By:** C. Showman
**Date:** 4/29/2016

**Disclaimer:** This order of magnitude estimate shall not be used in the negotiation of preliminary engineering, construction, or maintenance agreements. This estimate is not valid for ordering material or funding CSX labor forces. Actual costs may vary pending full design and detailed estimate.
ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 9, 2017

TO: The Honorable Darden Rice, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his designee, to execute a License Agreement with Museum of Fine Arts of St. Petersburg, Florida, Inc., a Florida not-for-profit organization, for valet parking, staff parking and semi-trailer and equipment storage within the Dolphin Parking Lot for a period of six (6) months for nominal consideration; and to execute all documents necessary to effectuate same; and providing an effective date. (Requires affirmative vote of at least six (6) members of City Council.)

EXPLANATION: The Real Estate & Property Management Department received a request from the Transportation and Parking Management Department to initiate a license agreement between the City of St. Petersburg ("City") and the Museum of Fine Arts of St. Petersburg, Florida, Inc. ("Licensee") for the Licensee to utilize approximately one hundred fifty (150) parking spaces within the easterly portion of the Dolphin Parking Lot ("Premises"), as depicted in the attached Illustration. The Licensee will use the Premises to accommodate valet parking, staff parking and semi-trailer and equipment storage in conjunction with Licensee's Star Wars Exhibition ("Exhibition").

The Licensee has executed a License Agreement ("Agreement") with the following business points, subject to City Council approval:

- The term will be for six (6) months ("Term"), effective immediately upon receiving City Council approval;
- The Licensee will be permitted to utilize approximately one hundred fifty (150) parking spaces for fee based valet parking services for museum patrons, to be overseen by the Licensee at its sole cost and expense, subject to availability due to Grand Prix Race Events and Pier construction projects;
- The Licensee intends to provide fee-based valet parking services through a third-party valet parking operator, for the Licensee's patrons;
- The Licensee will be permitted to utilize the Premises for the Licensee's staff vehicle parking and semi-trailer and equipment storage related to the Licensee's Exhibition, at no cost to the Licensee;
- The City shall reimburse the Licensee $6,062.50, which represents the amount already paid by the Licensee to the City for employee parking on the Premises related to the Exhibition;
- The Licensee shall pay the City fifty percent (50%) of net proceeds received by the Licensee for valet parking services exceeding $12,600.00 during the Term;
• The Licensee shall admit at no charge a minimum of three hundred fifty (350) entries of participants in the City’s youth programs, sponsored by the Licensee and the City, to view the Exhibition during non-peak times at no charge during the Term;
• The Licensee will use all reasonable efforts to keep and maintain the Premises clean of debris or litter;
• The Licensee will maintain a commercial general liability insurance policy in the amount of $1,000,000 per occurrence and $2,000,000 in the aggregate, and the Licensee’s valet operator shall maintain Garage Liability limits of at least $500,000 per occurrence and Garagekeeper’s Liability limits of at least $250,000 per occurrence, protecting the City against all claims or demands that may arise or be claimed on account of the Licensee’s use of the Premises; and
• The Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the scheduled date of termination.

Under the terms of the Agreement, "the City is under no obligation to locate or provide a replacement Premises under any circumstances." The Licensee shall cooperate with City in all matters related to Licensee’s compliance with the Agreement and City’s administration of the Agreement and other City agreements.

Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for commercially-zoned Waterfront and Park property for five (5) years or less with approval by an affirmative vote of at least six (6) members of City Council. The subject property is zoned (DC-P) Downtown Center-Park.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his designee, to execute a License Agreement with Museum of Fine Arts of St. Petersburg, Florida, Inc., a Florida not-for-profit organization, for valet parking, staff parking and semi-trailer and equipment storage within the Dolphin Parking Lot for a period of six (6) months for nominal consideration; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds have been previously appropriated in the Parking Revenue Fund (1021).

ATTACHMENTS: Illustration and Resolution

APPROVALS: Administration:

Budget:

Legal:

(As to consistency w/attached legal documents)
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Resolution No. 2017 -

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A LICENSE AGREEMENT WITH MUSEUM OF FINE ARTS OF ST. PETERSBURG, FLORIDA, INC., A FLORIDA NOT-FOR-PROFIT ORGANIZATION, FOR VALET PARKING, STAFF PARKING AND SEMI-TRAILER AND EQUIPMENT STORAGE WITHIN THE DOLPHIN PARKING LOT FOR A PERIOD OF SIX (6) MONTHS FOR NOMINAL CONSIDERATION; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO AFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Real Estate & Property Management Department received a request from the Transportation and Parking Management Department to initiate a license agreement between the City of St. Petersburg ("City") and the Museum of Fine Arts of St. Petersburg, Florida, Inc. ("Licensee") for the Licensee to utilize approximately one hundred fifty (150) parking spaces within the easterly portion of the Dolphin Parking Lot ("Premises") to accommodate valet parking, staff parking and semi-trailer and equipment storage in conjunction with Licensee’s Star Wars Exhibition ("Exhibition"); and

WHEREAS, the Licensee has executed a License Agreement ("Agreement") with the following business points, subject to City Council approval:

- The term will be for six (6) months ("Term"), effective immediately upon receiving City Council approval;
- The Licensee will be permitted to utilize approximately one hundred fifty (150) parking spaces for fee-based valet parking services for museum patrons, to be overseen by the Licensee at its sole cost and expense, subject to availability due to Grand Prix Race Events and Pier construction projects;
- The Licensee intends to provide fee-based valet parking services through a third-party valet parking operator, for the Licensee's patrons;
- The Licensee will be permitted to utilize the Premises for Licensee’s staff vehicle parking and semi-trailer and equipment storage related to the Licensee’s Exhibition, at no cost to the Licensee;
- The City shall reimburse the Licensee $6,062.50, which represents the amount already paid by the Licensee to the City for employee parking on the Premises related to the Exhibition;
- The Licensee shall pay the City fifty percent (50%) of net proceeds received by the Licensee for valet parking services exceeding $12,600.00 during the Term;
- The Licensee shall admit at no charge a minimum of three hundred fifty (350) entries of participants in the City’s youth programs, sponsored by the Licensee.
and the City, to view the Exhibition during non-peak times, at no charge, during the Term;

- The Licensee will use all reasonable efforts to keep and maintain the Premises clean of debris or litter;
- The Licensee will maintain a commercial general liability insurance policy in the amount of $1,000,000 per occurrence and $2,000,000 in the aggregate, and Licensee’s valet operator shall maintain Garage Liability limits of at least $500,000 per occurrence and Garagekeeper’s Liability limits of at least $250,000 per occurrence, protecting the City against all claims or demands that may arise or be claimed on account of the Licensee’s use of the Premises;
- The Agreement may be terminated without cause by either party with thirty (30) days written notice prior to the scheduled date of termination; and

WHEREAS, under the terms of the Agreement, "the City is under no obligation to locate or provide a replacement Premises under any circumstances"; and

WHEREAS, the Licensee shall cooperate with the City in all matters related to Licensee's compliance with the Agreement and City's administration of the Agreement and other City agreements; and

WHEREAS, Section 1.02 (c)(2) of the City Charter, Park and Waterfront Property, permits City Council approval of leases for commercially-zoned Waterfront and Park property for five (5) years or less with approval by an affirmative vote of at least six (6) members of City Council; and

WHEREAS, the subject property is zoned (DC-P) Downtown Center-Park.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his designee, is authorized to execute a License Agreement with Museum of Fine Arts of St. Petersburg, Florida, Inc., a Florida not-for-profit organization, for valet parking, staff parking and semi-trailer and equipment storage within the Dolphin Parking Lot for a period of six (6) months for nominal consideration; and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:

City Attorney (Designee)

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APPROVED BY:

Evan Mory, Director
Transportation & Parking Management

APPROVED BY:

Alfred Wendler, Acting Director
Real Estate and Property Management