

City of St. Petersburg  
**Public Services & Infrastructure Committee**  
**Meeting of May 25, 2017 – 9:15 am**  
City Hall, Room 100

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Members: Chair Steve Kornell, Vice Chair Ed Montanari,  
Council Members Charlie Gerdes and Amy Foster

Alternate(s): Council Member Jim Kennedy

Support Staff: Judy Tenison, primary support staff; Cindy Shepard, backup support staff

**A. Call to Order**

**B. Approval of Agenda**

**C. Approval of Minutes – May 11, 2017**

**D. New Business – May 25, 2017**

- a) Hard to Hire and Apprenticeship Ordinance – C. Tankersley & B. Prayman
- b) Public Arts report relative to works of art in public construction – S. Michnowicz
- c) Amendment to City Council Policy and Procedures Manual to restrict the drafting of substantive changes to documents on the dais that would require the agenda item to be suspended and continued later in the same meeting

For Information only-Quarterly Report from Sheriff Gualtier received April 26, 2017

**E. Upcoming meetings with tentative agenda items**

**June 8, 2017**

- a. Water Quality Monitoring – update on communication (2/23/17 PSI committee meeting) – C. Tankersley & J. Palenchar
- b. Capital Improvement Assessment (Maintenance and Hurricane/Tropical Storm Preparedness) on Reclaimed Water – J. Palenchar

**June 15, 2017**

- a. Capital Improvement Assessment (Maintenance and Hurricane/Tropical Storm Preparedness) on Potable Water, - J. Palenchar
- b. TBD

Attachments:

Minutes of May 11, 2017 Committee Meeting  
New Business Item Support Material  
Pending and Continuing Referral List

City of St. Petersburg  
**Public Services & Infrastructure Committee**  
Meeting Minutes of May 11, 2017 – 9:15 a.m.  
City Hall, Room 100

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**Members:** Chair Steve Kornell, Vice-Chair Ed Montanari, Council Members Charlie Gerdes and Amy Foster; Alternate: Council Member Jim Kennedy

**Also Present:** Council members Lisa Wheeler-Bowman and Karl Nurse; City Attorney Jackie Kovilartich; Assistant City Attorneys Heather Judd, Mark Winn and Danielle Martin; Chief Anthony Holloway; Tammy Jerome, Billing and Collections; PSTA Executive Director Brad Miller; Francesca Menes, Director of Policy and Advocacy for Florida Immigrant Coalition

**Support Staff:** Cindy Sheppard, City Council Administrative Officer

1. Call to Order- 9:31 a.m.
2. Approval of Agenda– Vote of approval by CM Foster, all in favor.
3. Approval of Minutes - April 27, 2017 – Vote of approval by CM Gerdes, all in favor.
4. New Business – Vehicles for Hire Update
  - a) Heather Judd gave an update on the Transportation Network Companies bill that came before the Florida legislation. The bill was signed by the Governor and will go into effect July 1, 2017. How that affects the City’s Vehicles for Hire Ordinance as found in Chapter 28 , in a written sense, very minimal. In the last Vehicles For Hire Ordinance made changes to anticipate the passing of the legislation. There is no immediate ordinance change that we would need to do to stay in line with State requirements. Transportation Network Companies will register with the state, pay a fee to the state and provide all of their reporting documents to the state. They are also exempt from all local regulations which also includes Business Tax which is a complete separation from our system. Our ordinance isn’t really affected except for in the enforcement category, the vehicles for hire would either be registered with the city or be a state registered company
  - b) CM Nurse asked if we would need to do anything with regulation of taxis to help put them on a level playing field? Judd stated right now as monetary consideration the each company pays the state a bulk per company amount. Currently the City’s Business Tax is per vehicle and the regulatory piece of our code has a vehicle for hire certificate. There is also a driver’s permit. CM asked if that is per vehicle, whether a Uber or taxi. Judd replied prior to this law going into effect, yes, that any car operating under a state approved TNC would not be subject to our ordinance and would not be paying the City.
  - c) CM Kennedy from the point of enforcement as to determining the drivers that are complying or not complying with the state regulation, how is our law enforcement going to know that? Judd replied if we keep what we have now, cars will either have our sticker or not. If they do not have our sticker I would assume the officer could make contact with the person and if they indicated they were operating under a platform that is approved by the state then we would be out of that. She assumes that the state will have a low number of them right now and that is information we should be able to get from the state. CM Kennedy stated this is

informational for the city and there is no action we could take even if we wanted, to which the answer was, against a transportation company, no.

- d) Chair Kornell stated that the action we could take that we discussed is looking at our taxi regulations and try to even that playing field. Judd responded that it could take on a few options. We could take on reducing the fees that we collecting and leaving what is required on the regulatory piece. It could be getting rid of regulatory piece and keeping our business tax. Chair Kornell stated that this is not a discussion we would have at the meeting but a future discussion. CM Kennedy commented that whatever we do should have the most level playing field that we can between the taxis and vehicles for hire scenario. That would require some modification to our ordinance that would then reduce the regulations on the taxis. Judd stated it would take an ordinance change and an action by council.
- e) CM asked for Administration to give the revenue that is generated. Tammy Jerome shared that the City makes approximately \$40,000 with on the business tax, \$120,000 on vehicle certificates and \$90,000 on the driver permits for the year
- f) CM Kennedy made a motion to request for legal to come back with a proposed ordinance to level the playing field between taxis and state regulated transportation companies. **PASSED UNANIMOUSLY**

5. New Business – Agreement to allow advertisement on bus shelters that are constructed with private sector funds

- a) Mark Winn stated that this is more of an update and to get some policy direction. He recalled a few months ago an individual came and talked about building bus shelters, putting solar panels on the top and getting permission to put advertising on the shelters. That individual was in discussions with City and PSTA and doesn't really have the funding to do what they want to do. Currently PSTA has an entity that has been doing advertising on their shelters around the rest of the county. PSTA is asking if they could build more shelters with the advertising on the new shelters. After a brief discussion with Brad Miller and Council members, Chair Kornell requested that since this is a completely different request from the original request that a new business be added to the Council agenda and that this be a future discussion.
- b) CM Nurse stated that he would put in a New Business Item for further discussion at a later date.

6. New Business Item –Resolution declaring the city of St. Petersburg as an inclusive and welcoming city for all of its residents.

- a) CM Wheeler-Bowman introduced the item for a healthy discussion
- b) Francesa Menes, Director of Policy and Advocacy for the Florida Immigrant Coalition gave a brief overview and differences on Welcoming Cities and Sanctuary Cities.
- c) CM asked Chief Holloway how many arrests have there been and then action taken for deportation? Chief Holloway stated the Police Dept policy is that they do not ask when someone is stopped if they are a victim of a crime, are there here legally or not. Our job is to file the report and move. We do not stop someone because of who they are, we stop someone because of suspicion of a crime or something has occurred. If someone is booked into the county jail it is either because they have committed a crime or have a warrant for their arrest. We do not contact Immigration because someone is here illegally and ask to deport them. If there is no charge, that person is free to leave. Chair Kornell asked if the

Chief has had a chance to read the resolution and did he have any objection to the way it is written? Chief Holloway affirmed that he is fine with the resolution as written.

- d) CM Kennedy asked if Legal had any concerns with the resolution. He also asked for a brief explanation of how the Sheriff's Office is its own independent entity and there's nothing the City can do relating to what the Sheriff does within his own jail. City Attorney, Jackie Kovilaritch affirm that under the City Charter that Council cannot direct the Police Chief or any other Police officer and neither the City Council has any jurisdiction control of the actions of the Sheriff. CM Kennedy moved for approval.
  - e) CM Gerdes questioned if the language within the resolutions directs the Police department of what to do. The City Attorney clarified that language was in a prior resolution draft and that the current draft ensured that Council would express the policy without overstepping the charter.
  - f) Chair Kornell clarified the charter gives supervisory powers to the Mayor and not the City Council.
  - g) CM Montanari asked what is the difference between a Sanctuary City and what is in the draft resolution.
  - h) Francesca Menes explained that a Sanctuary City is a safety net, that basically that anyone who comes in is protected. A Welcoming City is just that, welcoming. Visitors and residents want to know that they are safe and not being targeted for the simple fact that they are not a natural born citizen. A Sanctuary City is for the undocumented immigrants.
  - i) CM Montanari asked Chief Holloway if during an arrest is immigration status a part of that process. Chief Holloway stated that is not part of the process.
  - j) CM Foster spoke to families that are afraid to send their children to school or access services, victims of crimes who are afraid to seek help. We need to reaffirm our commitment to being a welcoming community.
  - k) Chair Kornell thanked CM Wheeler-Bowman for bringing this issue forward.
  - l) Motion to approve the resolution as written passed unanimously.
7. Meeting adjourned at 10:34 a.m.

**May 26, 2017**  
**Public Services & Infrastructure Committee Meeting**

**TO:** Steve Kornell, Chair and Members of the Public Services & Infrastructure Committee

**FROM:** Sharon Michnowicz, Assistant City Attorney

**RE:** Draft Ordinance Amending Chapter 5, Article 3 and Article 4 of the City Code

**EXPLANATION:**

Chapter 5, Article III of the City Code is currently written to limit the use of the funds in the “art in public places fund,” which are the funds set aside for acquisition of works of art from a percentage of the construction costs of public works projects throughout the City. As Chapter 5 is currently written, moneys from the art in public places fund cannot be utilized to insure or maintain any art that is donated to the City or any art that is acquired by the City exclusively via private donations—money for those purposes would need to come from another source. The purpose of this limitation is to preserve the art in public places fund for the acquisition of new works of art and the maintenance and insurance of those works of art.

At the April 4, 2017 and May 2, 2017 Public Arts Commission meetings, as a result of a discussion about accepting a donation of art that is likely to result in future maintenance and other costs, the Public Arts Commission requested that an ordinance amendment be brought to City Council to remove the limitation placed on the use of the art in public places fund to allow that fund to be utilized for insurance and maintenance costs of *any* art in the City’s public art collection, including donated artwork. The Public Arts Commission was amenable to a process by which City Council could appropriate additional money into the art in public places fund as necessary to cover any costs associated with donated artwork in the City’s public art collection, including maintenance and insurance costs.

The proposed process set forth in the attached draft ordinance preserves the funds set aside from public works projects for the acquisition, maintenance, and insurance of new pieces of art throughout the City while also creating a mechanism to provide information to City Council regarding the estimated costs to the City associated with accepting any particular piece of donated artwork subject to the provisions of Chapter 5.

There are additional changes to Chapter 5 in the proposed draft for City Council to consider along with the changes requested by the Public Arts Commission. Those include clarification changes; changes related to the process for donating money to the City for art; and changes to the process for accepting donated art, including limiting that process to exterior art pieces. Though not included in the attached draft, City Council may also want to consider requiring that any artwork donated to the City pursuant to Chapter 5 be located on City property.

The process for donating money to the City for public art, which process is proposed for deletion in the attached draft ordinance, currently reads as follows:

Sec. 5-166. - Purpose.

The purpose of this division is to provide a process to ensure that donations of money which the City accepts for public art expands the public experience and exposure to culture through various art forms, enhances public facilities and improves the aesthetic environment of the City on behalf of its citizens and provides an opportunity for the donor to participate in the selection process for the art in certain situations.

Sec. 5-167. - Process.

- (a) To initiate the process described in this division, the donation of money for public art shall not be less than \$70,000.00.
- (b) An application to donate money to the City for public art pursuant to this division shall include the following documentation and shall be made to the Public Arts Commission:
  - (1) A list of proposed installation sites.
  - (2) Information about the donor including name, current and complete contact information.
  - (3) Amount of money donor intends to donate to the City for public art.
  - (4) Any terms, conditions or restrictions of the donation (e.g., identification of donors on artwork, location, type, purpose, etc.).
  - (5) Any other pertinent information.
- (c) The Public Arts Commission shall review the application, and:
  - (1) Determine whether to accept the donation with the restrictions imposed by the donor;
  - (2) Select a location for the work of art; and
  - (3) Establish an estimate budget for future maintenance and conservation of the work and the costs of project management (including city administrative costs which includes insurance) which shall be placed in the art in public places fund.
- (d) The Public Arts Commission shall forward the application along with the recommended location for the work of art to City Council. City council shall approve the recommended location, or designate an alternative location for the work of art and refer the application to the Commission for further action consistent with this division.

Sec. 5-168. - Project committee.

- (a) Upon receipt of the donation of money to the City pursuant to this division and the approval of the City Council, the Public Arts Commission shall establish the final budget (including the reserve for future maintenance and administrative costs) and appoint a project committee. A project committee shall be created for each donation of money received by the City which is approved by the City Council and members of each project committee may serve on other project committees.
- (b) There shall be ten members on the project committee. The project committee shall consist of three members of the Public Arts Commission, two arts professionals, a neighborhood representative, a department representative and three committee members from a list of names provided by the donor.
- (c) The project committee shall be responsible for selecting an artist and assuring that the practical aspects of design, siting and facility operation, as well as neighborhood, city, and donor interests are given proper consideration for the work of art. Additionally, the project committee shall be responsible for ensuring that the terms, conditions or restrictions of the donation required by the donor and accepted by the Public Arts Commission which is approved by City Council during the application process have been met.

Sec. 5-169. - Additional funds.

The Public Arts Commission may, in its discretion, commit additional monies from the art in public places fund to the project budget, however, this provision shall not bind, commit nor require the Commission to commit additional monies from the art in public places fund.

Sec. 5-170. - Approval and ownership.

The decision of the project committee as to the selection, acquisition, display, placement and location of the work of art shall be subject to City Council approval. All works of art shall be acquired in the name of the City and title shall vest in the City.

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 3 AND ARTICLE 4 OF THE CITY CODE RELATED TO WORKS OF ART IN PUBLIC CONSTRUCTION AND THE ACCEPTANCE PROCESS FOR DONATIONS TO THE CITY FOR ART; PERMITTING MONEYS FROM THE ART IN PUBLIC PLACES FUND TO BE UTILIZED FOR THE ACQUISITION OF WORKS OF ART, ADMINISTRATION COSTS OF THE PUBLIC ARTS COMMISSION, AND COSTS FOR INSURANCE, REPAIR, OR MAINTENANCE OF ANY WORKS OF ART IN THE CITY'S PUBLIC ART COLLECTION; PROVIDING A DEFINITION OF PUBLIC ART COLLECTION; REQUIRING CITY COUNCIL APPROVAL AND APPROPRIATIONS TO UTILIZE MONEYS FROM THE ART IN PUBLIC PLACES FUND FOR ANY COSTS RELATED TO DONATED ARTWORK; MODIFYING THE PROCESS FOR ACCEPTING DONATED ARTWORK; REMOVING THE PROCESS FOR ACCEPTING DONATIONS OF MONEY TO THE CITY FOR PUBLIC ART; PROVIDING FOR ADDITIONAL CLARIFYING LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Chapter 5, Article III of the City Code is hereby renamed as follows:

ARTICLE III. WORKS OF ART IN THE CITY ~~CONSTRUCTION~~

SECTION 2. Section 5-54 of Chapter 5, Article III of the City Code is hereby amended as follows:

DIVISION 1. – GENERALLY

Sec. 5-54. - Definitions.

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

*Commission* means the St. Petersburg Public Arts Commission.

*Construction cost* means the actual construction cost of the public works project calculated as of the date the original construction contract is executed. The term "construction cost" includes, but shall not be limited to, architectural and engineering fees, site work, contingency allowances and subsequent additions to the construction contract. The term "construction cost" does not include land acquisition costs or the costs of the work of art. When the public works project is paid for in part by the City and in part from private funds, the City's portion of the construction cost of the public works project shall be used to calculate the construction cost. When the public works project is paid for in part by the City and in part from another governmental entity's funds, the other governmental entity's funds shall be used to calculate the construction cost unless otherwise specified in writing by the governmental entity providing those funds. The City's share of the construction cost will not include money provided by the City for the project that is in the form of a loan or is in any manner to be repaid to the City.

*Fund* means the art in public places fund.

*Permanent character* means fixed in location and constructed of materials that are durable against vandalism, theft and weather, such that a low level of maintenance is required for a period of at least 25 years.

*Public art collection* means, collectively, each work of art acquired by the City pursuant to this article, whether such work of art is commissioned, purchased, or donated to the City, excluding any work of art that has been deaccessioned in accordance with this article.

*Public works project* means any project paid for wholly or in part by the City to construct, rehabilitate, renovate, remodel or improve any facility, which includes, but shall not be limited to, any building, structure, park or parking facility, or any portion thereof, within the limits of the City. As used in this definition, "construction, rehabilitation, renovation, remodeling or improvement" means only those acts which are major and affect the structure of a facility and are not cosmetic or minor, and includes any improvements which are an integral part of the facility and are necessary for the facility to function. The term "public works project" does not include the following:

(a) street, alley, sidewalk or sewer projects conceived and executed as projects independent of any other projects which may qualify as a public works project.

~~(b) The term "public works project" does not include any~~ stormwater management projects or any portion of a water or storm sewer project



~~that is built below ground level. As used in this definition, "construction, rehabilitation, renovation, remodeling or improvement" means only those acts which are major and affect the structure of a facility and are not cosmetic or minor.~~

(c) The purchase and installation of equipment that is not attached to, or is not an integral part of, the facility and could be easily removed.

*Work of art* means a work of original art which may be a structural part of a building or a structure, or an architectural element on or in which the work of art is placed or affixed. The term "work of art" includes, but shall not be limited to, paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas reliefs, tapestries, photographs, drawings, stained glass, clay, fiber, monuments, fountains, arches, or other structures of a permanent character intended as ornamental, decorative or commemorative.

SECTION 3. Section 5-55 of Chapter 5, Article III of the City Code is hereby amended as follows:

Sec. 5-55. - Purpose.

The City desires to expand public experience and exposure to culture through various art forms, to enhance the appearance of public facilities and to improve the aesthetic environment of the City on behalf of its citizens, and intends to provide for the incorporation of art in the design and construction of public facilities within the City. It is the intent of the City that, where appropriate, the funds set aside from public works projects for the acquisition of works of art pursuant to this article be utilized for the display of works of art in, upon, or adjacent to the facility being constructed or in, upon, or adjacent to another facility which is utilized by the City department from which those funds were derived.

SECTION 4. Section 5-58 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-56 and amended as follows:

Sec. ~~5-56~~<sup>58</sup>. - Ownership and authority to contract.

- (a) All works of art acquired pursuant to this article shall be acquired in the name of the City and title shall vest in the City.
- (b) All contracts for the acquisition of works of art under this article must be approved by the City Council.
- (c) All works of art acquired with moneys from the fund shall be displayed in or on city-owned property. Works of art shall not be installed on city-owned property which is subject to a lease unless the lessee expressly allows the installation of

a work of art. This provision shall not affect works of art installed before a property is leased nor artwork installed by the lessee.

- (d) Because of the terms set forth in the ground lease agreement with the Salvador Dali Museum, Inc., which placed certain restrictions on a portion of lot 4 and all of lots 5 and 6 at the center for the arts (those lots are shown in exhibits B and C to the ground lease agreement), that portion of lots 4 and all of lots 5 and 6 shall be considered to be leased and shall be subject to the prohibition contained in subsection (c) of this section.

SECTION 5. The heading for DIVISION 2. – PUBLIC ARTS COMMISSION set forth in Chapter 5, Article III of the City Code is hereby removed.

SECTION 6. Section 5-79 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-57(a) and amended as follows:

Sec. ~~5-5779~~. – Public Arts Commission ~~Created~~.

(a) Creation. There is hereby created and established the St. Petersburg Public Arts Commission.

SECTION 7. Section 5-80(a) of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-57(b) and amended to read as follows:

(b) Sec. 5-80. – Membership. ~~(a)~~ The Commission shall be composed of nine members who are residents of the City. The City Council recommends that at least one of the members be a member of the City Council.

SECTION 8. Section 5-80(c) of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-57(c) and amended to read as follows:

(c) Terms. The members of the Commission shall be appointed for terms of four years. Whenever a vacancy occurs in a Commission position, a successor shall be appointed for the remainder of the term.

SECTION 9. Section 5-81 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-57(d) and amended to read as follows:

(d) Sec. 5-81. – Operation. The Commission ~~may shall~~ adopt rules governing its conduct, and shall keep minutes of its meetings, and meet regularly. One member of the Commission shall be chair and another vice-chair, each with a. ~~Each term of shall be for~~ one year.

SECTION 10. Section 5-82 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-57(e) and amended to read as follows:

~~(e) Sec. 5-82.~~ Duties and responsibilities. The Commission shall be responsible for the administration of the provisions of this article, subject to City Council approval where required, including, but not limited to, the acquisition, display, ~~and maintenance, and insurance~~ of works of art in the City's public art collection. ~~acquired with monies from the fund.~~ The Commission shall act as a liaison with private owners and developers to encourage and facilitate private contributions or dedications to the fund and to provide aid in the installation or incorporation of art into private developments.

SECTION 11. Section 5-80(b) of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-58 and amended to read as follows:

Sec. 5-58 Public Works Project Committee

To ensure that the practical aspects of design, siting and facility operation as well as neighborhood interest are given proper considerations, a nine-member working group herein described as the Public Works Project Committee shall be established for each public ~~public~~ works project ~~or facility~~ which will receive a work of art. Six committee members shall be selected by the Commission to serve on each committee in addition to three members of the Commission. The committee members shall be selected as follows:

~~(a)(1)~~ The nine members of the Commission shall appoint the six committee members of each committee for each public works project which will receive a work of art and the three Commission members. The members should strive to appoint a variety of persons as committee members.

~~(b)(2)~~ The committee members shall include the following:

~~(1)a.~~ The architect (in the case of a building) or site designer (in the case of a public works project that does not include a building) of the public works project.

~~(2)b.~~ A working visual artist.

~~(3)c.~~ An arts facility/organization administrator.

~~(4)d.~~ A person who works at the facility or a representative of the department which operates or maintains the facility.

~~(5)e.~~ A representative of the neighborhood where the facility is to be located.

~~(6)f.~~ A member at large.

SECTION 12. Section 5-84 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-59 and amended to read as follows:

Sec. 5-~~59~~84. - Approval by City Council.

The Commission's final recommendation decision—as to the selection, acquisition, allocation, display, placement, location and deaccession of works of art in the City's public art collection shall be subject to City Council approval. The Commission's expenditure of moneys from the fund for the purpose of maintaining, repairing, or insuring donated artwork in the City's public art collection shall be subject to City Council approval and appropriation into the fund of the additional moneys necessary for such maintenance, repair, or insurance.

SECTION 13. Section 5-141 of Chapter 5, Article IV of the City Code is hereby renumbered to Section 5-60 of Chapter 5, Article III and amended to read as follows:

Sec. 5-~~60~~141. - Deaccession review.

Deaccession of works of art in the City's public art collection ~~not acquired through the Percent for Arts Ordinance (currently article III of this chapter)~~ shall be done by the ~~Public Arts~~ Commission in accordance with the deaccession policy approved by resolution of the City Council.

SECTION 14. Section 5-56 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-61 and amended as follows:

Sec. 5-~~61~~56. - Public dedication to art in public places fund.

(a) A percentage of the construction cost from all public works projects exceeding \$100,000.00 shall be set aside for the acquisition of works of art, which shall be displayed in or on City-owned property, ~~upon, or adjacent to a city owned facility~~, and for such administrative, insurance, or repair and maintenance costs reasonably attributable to the City's public art collection ~~operation of this article~~.

(b) The percentage of construction costs to be deposited into the fund shall be as follows, subject to the limitations set forth in this article:

(i) For public works projects with construction costs between \$100,000.00 and \$2,500,000.00, two percent shall be ~~set aside for~~ deposited into the fund ~~the acquisition of works of art~~.

(ii) For public works projects with construction costs between \$2,500,001.00 and \$10,000,000.00, one percent shall be ~~set aside for~~ deposited into the fund. ~~the acquisition of works of art~~.

(iii) For public works projects with construction costs exceeding \$10,000,001.00, three-quarters of a percent shall be ~~set aside for~~ deposited into the fund. ~~the acquisition of works of art~~.

(c) The total allocation of funds ~~set aside for~~ deposited into the fund ~~the acquisition of works of art~~ from any single public works project under this article shall not exceed \$500,000.00.

(d) If it would be inappropriate to display a work of art at a facility, if the funds set aside from any public works project are not sufficient to acquire a work of art appropriate for the City or if the Commission deems it appropriate to pool funds to provide for works of art of greater cost or a larger more intricate or detailed work of art at another facility, then such monies shall be used for the acquisition of a work of art for display in or on City-owned property other than the facility being constructed, ~~upon or adjacent to any other city facilities.~~

(e) The Commission should determine at the beginning of each fiscal year which budgeted public works projects will receive a work of art. The Commission shall determine what portion of the moneys deposited into the fund ~~set aside funds from public works projects, insurance proceeds, or private donations~~ shall be used for acquisition, administration, insurance, repair and maintenance of works of art acquired with moneys from the fund in each instance and shall determine at which locations ~~facility~~ a work of art shall be displayed.

(f) If the Commission determines that any donated artwork in the City's public art collection is in need of insurance, repair, or maintenance, and the necessary funds for such insurance, repair, or maintenance have not already been appropriated into the fund, the Commission may request City Council make such appropriation.

SECTION 15. Section 5-57 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-62 and amended as follows:

Sec. 5-~~62~~57. - Private dedications.

Private owners and developers who construct, renovate, rehabilitate, remodel or improve any facility or structure are hereby encouraged to dedicate one percent of the construction costs of such facility or structure to the fund. To the extent allowed by law, all dedications or contributions to the fund may be considered a charitable donation for purposes of income tax.

SECTION 16. Section 5-59 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-63 and amended as follows:

Sec. 5-~~63~~59. - Use of art ~~Art~~-in public places fund.

(a) There is hereby established a fund designated as the art in public places fund. All funds set aside pursuant to this article for each public works project together with such other funds as the City Council shall appropriate for works of art and funds donated by the general public for works of art shall be deposited into this fund. These funds shall be expended by the Commission as

set forth in this article. Any funds not expended by the end of any fiscal year shall be carried over to the next fiscal year.

(b) Funds derived from revenue or general obligation bond issues or from utility revenues or other special purpose funds or funds dedicated pursuant to the terms of a bond or other debt obligation resolution shall be used in a manner consistent with the legal requirements for the bonds or special purpose funds.

(c) Funds donated by the general public for works of art and deposited into the fund shall be used in a manner consistent with the conditions imposed by the donor. To the extent conditions imposed by the donor are inconsistent with this article or to the extent the Commission determines that it would not be in the City's best interest to utilize the donated funds under the imposed conditions, such funds shall be returned to the donor.

(d)~~(b)~~ To the extent that the total funds are not used for the acquisition of works of art, the remainder may be used for:

(1) Commission administration costs (which may include costs to provide public awareness and appreciation of works of art in the City's public art collection), insurance costs, or costs for repair and maintenance of any works of art in the City's public art collection ~~acquired under this article~~; or

(2) To supplement other funds set aside for the acquisition of works of art for other public works projects or to place works of art in, on, or near city facilities which have already been constructed. Provided that funds set aside from any bond issue or any special purpose funds or funds dedicated pursuant to the terms of a bond or other debt obligation resolution which are not used for the acquisition of works of art for the public works project for which they were set aside shall revert to the bond fund or project from which they were set aside.

(e)~~(c)~~ The proceeds from any claims made on the public art collection's insurance policy shall be deposited in ~~the art in public places fund which shall be used to repair or replace damaged or destroyed works of art in the City's public art collection.~~

SECTION 17. Section 5-60 of Chapter 5, Article III of the City Code is hereby renumbered to Section 5-64:

Sec. 5-~~64~~60. - Bond proceeds or other debt obligations.

Notwithstanding the foregoing provisions of this article, to the extent amounts deposited in the fund are derived from the proceeds of bonds or other debt obligations to the City, such amounts shall remain on deposit in the fund only for such period of time which, in the opinion of bond counsel acceptable to the City, will not adversely affect:

- (1) The exclusion of interest on such bonds or other debt obligations from gross income of the holders thereof for purposes of federal income taxation; or
- (2) The validity of such bonds or other debt obligations under the laws of the State.

SECTION 18. Section 5-83 of Chapter 5, Article III of the City Code is hereby deleted.

~~Sec. 5-83. – Guidelines.~~

~~The Commission shall adopt guidelines for the administration of this article.~~

SECTION 19. The heading for ARTICLE IV. – DONATIONS TO THE CITY FOR ART; ACCEPTANCE PROCESS set forth in Chapter 5 of the City Code is hereby removed.

~~ARTICLE IV. – DONATIONS TO THE CITY FOR ART; ACCEPTANCE PROCESS~~

SECTION 20. The heading for DIVISION 1. – GENERALLY set forth in Chapter 5, Article IV. of the City Code is hereby removed.

~~DIVISION 1. – GENERALLY~~

SECTION 21. Sections 5-136 through 5-140 of Chapter 5, Article IV of the City Code are hereby renumbered to Sections 5-65 through 5-69, moved into Article III, and amended to read as follows:

DIVISION 2. – GIFTS OF ART TO THE CITY

Sec. 5-~~65~~136. - Purpose and scope~~-intent~~.

- (a) The donation of works of art to the City is encouraged. The acceptance of donations of art by the City and the placement of art on City property carry certain responsibilities. Some of the issues to be considered include the appropriateness of the work as public art, historical relevance or relationship to City, feasibility of installation, safety, durability, maintenance, and an appropriate public site.
- (b) The purpose of this division is to provide guidelines for the acceptance of donations of exterior art valued at \$10,000 or more and to provide a process for such review to ensure that art which the City accepts is appropriate for the City and is initially located at an appropriate City-city location.
- (c) Any donation of exterior art valued at less than \$10,000 or any donation of indoor art of any value may be accepted or rejected by the Mayor and is not subject to the provisions of this division.

Sec. 5-~~661~~37. - Application process.

- (a) An application for donation of exterior art valued at \$10,000 or more shall include the following documentation and shall be made to the ~~Public Arts Commission~~:
- (1) A written description of the artwork including title.
  - (2) A certified appraisal or other appropriate documentation showing the minimum value to be not less than \$10,000.00.
  - (3) Not less than ten visual representations of the artwork.
  - (4) A list of proposed installation sites with visual representations of the proposed location of the artwork on the site. If any such installation sites are not on City property, the application shall include the documentation showing how the City will be granted or assigned all property rights necessary for the City to exercise full ownership rights and permanent access to the artwork despite its location on non-City owned property.
  - (5) Biographical information about the artist including full name, current and complete contact information and history of previous artworks and locations.
  - (6) Information about the donor including full name, current and complete contact information.
  - (7) Any terms or conditions imposed by the donor on which the donation may be subject to.
- (b) Upon determination by the ~~Public Arts Commission~~ that the application is complete, a gifts committee panel shall be created.

Sec. 5-~~671~~38. - Gifts committee panel.

- (a) A gifts committee panel will be responsible for the review and for making a recommendation concerning acceptance of proposed donations of exterior art to the City valued at not less than \$10,000.00 and/or placement of donated art on City city property.
- (b) There shall be five seven members on the gifts committee panel. The gifts committee panel shall consist of two members of the ~~Public Arts Commission~~ appointed by the Commission and two members of the arts advisory committee appointed by the committee. These initial four members shall meet and appoint three additional members who shall be arts professionals appointed by the Commission.
- (c) A gifts committee panel shall be created upon receipt of a completed application for donation. A gifts committee panel shall be created for each proposed donation for which a complete application has been submitted,



however, the members of each gifts committee ~~panel~~ may be the same persons.

- (d) Each gifts committee ~~panel~~ shall meet in a timely fashion to review the proposed donation until a recommendation has been made. Each gifts committee ~~panel~~ may seek additional information. Each gifts committee ~~panel~~ shall select a chairperson and determine its own rules of procedures.

Sec. 5-~~68139~~. - Guidelines for review.

- (a) Art proposed for donation ~~for placement to the City on city property~~ shall be evaluated on the basis of the following criteria; each of these criteria must be satisfactorily addressed, if applicable, before making a recommendation regarding a proposed donation:

- (1) Artistic quality.
- (2) Value and condition of the art.
- (3) Historical relevance/relationship to the City.
- (4) Relationship to the City's public art collection.
- (5) Community process:
  - a. If a commissioned work, what was the selection process for the artist (open competition) and was the neighborhood involved and consulted?
  - b. If the art is to be installed on city property, has the appropriate city department been consulted and is there any additional review process?
  - c. Has the donor submitted a letter of guarantee of indemnification for maintenance, preservation and conservation in perpetuity or otherwise?
- (6) Relationship to proposed site.
- (7) Technical feasibility of the location with input from the department maintaining the property or from the City Attorney if not on City-owned property.
- (8) Technical specifications of installation.
- (9) Durability and lifespan of the art (conservation).
- (10) Possibility of vandalism.
- (11) Public safety and liability issues.
- (12) Accessibility to the public.
- (13) Fabrication and installation of art.

- (14) Budget for installation.
  - (15) Maintenance and preservation requirements (including the need for insurance).
  - (16) Timeline for donation and installation.
  - (17) Conditions imposed by donor, if any.
- (b) Recommendation of acceptance or rejection of donations.
- (1) The gifts ~~committee-panel~~ shall make a recommendation to accept, accept with conditions or reject the donation and/or the proposed location to the Public Arts Commission. The recommendation shall include an estimate of the annual anticipated costs associated with accepting the artwork for the lifespan of the artwork, including costs for maintenance, insurance, fabrication and installation, and repairs due to theft or vandalism.
  - (2) The ~~Public Arts~~ Commission will review the recommendation based on the guidelines for review and make a recommendation to accept, accept with conditions or reject the donation. Recommendations of the ~~Public Arts~~ Commission shall be transmitted to the City Council along with a request to appropriate the annual anticipated maintenance costs for the donated art into the fund in accordance with the annual budget and appropriations process set forth in the Code (currently Chapter 2, Article IV).
  - (3) The ~~Public Arts~~ Commission shall make a recommendation concerning the location of the art.
  - (4) City council shall approve, approve with conditions, or deny the donation and/or the proposed location of the art and may direct that it be placed at a different location.

Sec. 5-~~69140~~. - Donation to the City.

Donations of artwork to the City shall require that all rights except copyrights shall be assigned to the City, that if the work is commissioned it be considered a work made for hire," and that artists waive all rights under the Visual Artist's ~~Relief Rights~~ Act, as amended. All works of art acquired pursuant to this division shall be acquired in the name of the City and title shall vest in the City.

SECTION 22. Division 3 of Article IV of the St. Petersburg City Code is hereby deleted in its entirety.

SECTION 23. 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 24. The provisions of this ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION 25. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

DRAFT  
\_\_\_\_\_  
City Attorney (designee)  
00324423

**PUBLIC SERVICES & INFRASTRUCTURE COMMITTEE**

**May 25, 2017**

| Topic  | Return Date | Referral Date | Prior meeting | Referred by | Staff      | Notes   |
|--|-------------|---------------|---------------|-------------|------------|---|
| 1<br>A report on utilization of the Hard to Hire and Apprenticeship Ordinance  | 5/25/17     | 9/22/16       | 3/23/17       | Foster      | Tankersley | 5/1/17-Not ready for 5/11, per C. Tankersley & B. Prayman.<br>Staff to report back on penalties, lower thresholds, pre-certification programs, Davis Bacon Act and streamlining, and the compliance program |
| 2<br>A discussion on an ordinance amending Chapter 5, Article III and Article IV of the City Code related to works of art in public construction and the acceptance process for donations to the City for art; permitting moneys from the art in public places fund to be utilized for the acquisition of works of art, administration costs of the public arts commission, insurance costs or costs for repair or maintenance of any works of art in the city's public art collection; and also requesting that the City Attorney's Office prepare a draft ordinance for the Committee's consideration. | 5/25/17     | 4/20/17       |               | Kornell     | Michnowicz | —   |

| Topic   | Return Date                                      | Referral Date | Prior meeting   | Referred by    | Staff                    | Notes   |
|---|--|---------------|---|----------------|--------------------------|---|
| 3 Requesting an amendment to the City Council Policy and Procedures Manual to restrict the drafting of substantive changes to documents on the dais that would require the agenda item to be suspended and continued later in the same meeting. | 5/25/17  | 5/4/17        |   | Wheeler-Bowman | Legal                    |   |
| 4 A discussion of the first quarterly report in regard to the diversion program for several misdemeanor crimes which is being implemented by the Sheriff's dept   | 5/25/17 (FYI- quarterly report received 4/26/17) | Quarterly     |   | Kornell        | PCSO                     | 2/6/16 Spoke to Sherriff's Dept. They are working on the report and will distribute as soon as complete<br>4/26/17 Qtrly report received.   |
| 5 Water Quality Monitoring - Update on Communication re: water quality  | 6/8/17   |               | 2/23/17   |                | Tankersley/<br>Palenchar |   |
| 6 Vehicle for Hire Ordinance  |  | 4/21/16       | 8/25/16<br>9/22/16<br>10/13/16<br>11/21/16<br>PH<br>5/11/17 | Kennedy        | Judd -<br>Legal          | Discussion of Vehicle for Hire Ordinance with focus on Transportation Network Companies, inc. background checks, insurance and handicap accessibility requirements;<br>5/26/16 - Mayor's office is working with legal on draft ordinance, expect something within next month<br>11/21/16 - 1st Public Hearing; second PH in future<br>5/11/17 - Request legal come back with a proposed ordinance to level the playing field between taxis and state regulated transportation companies |

| Topic  | Return Date   | Referral Date | Prior meeting  | Referred by | Staff   | Notes  |
|--|---|---------------|--|-------------|---|--|
| 7<br>Capital Improvement Assessment<br>(Maintenance and Hurricane/Tropical Storm preparedness)<br>a. Bridges<br>b. Seawalls<br>c. Roads<br>d. Sidewalks<br>e. Sewers<br>f. Potable Water<br>g. Stormwater<br>h. Wastewater<br>i. Reclaimed Water<br>j. Buildings | a.<br>b.<br>c.<br>d.<br>e.<br>f. 6/15/17<br>g.<br>h.<br>i. 6/8/15<br>j. | 2/2/17        | a. 4/27/17<br>b.<br>c.<br>d.<br>e.<br>f.<br>g.<br>h.<br>i.<br>j. | Kennedy     | a. Prayman<br>b. Tankersley<br>c.<br>d.<br>e.<br>f. Palenchar<br>g.<br>h.<br>i. Palenchar<br>j. | a. <b>Bridges 4/27/17</b> Staff to bring back analysis of long-term and pedestrian bridge funding.   |
| 8<br>Green Cart Initiative Amendment to regulations for Pushcart Vending   |   | 6/16/16       |  | Rice        | Goodwin<br>Capehart   | 4/27/17 Deferred to later date.  |
| 9<br>Mechanical Noise/Downtown Noise   |   | 6/16/16       | 7/28/16  | Kornell     | Goodwin   | Direct request to CM Kornell   |
| 10<br>Urban Construction (Mechanical Noise Concerns)   |   | 10/13/15      | 11/19/15<br>6/16/16<br>12/15/16*<br>*(ENRS)                      | Nurse       | Rick Dunn   | <b>6/16/16</b> - Urban Construction Task Force Report; Claude Tankersley to return with a report on cooling systems. <b>Rick Dunn to return with a report on how other cities handle noise/recommended changes</b><br><b>12/16/16</b> - Preliminary District Cooler Plant Analysis report at ENRS<br><b>01/27/17</b> - Per Rick Dunn: Planning & Eco Dev is including mechanical noise issues as a component of a proposed change to existing noise ordinance. Not sure when it will be ready to return to PSI |

| Topic  | Return Date | Referral Date | Prior meeting | Referred by   | Staff                                 | Notes   |
|--|-------------|---------------|---------------|---------------|---------------------------------------|---|
| 11 St. Petersburg Downtown Partnership Looper Funding and Possible Expansion   |             | 3/10/16       |               | Kennedy Nurse | Evan Mory                             | 5/5/16 - waiting on PSTA for a downtown circulation study<br>5/25/16 PSTA is doing study for the downtown transportation now that the grid system is in place. Report due before end of year - November |
| 12 Potential for expanding reclaimed water system  |             | 5/12/16       |               | Gerdes        | John Palenchar                        | Report from staff regarding reclaimed water system  |
| 13 Discussion of Brownfields & the incentives for developers   |             | 8/4/16        |               | Kornell       | Kovilaritch-Legal                     | Legal to provide a report regarding FL Statutes and how to apply the state reg brownfield area  |
| 14 Report on Proposed South St. Petersburg Master Plan with a potential 2050 plan  |             | 8/4/16        |               | Kornell       | Kevin King                            |   |
| 15 Presentation in regard to the Best Management Practices (BMP) concerning reduction of nitrogen loading to Tampa Bay from community gardening activities                                     |             | 9/8/16        |               | Kornell       | Pinellas County Cooperative Extension |   |
| 16 Discussion re making the Manhattan Casino the new home of the Dr. Carter G. Woodson African American Museum   |             | 10/20/16      |               | Kornell       |                                       |   |
| 17 Discussion of requiring our wholesale sewer customers to make certain budget commitments on an annual basis to reduce the amount of infiltration/inflow in their sewer collection s systems |             | 1/19/17       |               | Kornell       |                                       |   |
| 18 A report on flooding specified areas and along Dr. MLK, Jr. St S near Lake Maggiore   |             | 9/22/16       |               | Kornell       | John Norris Stormwater                | 2/28/17 - to be a part of the stormwater master plan  |

| Topic  | Return Date | Referral Date | Prior meeting | Referred by | Staff      | Notes   |
|--|-------------|---------------|---------------|-------------|------------|---|
| 19 Local ordinance banning Conversion or Reparative Therapy  |             | 4/6/17        |               | Kornell     |            | Kornell requested City's Legal department research the issue and prepare a draft ordinance for the committees consideration.  |
| 20 Private Laterals Pilot Rebate Program   |             | 3/2/17        | 4/13/17       | Kornell     | Tankersley | <ol style="list-style-type: none"> <li>1. What has been discussed at County level</li> <li>2. Pros/Cons on programs they have seen</li> <li>3. Issues that have to be dealt with from both perception level and policy level</li> <li>4. Ideas of what next steps can be made</li> <li>5. How many manholes have been repaired and how many are need of repair in the area of the study</li> <li>6. How do we fund a program</li> <li>7. Legal - Is there a basis in the law if we are faced with a health safety issue, what rights do we have going on private property and inspecting (pipes).</li> </ol> <p>4/13/17- Claude stated he will f/u on timing for the next PSI report<br/>5/3/17-Waiting for county program.</p> |
| 21 Consideration of regulating and limiting the use of commercial sized wood burning grills in residential zoning districts.                 |             | 5/4/17        |               | Nurse       |            |   |
| 22 Consideration of an ordinance to allow PSTA to enter into an agreement to permit the construction of 23 proposed additional bus shelters. |             | 5/18/17       |               | Nurse       |            |   |
| PS&I 2017 Dates: <del>5/11</del> , 5/25, 6/8, 6/15, 7/20, 7/27, 8/10, 8/24, 9/14, 9/28, 10/12, 10/26, 11/9, 12/14 2018: 1/11, 1/25           |             |               |               |             |            |   |