

City of St. Petersburg
Committee of the Whole
Meeting of July 20, 2017 @ 1:00 p.m.
City Hall - Room 100

A. Call to Order – Council Chair Darden Rice

B. Discussion Items

- 1. Proposed Charter Amendment - Section 4.05**
- 2. Walter Fuller Referendum/Proposed Ordinance**
- 3. Vinoy Referendum/Proposed Ordinance**

C. Next Meeting – August 10, 2017 @ 9:00 a.m., City Hall - Room 100
Bio-Solids to Energy Update and
5 year Wastewater Improvement Plan

August 10, 2017 @ 1:00 p.m., City Hall – Room 100
Foundation for Healthy St. Petersburg

D. Adjournment

ST. PETERSBURG CITY COUNCIL

Committee of the Whole

Meeting of July 20, 2017

TO: Darden Rice, City Council Chair; members of City Council

FROM: Brett B. Pettigrew, Assistant City Attorney 

SUBJECT: Charter section 4.05, before and after proposed amendment

To better understand the current status of Charter section 4.05 and the effect of the proposed draft ordinance authorizing a referendum to change that section, I have prepared the following summary showing a clean version of the current text, along with a clean version of the text as it would read if the current ordinance were adopted and passed via referendum.

CURRENT VERSION:

Charter section 4.05 currently reads as follows:

Sec. 4.05. - Administrative affairs; Council participation.

- (a) Neither the Council nor any of its committees or any of its members, individually or collectively, shall direct or request the appointment of anyone to, or removal from, office by the Mayor or any of the Mayor's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee or members of boards in the administrative service of the City. All inquiry dealing with any portion of the administrative service of the City with the exception of (b) herein shall be with the Mayor and neither the Council nor any member thereof shall, give any orders to any subordinate or officer of the City, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the Council shall be grounds for removal from office under Section 3.04(c). This subsection shall not operate to prohibit any individual Council Member from expressing their personal opinion concerning the hiring by the Mayor of any chief or administrator or higher management level employee.

- (b) Permitted contact with City staff.
 - (1) The finances of the City shall, under the direction of the Council, be examined and audited by a certified public accountant at least once a year. The financial audit shall be a certified audit with no exceptions, and all reports and recommendations of the auditor shall be directed to the Council. City Council, at any time, shall be permitted to conduct a management evaluation, by a professional consultant, of the administrative activities of the City, or any portion thereof, under the direction of City Council. At least once every two years the City Council shall discuss and make a decision as to whether or not any such an audit is needed. The management evaluation and all reports and recommendations shall be directed to the Council.
 - (2) The Council or any member thereof may request information of the Mayor or the Mayor's subordinates in a form that presently exists and could be obtained by a public record request under Florida law, subject to such reasonable regulations of use as City Council may prescribe by ordinance or resolution from time to time.

PROPOSED AMENDED VERSION

If the current version of the ordinance was approved via referendum, Charter section 4.05 would read as follows:

Sec. 4.05. - Administrative affairs; Council participation.

- (a) *Prohibitions.* Except as otherwise specifically authorized by the Charter, neither the Council nor any of its members, may do any of the following, whether publicly or privately, directly or indirectly, individually or collectively:
 - (1) direct or request the appointment or removal of any employee of the City to or from any position with the City by the Mayor or by any of the Mayor's subordinates;
 - (2) take part in the appointment or removal of any employee of the City to or from any position with the City;
 - (3) direct or request the removal of any member of a board or commission of the City who was confirmed by City Council, except through

a quasi-judicial hearing for the removal of a member for cause as authorized by applicable law;

- (4) direct or request the removal of any member of a board or commission who was appointed by the Mayor, except through a quasi-judicial hearing for the removal of a member for cause as authorized by applicable law; or
 - (5) give any order to any employee of the City or any member of any board or commission appointed or confirmed by City Council or appointed by the Mayor.
- (b) *Inquiry as to administrative service.* Except as authorized by the Charter, any inquiry dealing with any portion of the administrative service of the City shall be with the Mayor, the City Administrator, or the Mayor's designee when that designation is made in writing.
 - (c) *Violations.* Any violation of the provisions of this section by a member of the Council shall be grounds for removal from office under Section 3.04(c).
 - (d) *Appointment of certain high-level staff positions.* This section does not prohibit any individual Council Member from expressing a personal opinion concerning the appointment by the Mayor of any chief or administrator-or-higher management-level employee or the creation of any new position classified as management or professional non-management; or
 - (e) *Appointment or removal of City Council Office staff.* This section does not prohibit any individual Council Member from expressing a personal opinion concerning the appointment or removal by the Mayor of any employee who works for City Council in the City Council Office. If, at a Council meeting or a Committee of the Whole meeting, the City Council takes formal action to make a collective recommendation concerning the appointment or removal by the Mayor of any employee who works for City Council in the City Council Office and the Mayor does not follow that recommendation, then the Mayor shall provide written justification to the City Council identifying the reasons for not following the recommendation within ten days of that decision.

- (f) *Appointment of board or commission members.* This section does not prohibit any individual Council Member from providing information or expressing an opinion related to the appointment of any member of a board or commission of the City.
- (g) *Permitted contact with City staff.*
 - (1) The finances of the City shall, under the direction of the Council, be examined and audited by a certified public accountant at least once a year. The financial audit shall be a certified audit with no exceptions, and all reports and recommendations of the auditor shall be directed to the Council. City Council, at any time, shall be permitted to conduct a management evaluation, by a professional consultant, of the administrative activities of the City, or any portion thereof, under the direction of City Council. At least once every two years, the City Council shall discuss and make a decision as to whether or not any such an audit is needed. The management evaluation and all reports and recommendations shall be directed to the Council.
 - (2) The Council or any member thereof may request information of the Mayor or the Mayor's subordinates in a form that presently exists and could be obtained by a public record request under Florida law, subject to such reasonable regulations of use as City Council may prescribe by ordinance or resolution from time to time.

ORDINANCE NO. _____

**AN ORDINANCE MAKING FINDINGS;
PLACING A REFERENDUM ON THE BAL-
LOT OF THE MUNICIPAL GENERAL
ELECTION SCHEDULED FOR NOVEM-
BER 7, 2017, REGARDING AN
AMENDMENT OF SECTION 4.05 OF THE
CITY CHARTER TO PROVIDE FOR ADDI-
TIONAL COUNCIL MEMBER
COMMENTS ON THE CREATION OF
NEW MANAGEMENT OR PROFES-
SIONAL NON-MANAGEMENT
POSITIONS AND ON THE APPOINT-
MENT OR REMOVAL OF CITY COUNCIL
OFFICE STAFF, AS WELL AS UPDATED
LANGUAGE TO CLARIFY THE INTENT
OF THIS SECTION; PROVIDING THAT
SUCH AMENDMENT WILL BECOME EF-
FECTIVE ONLY IF THE REFERENDUM IS
APPROVED BY A MAJORITY VOTE AND
THE REVISED CHARTER IS FILED,
WITH THE DEPARTMENT OF STATE;
PROVIDING A BALLOT TITLE AND SUM-
MARY FOR THE REFERENDUM; AND
PROVIDING AN EFFECTIVE DATE.**

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1—FINDINGS: The City Council of the City of St. Petersburg, Florida, hereby makes the following findings:

- (a) When the City Charter adopting the strong mayor form of government was approved by a majority of the voters after a citizens' initiative petition process, there was a prohibition against Council Members taking any action that directly or indirectly requested the appointment or removal of any City employee.
- (b) Several years ago, Council Members expressed a desire to be able to express their opinions concerning the appointment of new senior management employees by the Mayor that was

the subject of a recently approved referendum and that is now incorporated in the Charter. Senior management employees are defined as chiefs and administrator or higher management-level employees.

- (c) Council Members desire to further expand their ability to express individual opinions on the appointment of employees to include expressing their opinions concerning any new management or professional non-management positions created by the Mayor.
- (d) Providing City Council Members with the opportunity to express individual opinions on this topic would not interfere with the Mayor's appointment or removal of employees or the Mayor's administration of the City or the Mayor's staff.
- (e) The expression of individual opinions by Council members would provide meaningful and beneficial information and perspectives in the creation of any new management or professional non-management positions.
- (f) The public reasonably expects City Council Members to be able to publicly share their opinions and perspectives in the creation of new management or professional non-management positions.
- (g) In the absence of formal action taken collectively by City Council, the public expression of a City Council Member's individual opinion would not constitute undue influence on the creation of a new management or professional non-management position.
- (h) City Council Members also desire to have input into the appointment and removal of City employees who work for Council Members in the City Council Office.
- (i) City Council Members also desire to clarify other language in the Charter relating to Council Members sharing their opinions concerning the appointment or removal of City employees and members of boards or commissions of the City.
- (j) Pursuant to Florida Statutes section 166.031, the Charter may be amended pursuant to a referendum put to a vote of the electors at a general election held within the municipality.
- (k) This referendum question could be placed on the ballot for the municipal general election scheduled for November 7, 2017.

SECTION 2—DATE OF REFERENDUM: The City shall place the referendum described in this ordinance (the "**Referendum**") on the ballot for the municipal general election scheduled for November 7, 2017.

SECTION 3—CHARTER AMENDMENT: If the Referendum is approved by a majority vote, the City shall file a revised version of the St. Petersburg City Charter with the Department of

State that contains the following amendments to section 4.05, with such amendments effective upon the filing of the revised Charter with the Department of State:

Sec. 4.05. Administrative affairs; Council participation.

- (a) ~~Neither~~Prohibitions. Except as otherwise specifically authorized by the Charter, neither the Council nor any of ~~its committees or any of its members,~~ may do any of the following, whether publicly or privately, directly or indirectly, individually or collectively, ~~shall~~:
- (1) ~~direct or request the appointment of anyone to, or removal of any employee of the City to or from, office any position with the City by the Mayor or by any of the Mayor's subordinates, or in any manner, directly or indirectly,;~~
 - (2) ~~take part in the appointment or removal of any officer-employee of the City to or employee from any position with the City;~~
 - (3) ~~direct or members of boards in the~~ request the removal of any member of a board or commission of the City who was confirmed by City Council, except through a quasi-judicial hearing for the removal of a member for cause as authorized by applicable law;
 - (4) ~~direct or request the removal of any member of a board or commission who was appointed by the Mayor, except through a quasi-judicial hearing for the removal of a member for cause as authorized by applicable law; or~~
 - (5) ~~give any order to any employee of the City or any member of any board or commission appointed or confirmed by City Council or appointed by the Mayor.~~
- (b) ~~Inquiry as to administrative service of the City. All.~~ Except as authorized by the Charter, any inquiry dealing with any portion of the administrative service of the City ~~with the exception of (b) herein shall be with the Mayor and neither the Council nor any member thereof shall, give any orders to any subordinate or officer of the City, either publicly or privately, directly or indirectly, the City Administrator, or the Mayor's designee when that designation is made in writing.~~
- (c) Violations. Any violation of the provisions of this section by a member of the Council shall be grounds for removal from office under Section 3.04(c).

- (d) Appointment of certain high-level staff positions. ~~This subsection shall~~ section does not operate to prohibit any individual Council Member from expressing their personal opinion concerning the hiring appointment by the Mayor of any chief or administrator-or-higher management-level employee-level employee or the creation of any new position classified as management or professional non-management; or
- (e) Appointment or removal of City Council Office staff. This section does not prohibit any individual Council Member from expressing a personal opinion concerning the appointment or removal by the Mayor of any employee who works for City Council in the City Council Office. If, at a Council meeting or a Committee of the Whole meeting, the City Council takes formal action to make a collective recommendation concerning the appointment or removal by the Mayor of any employee who works for City Council in the City Council Office and the Mayor does not follow that recommendation, then the Mayor shall provide written justification to the City Council identifying the reasons for not following the recommendation within ten days of that decision.
- (f) Appointment of board or commission members. This section does not prohibit any individual Council Member from providing information or expressing an opinion related to the appointment of any member of a board or commission of the City.
- (g) Permitted Contact with City staff.
- (1) The finances of the City shall, under the direction of the Council, be examined and audited by a certified public accountant at least once a year. The financial audit shall be a certified audit with no exceptions, and all reports and recommendations of the auditor shall be directed to the Council. City Council, at any time, shall be permitted to conduct a management evaluation, by a professional consultant, of the administrative activities of the City, or any portion thereof, under the direction of City Council. At ~~least~~least once every two years, the City Council shall discuss and make a decision as to whether or not any such an audit is needed. The management evaluation and all reports and recommendations shall be directed to the Council.
 - (2) The Council or any member thereof may request information of the Mayor or the ~~Mayors'~~Mayor's subordinates in a form that presently

exists and could be obtained by a public record request under Florida law, subject to such reasonable regulations of use as City Council may prescribe by ordinance or resolution from time to time.

SECTION 4—BALLOT TITLE: The City shall use the following caption as the ballot title for the Referendum: *[15 of 15]*

Modifying prohibition on Council Members expressing opinions concerning certain decisions on employment and board membership

SECTION 5—BALLOT SUMMARY: The City shall use the following explanatory statement as the ballot summary for the Referendum: *[70 of 75]*

The City Charter currently prohibits Council Members from directing or requesting the appointment or removal of City employees except senior management employees. Shall the Charter be amended in accordance with ordinance _____ to allow Council Members to express opinions concerning creation of new positions classified as management or professional non-management, changes to membership on boards or commissions of the City, and appointment or removal of City Council Office staff?

YES NO

SECTION 6—EFFECTIVE DATE: In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it will 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 will 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 will not become effective unless the City Council overrides the veto in accordance with the City Charter, in which case it will become effective immediately upon a successful vote to override the veto.

SECTION 7—SEVERABILITY: The provisions of this ordinance are deemed severable, and the invalidity of any portion of this ordinance does not affect the validity of the remaining portions.

Approved as to form and content:

City Attorney (Designee)

Administration

ORDINANCE NO. _____

AN ORDINANCE MAKING FINDINGS;
PLACING A REFERENDUM ON THE
BALLOT OF THE MUNICIPAL GENERAL
ELECTION SCHEDULED FOR
NOVEMBER 7, 2017, REGARDING AN
AGREEMENT, WITH A TERM NOT
EXCEEDING 20 YEARS AND UNDER
CERTAIN CONDITIONS, FOR A PORTION
OF WALTER FULLER PARK TO BE USED
FOR THE PRIMARY PURPOSES OF
BASEBALL, OTHER SPORTS, AND
RELATED ACTIVITIES; AUTHORIZING
THE CITY COUNCIL TO APPROVE SUCH
AN AGREEMENT FOLLOWING
APPROVAL OF THE REFERENDUM BY A
MAJORITY VOTE; PROVIDING A
BALLOT TITLE AND SUMMARY FOR
THE REFERENDUM; AND PROVIDING
AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG ORDAINS THE FOLLOWING:

SECTION 1—FINDINGS: The City Council of the City of St. Petersburg, Florida, hereby makes the following findings:

- (a) Walter Fuller Park is identified as parcel 94 on the Park and Waterfront Map incorporated into the City Charter (the “**Park**”).
- (b) The portion of the northern end of the Park currently known as the “Walter Fuller Baseball Complex” (the “**Facility**”) has been used for baseball, other sports, and related activities since at least 1968, when the New York Mets began training at a baseball complex on the site named after Mets’ owner Joan Payson.
- (c) St. Pete Baseball Commission, Inc., (“**SPBC**”) was formed for the purpose of operating and maintaining certain City-owned baseball facilities, and it has operated and managed the Facility since 2009 pursuant to a series of three-year agreements with the City.

- (d) Although the City has subsidized SPBC's operation and management of the Facility pursuant to that series of agreements, the amount spent by the City on that subsidy is significantly less than the amount that would have been spent by the City to operate and manage the Facility itself.
- (e) Upgrades and improvements to the Facility are now needed to improve the aesthetics and safety of the Facility, maintain the competitiveness of the Facility as a baseball venue, and preserve the Facility as a valuable part of the City's baseball history.
- (f) SPBC has proposed a series of upgrades and improvements to the Facility to address those needs, some of which can be amortized over a period of ten or more years. Accordingly, SPBC has requested that the City enter into an agreement with a term not to exceed 20 years in order to make such amortization possible.
- (g) Because the Park is designated as park property on the Park and Waterfront Map and is zoned for residential purposes, section 1.02 of the Charter requires that a City-wide referendum be held to approve any agreement for the disposition of the Facility that exceeds three years.
- (h) The City Council desires to seek authorization from the City's electors, in accordance with the Charter, to approve an agreement with a term not to exceed 20 years for the Facility to be used for the primary purposes of baseball, other sports, and baseball-related activities under the conditions set forth in this ordinance.
- (i) This referendum question could be placed on the ballot for the municipal general election scheduled for November 7, 2017.
- (j) The procedure provided by the Charter for providing notice of this ordinance for the disposition of park and waterfront property has been followed, and the City Clerk has received proof of delivery of the required notice.

SECTION 2—DATE OF REFERENDUM: The City shall place the referendum described in this ordinance (the "**Referendum**") on the ballot for the municipal general election scheduled for November 7, 2017.

SECTION 3—AUTHORIZATION FOR AGREEMENT: If the Referendum is approved by a majority vote, the City Council may approve a lease, license, use agreement, management agreement, or other type of agreement for the Facility (the "**New Agreement**") under the following conditions:

- (a) The City may use sole source selection or any other procurement method authorized by law to select SPBC or another party to manage and operate the Facility (the "**Manager**") pursuant to the New Agreement.

- (b) Approval of the New Agreement will require the affirmative vote of at least six members of City Council.
- (c) The term of the New Agreement, including any renewal or renewals, will not exceed 20 years.
- (d) The Facility will continue to be used for the primary purposes of baseball and other sports, leagues, teams, tournaments, camps, clinics, lessons, practices, games, strength and conditioning, rehabilitation and training, sports related retail sales, and schools for umpires, coaches, players and agronomy. [Confirm language from current agreement (used here) or edit as desired.]
- (e) No change may be made to boundary of the Facility as established by the current agreement between the City and SPBC. [Consider if any flexibility is needed as to this boundary and, if so, how to express that flexibility as an objective measure (e.g., “no more than ___% increase in square footage”).]
- (f) No new major structure may be added to the Facility. [Clarify what is and is not a “major structure” in this context.]
- (g) The Manager will commit to fund minimum upgrades and improvements to the Facility. [Consider adding description of improvements and/or dollar amount on an annual or cumulative basis.]

SECTION 4—BALLOT TITLE: The City shall use the following caption as the ballot title for the Referendum: *[15 of 15]*

Authorizing agreement not exceeding 20 years for management of
baseball complex at Walter Fuller Park

SECTION 5—BALLOT SUMMARY: The City shall use the following explanatory statement as the ballot summary for the Referendum: *[70 of 75]*

May City Council approve an agreement regarding the management and operation of the portion of Walter Fuller Park currently known as the Walter Fuller Baseball Complex under conditions set forth in ordinance ____? These conditions include: term not exceeding 20 years; used for primary purposes of baseball, other sports, and related activities; no change to current boundary; no new major structures; and manager commits to fund minimum upgrades and

improvements. [Revise to reflect any applicable changes to section 3.]

YES

NO

SECTION 6—EFFECTIVE DATE: In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it will 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 will 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 will not become effective unless the City Council overrides the veto in accordance with the City Charter, in which case it will become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (Designee)

Administration

ORDINANCE NO. _____

AN ORDINANCE MAKING FINDINGS;
PLACING A REFERENDUM ON THE
BALLOT OF THE MUNICIPAL GENERAL
ELECTION SCHEDULED FOR
NOVEMBER 7, 2017, REGARDING THE
PARTIAL RELEASE, SUBJECT TO
CERTAIN CONDITIONS, OF THE
RECREATION OPEN SPACE RESTRICTIVE
COVENANT ON THE PORTIONS OF
THE EDGEWATER INTERIOR PARCEL
AND THE BAYWOOD PARK INTERIOR
PARCEL, WEST OF THE EASTERN 200
FEET OF SAID PARCELS, THESE
PARCELS BEING ADJACENT TO THE
VINOY RENAISSANCE ST. PETERSBURG
RESORT AND BEING GENERALLY
LOCATED WESTERLY OF BAYSHORE
DRIVE BETWEEN SEVENTH AND
EXTENDED SIXTH AVENUE N.E.;
AUTHORIZING THE MAYOR TO
EXECUTE SUCH INSTRUMENTS AS ARE
NECESSARY TO EFFECT SUCH A
PARTIAL RELEASE FOLLOWING
APPROVAL OF THE REFERENDUM BY A
MAJORITY VOTE; PROVIDING A
BALLOT TITLE AND SUMMARY FOR
THE REFERENDUM; AND PROVIDING
AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1—FINDINGS: The City Council of the City of St. Petersburg, Florida, (“City Council”) hereby makes the following findings:

- (a) The terms “**Edgewater Interior Parcel**” and “**Baywood Park Interior Parcel**” shall have the same meaning and legal description as described in Ordinance No. 778-F.

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- (b) Pursuant to Section One of Ordinance No. 778-F, which was approved by the voters on November 6, 1984, the Edgewater Interior Parcel and the Baywood Park Interior Parcel, were conveyed to the Vinoy Park Hotel Company subject to certain restrictive covenants running with the land.
- (c) One restrictive covenant provides that the eastern 200 feet of the Edgewater Interior Parcel and the Baywood Park Interior Parcel shall be restricted to open space recreation with public access until the year 2082. None of the partial releases described herein affects this restrictive covenant.
- (d) Another restrictive covenant (hereinafter “**second restrictive covenant**”) provides that the balance of the land within the parcels (i.e., the land west of the eastern 200 feet) be restricted to recreation open space usage for the use as tennis courts and related facilities until the year 2082. The second restrictive covenant restricted approximately 4.3 total acres MOL of the parcels.
- (e) On March 27, 1997, the voters approved a partial release of the second restrictive covenant so that a conference center including a 15,000-square-foot ballroom, prefunction area, and additional parking under elevated tennis courts could be constructed. This partial release was limited to two acres of the restricted parcels.
- (f) On March 13, 2007, the voters approved a second partial release of the second restrictive covenant so that a new health club facility and future hotel and hotel accessory uses could be constructed. This second partial release was limited to same two acres of the restricted parcels as the first partial release.
- (g) The Vinoy Renaissance St. Petersburg Resort property owner has requested that the second restrictive covenant be partially released on the remainder of these parcels. Currently only ground-level tennis courts exist on remainder of the parcels. This third partial release would allow a one-story parking garage with elevated tennis courts and would be limited to the remainder of the restricted parcels (2.3 acres MOL).
- (h) Section 1.02 of the City Charter provides a City-wide referendum process for the disposition of a City interest in park and waterfront property.
- (i) The City Council desires to seek authorization from the City’s electors, in accordance with the referendum process provided by the Charter, to partially release the second restrictive covenant.
- (j) This referendum question could be placed on the ballot for the municipal general election scheduled for November 7, 2017.

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- (k) The procedure provided by the Charter for providing notice of this ordinance for the disposition of park and waterfront property has been followed, and the City Clerk has received proof of delivery of the required notice.

SECTION 2—DATE OF REFERENDUM: The City shall place the referendum described in this ordinance (the “Referendum”) on the ballot for the municipal general election scheduled for November 7, 2017.

SECTION 3—AUTHORIZATION FOR PARTIAL RELEASE: If the Referendum is approved by a majority vote, the Mayor is authorized to execute such instruments as are necessary to partially release the second restrictive covenant on the remaining portions (2.3 acres MOL) of the Edgewater Interior Parcel and the Baywood Park Interior Parcel west of the eastern 200 feet of said parcels which portions have not been the subject of a previous partial release, provided that the partial release of said covenant is subject to the following conditions:

Construction, other than tennis courts and related facilities as allowed by the original second restrictive covenant, is limited to a one story parking garage under elevated tennis courts.

SECTION 4—BALLOT TITLE: The City shall use the following caption as the ballot title for the Referendum: *[15 of 15]*

Partially releasing restrictive covenant on former City property now part of The Vinoy Renaissance Resort.

SECTION 5—BALLOT SUMMARY: The City shall use the following explanatory statement as the ballot summary for the Referendum: *[74 of 75]*

After referendum approval in 1984, the Vinoy Park Hotel gave the City a waterfront park parcel in exchange for the Baywood Park and Edgewater interior parcels subject to certain restrictions. Shall the City now partially release the restrictions for approximately 2.3 acres MOL of the property now part of The Vinoy Renaissance St. Petersburg Resort to permit construction of a one-story parking garage with elevated tennis courts as provided in ordinance ____?

YES

NO

SECTION 6—EFFECTIVE DATE: In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it will 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

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City Clerk that the Mayor will not veto this ordinance, in which case this ordinance will 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 will not become effective unless the City Council overrides the veto in accordance with the City Charter, in which case it will become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (Designee)

Administration