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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, August 08, 2017
6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

- 1. Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
- 2. Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
- 3. Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.
- 4. Consent**
 - a. Approval of minutes from City Commission Meeting
June 27, 2017**
 - b. Authorization to hang banners over 75th Avenue at
Boca Ciega Drive for the October Concert Series held
each Friday in October 2017.**
- 5. Action Items**
 - a. Approve Change Order 25 to the purchase agreement
with Nelson Construction for the Pass-A-Grille Way
Reconstruction project in the amount of \$84,480.44.**

- b. Approve Change Order #2 to the purchase agreement with Hinterland Group, Inc., for the Lift Station #16 Rehabilitation project in the amount of \$120,010.00.**

6. Ordinances

- a. Ordinance No 2017-15, Final Reading and Public Hearing of an Ordinance of the City of St. Pete Beach, Florida for a Temporary moratorium on the submittal and processing applications, and issuance of any permit for location of any wireless communication facility, tower or antenna.**
- b. Ordinance 2016-09, First Reading and Public Hearing, an Ordinance amending Chapter 6, Alcoholic Beverages, of the City of St. Pete Beach Code of Ordinances allowing for the consumption of alcohol on the sand beach in conjunction with a transient lodging facility.**
- c. Ordinance 2017-14, First Reading and Public Hearing, relating to the re-platting of real property**

7. Resolutions – No items submitted at this time.

8. Items for Discussion

- a. Pass-A-Grille Freedom Fountain Request**
- b. Plastic Bags Prohibition**

9. Audience Comments 2 - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.

10. City Clerk, City Manager, City Attorney and City Commission Reports

11. Adjournment

APPEAL: In accordance with Florida Statute 286.0105, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

AMERICANS WITH DISABILITIES ACT: In accordance with the Americans with Disabilities Act and Florida Statutes, Chapter 286.26, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall.**

CITY COMMISSION MEETING

MINUTES

JUNE 27, 2017

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Ward Friszolowski, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Melinda Pletcher, Commissioner (arrived at 6:05 p.m.)

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Jennifer Bryla, Community Development Director
Mike Clarke, Public Works Director
Vince Tenaglia, Administrative Services Director
Jennifer McMahon, Recreation Director

1. Presentations

- a. Proclamation – Mr. John William Jenkins

Mayor Johnson read and presented the proclamation to Mr. Jenkins in honor of his 30 years of dedicated service in the military and his 95th birthday. Mr. Jenkins celebrated the event with his wife, daughters and granddaughter.

2. Changes to the Agenda

There were no changes to the agenda.

3. Audience Comments

Unidentified speaker commented on upcoming astrological events.

4. Consent

- a. Approval of minutes from the following City Commission meetings: April 25, 2017; May 9, 2017; and May 23, 2017.
- b. Approval of a proposal from Ennead LLC in the amount of \$13,300 to update the fiscal year 2018 Stormwater Non-Ad Valorem Assessment Roll.

Wayne Saunders, City Manager, reviewed the consent items and recommended approval of presented.

Mayor Johnson requested the following change to the May 9th minutes: Page Six, "Big C Meeting on ~~May 3~~, April 26, 2017.

Vice Mayor Friszolowski moved to approve Consent Items 4(a) and (b) as amended. The motion was seconded by Commissioner Falkenstein.

Hearing no audience comments, Mayor Johnson called for the vote.

The motion was unanimously approved by an individual roll call vote.

5. Action Items

- a. Approval of Accela Software Annual User Fee Agreement in the amount of \$25,147.90.

Jennifer Bryla, Community Development Director, stated that the software has been implemented in the Community Development Department and allows for on-line permit and inspection requests, and for credit card payments.

Hearing no audience comments, Mayor Johnson called for a motion.

Commissioner Pletcher moved to approve Item 5(a), to authorize the City Manager to accept the Accela Software Annual User Fee Agreement in the amount of \$25,147.90. The motion was seconded by Commissioner Falkenstein.

Hearing no further Commission comments, Mayor Johnson called for the vote.

The motion was unanimously approved by an individual roll call vote.

- b. Approval of Interlocal Agreement (ILA) with Pinellas County for the cooperative procurements of Disaster Debris Collection and Removal Services, and Disaster Debris Monitoring and Management Services.

Mr. Saunders commented that the ILA will provide for participating municipalities to contract with pre-certified vendors through Pinellas County competitive procurement process for disaster services.

Hearing no audience comments or further Commission comments, Mayor Johnson called for a motion and the vote.

Commissioner Falkenstein moved to approve Item 5(b), to authorize the City Manager to enter into an Interlocal Agreement (ILA) with Pinellas County for the cooperative procurements of Disaster Debris Collection and Removal Services, and Disaster Debris Monitoring and Management Services. The motion was seconded by Commissioner Finnerty.

The motion was unanimously approved by an individual roll call vote.

- c. Approval of an Interlocal Agreement for the extension of the Penny for Pinellas Local Infrastructure Sales Surtax from 2020-2030.

Mr. Saunders explained that the funding source has been in place since 1990 and is scheduled for renewal on the November 2017 ballot. The surtax will be calculated through a percentage method and is limited to long-term capital expenditures.

Hearing no audience comments or further Commission comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 5(c), to authorize the City Manager to enter into an Interlocal Agreement with Pinellas County for the extension of the Penny for Pinellas Local Infrastructure Sales Surtax from 2020-2030. The motion was seconded by Commissioner Falkenstein.

The motion was unanimously approved by an individual roll call vote.

- d. City Manager Employment Agreement Extension

Andrew Dickman, City Attorney, introduced the employment agreement extension and Mr. Saunders highlighted the proposed changes.

Hearing no further Commission comments, Mayor Johnson called for a motion.

Commissioner Finnerty moved to approve Item 5(d), to authorize the Mayor to execute the attached employment agreement and to set the City

Manager's compensation at \$164,430.00, effective October 20, 2017. The motion was seconded by Commissioner Falkenstein.

Mayor Johnson called for audience comments.

Susan Parado, 78th Avenue, spoke in favor of merit-based pay.

Unidentified speaker commented in favor of the employment agreement renewal and increased compensation.

Hearing no further audience comments, Mayor Johnson called for the vote.

The motion was unanimously approved by an individual roll call vote.

6. Ordinances

- a. Ordinance 2017-08. First Reading and Public Hearing of an ordinance of the City of St. Pete Beach, Florida providing for amendments to "Appendix A" of the Code of Ordinances; amending, deleting, and establishing fees and charges; providing for the repeal of ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date.

The ordinance proposes to add inspection fees for grease traps as required by (previously adopted) Ordinance 2016-03 and amend wastewater user fees in accordance with the rate model developed by consultants. The changes are in compliance with the Department of Environmental Protection Agency consent order.

Ms. Bryla responded to questions noting that the owner of a building is responsible for fee(s), that inspection fees occur on an annual basis and re-inspection fees are applied on an as-needed basis, and provided deadlines for compliance.

Hearing no audience comments or further Commission comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 6(a), Ordinance 2017-08, upon first reading, an ordinance of the City of St. Pete Beach, Florida providing for amendments to "Appendix A" of the Code of Ordinances; amending, deleting, and establishing fees and charges; providing for conflicts, severability, construction, publication, and effective date. The motion was seconded by Commissioner Pletcher.

The motion was unanimously approved by an individual roll call vote.

- b. Ordinance No 2017-11. First Reading and Public Hearing of an Ordinance of the City of St. Pete Beach, Florida Extending the Temporary

Moratorium on the Establishment and Operation of Medical Marijuana
Dispensing Organizations and Treatment Centers.

The proposed ordinance provides for an extension to previously adopted Ordinance 2016-05, adding an additional 120 days to the original extension.

Hearing no audience comments or further Commission comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 6(b), Ordinance 2017-11, upon first reading, an ordinance of the City of St. Pete Beach, Florida extending the temporary moratorium on the establishment and operation of medical marijuana dispensing organizations and medical marijuana treatment centers within the City for a period not to exceed one hundred and twenty (120) days; providing for severability, conflicts, and an effective date. The motion was seconded by Vice Mayor Friszolowski.

The motion was unanimously approved by an individual roll call vote.

7. Resolutions

There were no resolutions presented.

8. Items for Discussion

There were no items for discussion.

9. Audience Comments 2

An unidentified speaker requested information on purchasing a replacement evacuation tag.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes did not submit a report.

City Manager Saunders reported on the following item:

- Expressed appreciation in regard to his employment contract extension

City Attorney Dickman did not submit a report.

Commissioner Pletcher reported on the following items:

- Traffic signals at Pass-a-Grille Way and 21st Avenue
- Opening of new restaurant on 8th Avenue called "Grace"

Commissioner Finnerty reported on the following items:

- Appointment to Planning Board
- Florida League of Cities Conference
- Suncoast League of Cities Planning Meeting
- Tampa Bay Transportation Advocacy Group

Vice Mayor Friszolowski reported on the following items:

- Stormwater allocation ordinance
- Florida Department of Transportation – Sun Pass program and toll booths
- Historic Preservation Board vacancy

Commissioner Falkenstein reported on the following items:

- One hundred fourteen turtle nests on St. Pete Beach and Shell Island
- Upcoming Library events
- Upcoming Recreation Department events
- Homestead Exemption
- Fireworks display on July 4th at Upham Beach
- Historic Preservation Board vacancy

Mayor Johnson reported on the following items:

- Status of Pinellas County project on Blind Pass Road and 75th Avenue
- Status of traffic patterns on the Pass-a-Grille Way road construction project
- Sign up for the City's newsletter
- Upcoming Library event
- Tickets available for the 60th Anniversary brunch on July 9th at the Don Cesar Hotel

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:55 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Al Johnson, Mayor

Minutes approved on: _____

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorization to hang banners over 75th Avenue at Boca Ciega Drive for the October Concert Series held each Friday in October 2017.

Date: August 8, 2017

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: The Recreation Department request permission to have banners erected over 75th announcing the October Concert Series. The City Commission must approve their request prior to receiving permission from FDOT to erect the banners. If approved, the banners will be installed on Monday, October 2 and removed on Monday, October 30, 2017.

Requested Motion: “I move to approve the Application for the Banner Installation over 75th Avenue.”

Attachments: FDOT banner application

**Reviewed by
City Manager** WS

APPLICATION TO PLACE BANNERS ON NON LIMITED ACCESS RIGHT OF WAY

FOR FDOT USE ONLY

Permit No.:

APPLICANT INFORMATIONName of Applicant/Organization: City of St Pete Beach Recreation DepartmentAddress: 155 Corey Ave, St Pete Beach, FL 33706Telephone #: 727-363-9245 Fax #: 727-363-9246 E-Mail: rddirector@stpetebeach.orgContact person (This person will serve as the contact person for all questions concerning the banner application and placement): Jennifer McMahonAddress (if different from above): N/A

Telephone #: _____ Fax #: _____ E-Mail: _____

Date of Request: 8/8/2017**LOCATION AND DISPLAY PERIOD**This is a request to place ☐ pole banners ☒ street banners ☐ on the right of way of:Highway name & number: 75th Ave and Boca Ciega Dr (SR 693 Section 15110)From (south or west limits): 0.096 To (north or east limits): _____

Highway name & number: _____

From (south or west limits): _____ To (north or east limits): _____

Highway name & number: _____

From (south or west limits): _____ To (north or east limits): _____

Highway name & number: _____

From (south or west limits): _____ To (north or east limits): _____

Projected installation date: 10/2/2017Banners will be removed on or before (if applicable): 10/30/17

Signature of Applicant

or Contact Person: _____ Date: _____

LOCAL GOVERNMENTAL ENTITY APPROVALName of Local Governmental Entity: City of St Pete BeachName of signing official (please print): Wayne Saunders, City ManagerTelephone #: 727-363-9231 Fax #: 727-363-9249 E-Mail: wsaunders@stpetebeach.org

Signature of local official: _____ Date: _____

CONDITIONS AND STIPULATIONS AGREED TO BY THE APPLICANT

1. Pole banners must be at least 14 ½ feet above the pavement elevation. Street banners must be a minimum of eighteen (18) feet above the pavement elevation.
2. Pole banners will clear the face of the curb (if present) by at least two (2) feet.
3. The applicant (or applicant's designee) will maintain the banners as permitted.
4. The installation of the banners will not require the installation of poles or other support devices on the right of way.
5. The applicant and sponsoring organization will hold the Florida Department of Transportation harmless to the extent allowed by the laws of Florida in all matters concerning the banners and bear all expenses for defense of claims against the Florida Department of Transportation.
6. The applicant is responsible for any damages to public property resulting from the materials or the work of this permit.
7. A sketch of the proposed banners is attached.
8. View of traffic control devices is not impeded to those served by the erection of these permitted banners.

Signature of District Permits

**APPLICATION TO PLACE BANNERS ON NON LIMITED ACCESS
RIGHT OF WAY**

Engineer (or designee): _____	Date: _____
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**APPLICATION TO PLACE BANNERS ON NON LIMITED ACCESS
RIGHT OF WAY****APPLICATION FOR BANNER**

AGREEMENT: By signing the reverse of this form, each applicant agrees to the provisions of Section 14-43.001(5)(d), Florida Administrative Code:

1. To the extent provided by law, the Applicant shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Applicant(s), its agents or employees arising from activities under this permit.

2. When the Department receives a notice of claim for damages that may have been caused by the Applicant in the performance of activities that arise under this permit, the Department will forward the claim to the Applicant. The Applicant and the Department will evaluate the claim and report their findings to each other within 14 working days and will discuss options in defending the claim. The Applicant shall bear all expenses for defense of claims against the Department.

REQUIRED ATTACHMENTS:

- A sketch or drawing of the banner(s), drawn to scale, including any message, logo, or emblem that will appear on the banner.
- A sketch of the specific location(s) of the banner(s), including height, location of supports, proximity to utility poles.
- Sketches, photographs, or specific descriptions of the method used to affix the banner to the support structure.
- Load rating analysis (or photocopy of previously-submitted analysis) bearing the seal of a professional engineer.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Approve Change Order 25 to the purchase agreement with Nelson Construction for the Pass-A-Grille Way Reconstruction project in the amount of \$84,480.44.

Date: August 8, 2017

Prepared By: Mike Clarke, Public Services Director

Through: Wayne Saunders, City Manager

Summary of Issue: The contractor was installing the new sanitary sewer main in the vicinity of Cabrillo and 32nd Ave. The new pipe was being installed parallel and close to the same depth as the existing pipe both of which were approximately five feet below the ground water table. In the process of de-watering the excavation trench, ground pressure surrounding the existing pipe was reduced. This allowed existing cracks in the pipe to collapse which allowed the sewerage flow to work its way under the trench box for the new pipe flooding the excavation trench with sewerage. Costs associated with this change order are for the emergency rental of sufficient by-pass pumping equipment and the labor associated with re-establishing and maintaining the excavation trench to proceed with installing the new pipe.

Funding: CIP – Pass-A-Grille Way Reconstruction Project

Requested Motion: “I move to approve change order 25 to the purchase agreement with Nelson Construction for the Pass-A-Grille Way Reconstruction Project in the amount of \$84,480.44.”

Attachments: Change Order 25

**Reviewed by
City Manager:** _____ WS _____



CHANGE ORDER NO. 25

PROJECT IDENTIFICATION:

Project Name: Pass-A-Grille Way Reconstruction from W. Maritana Dr. to 19th Ave

CONTRACTOR: David Nelson Construction Company

CONTRACT: The Agreement dated 07/08/2015 between David Nelson Construction Company and the City of St. Pete Beach for the above described Project.

The Contract is changed as follows:

1. *EXISTING SANITARY MAIN COLLAPSE BETWEEN CABRILLO WEST AND 32ND AVE – The changes shall be made as described in Nelson's price proposal dated 06/14/2017. Eight additional contract days.* **\$ 84,480.44**

Total Addition to Contract Sum **\$ 84,480.44**

Contract Sum with prior approved Change Orders was: \$ 10,458,073.90

The Contract Sum will be increased by this Change Order
for the items described above in the amount of: \$ 84,480.44

The new Contract Sum, including this Change Order, will be: \$ 10,542,554.34

The Contract Time will be changed as follows: + 8 days

Execution of this Change Order shall constitute a final settlement of all matters relating to the change in the Work as described above which is the subject of this Change Order. The change approved by this Change Order shall result in an addition of 8 calendar days to the Contract Time.

CHANGE ORDER NO. 25

OWNER/CITY:

CONTRACTOR:

By: _____

By: _____

Name: Wayne Saunders

Name: _____

Title: City Manager, St. Pete Beach

Title: _____

Date: _____

Date: _____



**General Contractors
Heavy Construction
Engineers
Site Work**

"An Equal Opportunity Employer"

Date: June 21, 2017

To: Mike Clarke
Public Works Director
City of St Pete Beach
155 Corey Ave
St Pete Beach, FL 33706
Tel: 727.363.9243
mclarke@stpetebeach.org

Re: **EXISTING SANITARY MAIN COLLAPSE BETWEEN CABRILLO WEST AND 32ND AVE**

Management Summary of Events:

As described in the Notification of Intent Regarding Existing Sanitary, dated 01/06/2017 and attached, the existing sanitary main collapsed while the new sanitary main was being installed on 01/03/2017, between Cabrillo West and 32nd Ave. This collapse in the old sanitary main required that bypass pumps be installed immediately to route the flow of sewage around the collapse in the main. These pumps diverted the flow of sewage from the existing manhole at 32nd Ave down to the existing manhole at Cabrillo East. These pumps also had to be monitored 24 hours a day to ensure that an SSO discharge event not occur. Since no bypass pumps were onsite at the time of the collapse, a dewatering pump was brought from another operation and setup temporarily in an emergency configuration until a bypass pump could be delivered. One bypass pump was brought out the same evening as the collapse, with the backup bypass pump arriving the next day.

After installing the bypass system for the sewage, Nelson resumed installation of the new sanitary main, but had to fight a significant amount of extra water in our pipe trench due to the collapse. This extra water slowed productions by more than half.

Once the new main was installed to 32nd Ave, Nelson installed a temporary connection between the old existing manhole and the new manhole at 32nd Ave. In order to connect the new and existing manholes, a 2 foot hole had to be cut in the side of the new manhole, and another 2 foot hole had to be cut in the existing manhole, over 9 feet deep in the ground, through an outside lateral drop - meaning the hole had to be cut through approximately 3 feet of brick. The temporary connection also involved building a wall inside the new manhole to keep the sewage from flowing south into the new main yet to be installed.

This temporary pipe connection between the manholes allowed the sewage to be diverted around the collapse in the old main and into the new main. Nelson finished connecting the manholes on Martin Luther King Jr. Day, a City holiday. We then removed the bypass pumps and allowed the sewage to flow through the new connection. This kept us from having to monitor the pumps overnight. The next morning, 01/17/2017, when the City was back at work, we setup the bypass pump again so that the City could video the new sanitary main to ensure there were no deficiencies.

On 2/23/2017, Nelson had to go back to the manhole at 32nd Ave, where the temporary connection was made, to remove the internal wall that was built to keep the flow of sewage from going south, where new sanitary main was still being installed. This wall would not have been built had the mains not been temporarily connected. Removing this wall allowed for the connection of house laterals to the new main.

David Nelson Construction Co.

CGC012229

(727) 784-7624 Pinellas
(813) 228-8616 Tampa
(727) 786-8894 Fax

www.nelson-construction.com

**3483 Alternate 19
Palm Harbor, Florida 34683**

On 3/23 and 03/24/2017, Nelson went back to the manholes around the old sanitary main collapse and bypassed the sewage flow out of the new main, allowing for it to be videoed to ensure there no problems with installation. Note that if there was no collapse in the old/existing main, all the sewage flow would have been in the old main, and the new main would have been clear, with no need to bypass.

After another temporary connection was made between the new and old sanitary mains farther south, Nelson went back to the manholes at 32nd Ave. On 4/06/2017 we closed off the temporary connection between the manholes, and bricked and mudded up the new manhole. We then fixed the invert in the new manhole so that the troughs functioned as originally intended.

On the evening of 05/09/2017, Nelson started pumping the water out of the old sanitary main in the area of the collapse, so that it could be filled with grout. By the morning of 05/10/2017, a sinkhole had opened in the road base of the southbound lane at the location of the sanitary main collapse. The sinkhole was dug out and repaired on 05/11/2017. A credit was provided for the grout that was not able to be placed in the old sanitary main at the location of the collapse, approximately 5.5 cubic yards.

All actions taken here were agreed to between Nelson and the City at the weekly progress meeting on 01/05/2017.

A timeline is provided below to summarize what happened on each day.

Timeline of events associated with the collapse of the old sanitary main south of Cabrillo West:

- 01/03/2017: Existing sanitary main collapsed and started filling new sanitary trench with wastewater. A dewatering pump was disconnected from another operation and installed as an emergency bypass pump. The removal of this dewatering pump ruined the work the crew had already done thus far that day by flooding the pipe trench.
The first sanitary bypass pump arrived late afternoon and was installed.
- 01/04/2017: The backup bypass pump arrived and was set up.
- 01/05/2017: Monitored bypass pumps overnight.
- 01/06/2017: Monitored bypass pumps overnight.
- 01/07/2017: Monitored bypass pumps 24 hours a day over the weekend.
- 01/08/2017: Monitored bypass pumps 24 hours a day over the weekend.
- 01/09/2017: Crew fought significantly more water than had been usual due to collapse. Therefore, half the time for the day charged due to lost production associated with fighting water.
- 01/10/2017: Crew continued to fight extra water in trench, therefore half the time for the day charged due to lost production.
- 01/11/2017: Crew continued to fight extra water in trench, therefore half the time for the day charged due to lost production.
- 01/12/2017: Two dewatering pumps had mechanical failures and one dewatering hose blew out. Pipe trench flooded twice. Half the time for the day charged due to lost production.
- 01/13/2017: Cored existing manhole at 32nd Ave for temporary connection of the two sanitary systems. Installed jumper pipe between the existing manhole and the new manhole.
- 01/14/2017: Monitored bypass pumps 24 hours a day over the weekend.
- 01/15/2017: Monitored bypass pumps 24 hours a day over the weekend.
- 01/16/2017: Finished temporary connection of the new and old sanitary systems at 32nd Ave.
- 01/17/2017: Removed trench box facing east/west for temporary connection. Setup bypass pump to run a cursory video check of the new main to ensure no major deficiencies.

- 02/23/2017: Knocked out the wall in the new manhole at 32nd Ave that kept the sanitary flow from the temporary connection from traveling south.
- 03/23/2017: Set bypass equipment up in between manholes at 32nd, Cabrillo West and Cabrillo East to video the new sanitary main.
- 03/24/2017: Setup bypass equipment to finish videoing the new sanitary main.
- 04/06/2017: Setup bypass pump in new manhole at 32nd Ave to bulkhead (close off) the connector pipe between the new and old sanitary systems. Fixed invert trough in new manhole at 32nd Ave.
- 05/11/2017: Grading crew repaired the sinkhole that opened up on 05/10/2017 (approximately 8 feet long, 6 feet wide and 2 feet deep) in the road base 55 feet south of Cabrillo West, the same location as the existing sanitary main collapse.

Attached are the costs for extra work associated with this collapse, including labor, equipment, rental equipment, and services.

I am available to meet with you should further explanation be necessary.

Sincerely,

William Stock
David Nelson Construction Co.
Project Manager
727-784-7624
wstock@nelson-construction.com

From: William Stock
Sent: Friday, January 6, 2017 4:10 PM
To: iwade@stpetebeach.org
Cc: Mike Clarke; Vicki Baker; 'Mecca Serfustini'; Thomas J. Woodward; Charlie Ingle; Joe Hamilton
Subject: Pass A Grille Way - Notification of Intent Regarding Existing Sanitary Collapse on 1/3/17

Ian,

Pursuant to the Request For Bid document, pages 8-9, CHANGES IN THE WORK, Nelson is hereby notifying the City of an impact which will result in a claim for adjustment to the Contract Amount and Contract Time.

This is regarding the change in condition encountered by the pipe crew installing the new sanitary sewer on Tuesday morning, 01/03/2017. As the City is aware, while excavating for the new sanitary sewer between Cabrillo West and 32nd Ave, the trench box started quickly filling with sewage from underneath on the east side. The crew was excavating under standard operating procedures – a row of well points down each side of the excavation, digging inside a trench box, and using a kelly-well/stinger to control the immediate ground water still present in the trench. The foreman immediately notified the project superintendent Charlie Ingle, Charlie immediately notified me, and I immediately called Mike Clarke and thereby notified the City.

When the sewage started filling the trench, the crew immediately stopped excavating and started putting dirt back into the trench up against the east side of the trench box, and packed the dirt into place, to stop the flow. They then opened the existing manhole upstream at 32nd Ave and observed that the sewage was backing up. Charlie got another crew to disconnect a dewatering pump and hose and bring it down to 32nd to use as an emergency bypass pump. At the same time, Charlie turned off and had people man the lift stations at Vina Del Mar and 20th Ave. The crew was able to get the dewatering pump hooked up and operating in a bypass capacity before the sewage breached the manhole. Due to the quick action of the crew, no sewage was spilled.

We were able to get an actual bypass pump onsite around 5:00 pm the same day, and had it hooked up and operating by approximately 7:30 pm. The bypass pump that was available and delivered needs to be manned 24 hours a day. Nelson will therefore be manning the pump 24 hours a day until it can be taken offline. As an emergency backup measure, a second bypass pump was delivered and setup inside the same manhole.

The plan that the City and Nelson agreed to, is to keep installing the new sanitary sewer main up to 32nd Ave. We will then excavate for the new sanitary manhole at 32nd, and core the west side of the existing manhole, and the east side of the new manhole, set the new manhole (SS-5), and tie the existing sanitary over to the new sanitary. Jeff Earhart will be filing a partial clearance with DEP for the section between SS-5 at 32nd and SS-3 at Cabrillo East, which will have all the existing sanitary running through it.

Due to the circumstances at hand, the City has agreed to utilize their equipment to video the new sanitary between Cabrillo East and 32nd Ave in order to check for any visual deficiencies before the existing and new sanitary mains are tied together. Once the two systems are tied together and everything is operating properly, the bypass pumps will be removed. At some future point, once the two

systems have been tied together further upstream, Nelson will have to get back into manhole SS-5 at 32nd Ave to brick up the tie over and redirect the invert.

As discussed in yesterday's weekly progress meeting, grout filling the existing main may prove to be a challenge in the area of the collapse between Cabrillo West and 32nd Ave. Since the full existing sanitary flow is entering the new main sooner than expected, this will change the procedure for testing and videoing the new main. These are areas that are going to require further discussion.

Will Stock

David Nelson Construction Co.
3483 Alt 19
Palm Harbor, FL 34683
727-784-7624 Office
727-503-0169 Cell
wstock@nelson-construction.com

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Approve Change Order #2 to the purchase agreement with Hinterland Group, Inc., for the Lift Station #16 Rehabilitation project in the amount of \$120,010.00.

Date: August 8, 2017

Prepared By: Mike Clarke, Public Services Director

Through: Wayne Saunders, City Manager

Summary of Issue: During the design phase of this project the condition of the existing wet well was considered to be in acceptable condition. There were no provisions to replace it or line it. Upon examination during construction it was discovered that the fiberglass lining is significantly deteriorated and the original metal casing is also significantly deteriorated. This change order removes the existing lining and replaces it with a new one. The well is an oddly shaped oval and has unique locations where the existing inflow lines must be reconnected. This requires that the new lining will be specially manufactured. By-pass pumping is required to be extended throughout the duration of the time required to make the installation.

Funding: CIP – Lift Station #16 Rehabilitation Project

Requested Motion: “I move to approve Change Order #2 to the purchase agreement with Hinterland Group, Inc., for the Lift Station #16 Rehabilitation Project in the amount of \$120,020.00.”

Attachments: Change Order #2

**Reviewed by
City Manager:** WS



Change Order Proposal

To: City of St. Pete Beach
 Attn: Mike Clarke
 Email: mclarke@stpetebeach.org

Date: 7/14/2017
 Change Order: 2

Location: Lift Station #16

Description: Installation of new FRP wet well inside of Existing Wet Well

Detailed Scope:

- 1 - Remobilization to the site, submittals, procurement of goods, etc.
- 2 - Additional bypass pumping from time of demobilization through completion of piping
- 3 - Removal and Resetting of wet well top slab for fiberglass installation
- 4 - Removal of wet well fillet as needed to install fiberglass insert
- 5 - Installation of fiberglass wet well inside existing wet well, including re-connection of influent piping and grouting of annular space between existing wet well and new fiberglass wet well.
- 6 - Installation of discharge piping through new wet well and existing metal can wet well
- 7 - Installation of additional piping and fittings and connection to existing force main
- 8 - Removal and resetting of valve vault as needed to fit additional fittings
- 9 - Installation of fillet and bases inside new fiberglass wet well
- 10 - All fiberglass repair work needed after installation of wet well and piping connections.

Item #	Description	QTY	Unit	Unit Price	Extended Price	Additional Days
1	FRP Wet Well Installation					14
1a	Remobilization, submittals, procurement, Additional MOT	1	LS	\$5,600.00	\$5,600.00	
1b	Removal and Resetting Top Slab	1	LS	\$6,500.00	\$6,500.00	
1c	Demolition of Fillet to Allow for Insert Installation	1	LS	\$2,800.00	\$2,800.00	
1d	Installation of Fiberglass Insert and All Associated Work Described Above	1	LS	\$40,000.00	\$40,000.00	
1e	Installation of Additional Piping and Fittings, Including Work with Existing Metal Can	1	LS	\$8,500.00	\$8,500.00	
1f	Removal and Resetting of Valve Vault	1	LS	\$12,000.00	\$12,000.00	
1g	Installation of Fillet and Bases in New Fiberglass Well	1	LS	\$3,200.00	\$3,200.00	
1i	All Fiberglass Work Needed to Repair New Well	1	LS	\$3,500.00	\$3,500.00	
	Subtotal FRP Wet Well Installation				\$82,100.00	

2	Corresponding Additional Bypass	15	WK	\$1,800.00	\$27,000.00	105

*** Additional Bypass duration is estimated based on lead time from FRP manufacturer and will be billed according to actual duration from May 24th, time of demobilization from site, until time of completion of piping installation. Currently estimated at 12 weeks.

Total :	\$109,100.00	
O&P (10%)	\$10,910.00	
Total w/Overhead:	\$120,010.00	105

Best Regards,

Chase Rogers

992 W. 15TH STREET, RIVERA BEACH, FL 33404
561-640-3503 OFFICE 321-633-7067 FAX
CGC1520354 CUC1224634 CBC1255077 EC13003615

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2017-15 – Temporary moratorium on the submittal and processing applications, and issuance of any permit for location of any wireless communication facility, tower or antenna.

Date: August 8, 2017

Prepared By: Andrew Dickman, City Attorney

Through: Wayne Saunders, City Manager

Summary of Issue: On June 26, 2017, Governor Scott signed into effect House Bill 687. This bill creates the “Advanced Wireless Infrastructure Deployment Act,” which prevents local and county governmental entities from prohibiting, regulating, or charging for the collocation of small wireless facilities in public right-of-way or the installation, placement, maintenance, or replacement of certain micro wireless facilities. However, local governments may enact regulations for accepting, processing and issuing wireless permits. The City, therefore, needs time to amend its land development code to embrace the new state law.

Local governments may establish temporary moratoriums when there is a rational basis and legitimate governmental purpose for the imposition of a moratorium; and establishing a record that the moratorium would further the governmental purpose of creating, finalizing, and adopting regulations relating to medical cannabis. WCI Communities, Inc. v. City of Coral Springs, 885 So.2d 912(Fla. 4th DCA 2004), and Smithfield Concerned Citizens for Fair Zoning v. Town of Smithfield, 907 F.2d 239, 243 (1st Cir. 1990).

Requested Motion: I move to approve Ordinance No. 2017-15 on final reading (read title).

Attachments: Exhibit A – Ordinance 2017-15

**Reviewed by the
City Manager** WS

Ordinance 2017-15

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMITTAL AND PROCESSING OF ANY APPLICATION, AND ISSUANCE OF ANY PERMIT FOR LOCATION OF ANY WIRELESS COMMUNICATION FACILITIES, TOWERS OR ANTENNAS IN THE CITY'S RIGHT-OF-WAY FOR A PERIOD OF ONE HUNDRED TWENTY (120) DAYS; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION AND PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166 of the Florida Constitution, the City of St. Pete Beach is authorized and required to protect the public health, safety, and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposed that are not inconsistent with general and special law; and

WHEREAS, the City provides municipal services to its citizens, including the regulation and licensing of businesses and the issuance of permits; and

WHEREAS, the City is currently reviewing its wireless telecommunications ordinances relating to towers, antennas and similar facilities in the City's right-of-way to protect the public health, safety and welfare; and

WHEREAS, the City is considering revised regulations with regards to said Facilities and Towers to ensure that City ordinances comply with applicable Federal and State laws; and

WHEREAS, the State of Florida has adopted legislation codified as to Section 337.401, Florida Statutes, which regulates the placement of telephone, telegraph, or other communication service lines or poles within the public rights-of-way and regulations regarding same; and

WHEREAS, HB 687 creates the "Advanced Wireless Infrastructure Deployment Act," which prevents local and county governmental entities from prohibiting, regulating, or charging for the collocation of small wireless facilities in public right-of-way or the installation, placement, maintenance, or replacement of certain micro wireless facilities; and

WHEREAS, new wireless technologies may require improvements, that have not been contemplated by the City, in the management and control of the City's public right-of-way; and

WHEREAS, the City Commission and staff have noted the potential for rapid deployment of such wireless communication facilities and the need to allow staff time to undertake a thorough analysis of the City's current regulations, State and Federal laws, and to carefully review, consider and modify the process for adoption and implementation of reasonable non-

discriminatory rules and regulations regarding the placement or installation of wireless communication facilities and telecommunication towers and antennas, as defined by law, within the City's public right-of-way; and

WHEREAS, the City Commission directs the City staff to expeditiously study and develop a comprehensive strategy for the Commission's consideration, along with amendments to the City of St. Pete Beach Code of Ordinances and Land Development Code to ensure compliance with State and Federal law relating to wireless communication facilities and telecommunication towers and antennas in the public right-of-way for a period not to exceed one hundred and twenty (120) days.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The City Commission hereby creates a temporary moratorium on the acceptance and processing of all applications, of any form, and the issuance of any permits, of any form, relating to the placement and installation of wireless communication facilities and telecommunication towers and antennas, as defined by law, within the City's public right-of-way for a period not to exceed one hundred and twenty (120) days, in order to allow City staff time to undertake a thorough analysis of the City's current regulations and State and Federal laws.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption. The temporary moratorium shall terminate one hundred and twenty (120) days from the effective date of this ordinance, unless the City Commission rescinds or extends the moratorium by subsequent ordinance.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2016-09, amending Chapter 6, Alcoholic Beverages of the City of St. Pete Beach Code of Ordinances allowing for the consumption of alcohol on the sand beach in conjunction with a transient lodging facility.

Date: August 8, 2017

Prepared By: Jennifer Bryla, AICP

Through: Wayne Saunders, City Manager

Summary of Issue: Chapter 6 of the City Code restricts where the public can consume or possess alcoholic beverages. Ordinance 2015-10 was adopted on June 25, 2015 which prohibits the consumption of alcoholic beverages on or upon all public streets, all public beach lands, any public sidewalk, any city park, and all private and sand beach areas upland of the Gulf of Mexico excluding the conditional use process for special events and special occasions. At the request of the City Commission, staff did further research on the ability to allow limited consumption of alcoholic beverages on the sand beach in conjunction with a transient lodging facility.

In the formulation of the Ordinance, Staff met several times with the hoteliers, and with the Sherriff and his representatives. As a result, the Ordinance specifically outlines criteria for allowing for drinking on the sand beach only in conjunction with a transient lodging customer experience. This allowance would only be permitted after review by the technical review committee.

On November 15, 2016, the Planning Board held a public hearing on the ordinance and recommended approval 3-2 in favor of its passage. The City Commission heard the Ordinance on July 11, 2017 and requested that the Ordinance be tabled until the July 25th, 2017 to allow staff time to incorporate recommendations from the Planning Board as well as other Commission comments. Those changes have been incorporated into the Ordinance presented today.

Requested Motion: I move to approve Ordinance No. 2016-09 on first reading (read title)

Attachment:

Ordinance No. 2016-09

Staff Report

Map of transient lodging facilities with cabanas

**Reviewed By
City Manager:**

WS

	St. Pete Beach City Commission 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
8/8/2017	
Item Number Ordinance #2016-09 Type of Application Amendment to Land Development Code Division 2 - Definitions, and Chapter 6 – Alcoholic Beverage of the Code of Ordinances. Applicant City of St. Pete Beach Location City wide Project Planner Jennifer Bryla, AICP, Requested Action Approval of Ordinance 2016-09 Staff Recommendation Approval Planning Board Hearing 11/16; approval 3-2 City Commission First Reading (8/8/2017) Final Reading anticipated (8/22/2017)	ITEM SUMMARY: Chapter 6 of the City Code of Ordinances restricts where the public can consume or possess alcoholic beverages. Ordinance 2015-10 was adopted on June 25, 2015 which prohibits the consumption of alcoholic beverages on or upon all public streets, all public beach lands, any public sidewalk, any city park, and all private and sand beach areas upland of the Gulf of Mexico excluding the conditional use process for special events and special occasions. At the request of the City Commission, staff did further research on the ability to allow limited consumption of alcoholic beverages on the sand beach in conjunction with a transient lodging facility. The allowance would be for the consumption of alcohol within the confines of a rented cabana structure in a designated “Cabana Service Area”. The Ordinance puts several protection measures in place that allow the transient lodging facilities to enhance the guest experience and safeguard the alcohol from leaving the designated area. PUBLIC NOTICE: Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been 

Findings

In its review of the proposed application, staff has determined:

1. The proposed application is consistent with Florida Statutes.
2. The proposed application is consistent with the Pinellas County Regional Policy Plan.
3. The proposed application is consistent with the St. Pete Beach Comprehensive Plan.
4. The proposed application is consistent with the intent of the LDC.

received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed Ordinance is consistent with the City of St. Pete Beach's Comprehensive Plan, specifically:

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.
- Maintaining the community's recreation, open space and beaches.

Objective 2.13

The City shall promote the preservation and redevelopment of temporary lodging uses.

The proposed Ordinance is consistent with the intent of the Land Development Code and further augments the ability for transient lodging facilities to attract and retain guests.

PLANNING BOARD:

The Planning Board heard Ordinance 2016-09 on November 15th, 2016 and made a (3-2) recommendation of approval to the City Commission. (Ohlhaber & Chaney opposing) The Planning Board had the following changes/recommendations:

- Definition of Cabana
- Side setback outlined in condition #c reduced from 75' to 30'
- Condition #i should read "Only guests of the transient lodging facility, or invited guests who have registered with the transient lodging facility, may be served alcohol. Guests may not bring outside coolers to the cabana that contains alcohol".
- A condition that requires "No alcohol beyond this point" signage to be incorporated into the cabana area.

CITY COMMISSION:

The City Commission had its first reading of the Ordinance on July 11, 2017. At that hearing the Commission directed staff to incorporate into the Ordinance certain language that the Planning Board recommended. The

Commission also directed staff to add language regarding enforcement and add some clarifying language in some of the conditions. Those requests are incorporated in the Ordinance 2016-09 that is being presented on the August 8th for first reading, indicated by a double underline.

STAFF RECOMMENDATION:

Upon review of the above guiding documents, staff recommends approval of Ordinance 2016-09

Attachments

- (1) Exhibit A** – Ordinance 2016-09
- (2) Exhibit B** – Staff Report
- (3) Exhibit C** - Map with Transient Cabana rentals

Ordinance 2016-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING DIVISION 2, SECTION 2.1- WORDS, TERMS AND PHRASES DEFINED OF THE ST. PETE BEACH LAND DEVELOPMENT CODE; AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL OF THE CITY OF ST PETE BEACH CODE OF ORDINANCES BY AMENDING SECTION 6.5, PUBLIC CONSUMPTION OR POSSESSION RELATING TO RESTRICTIONS AND PERMITTING OF PUBLIC ALCOHOL CONSUMPTION ON SAND BEACH AREAS; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City currently prohibits the sale and consumption of alcoholic beverages on public and private sandy beach areas; and

WHEREAS, the City Commission of the City of St. Pete Beach believes that it is in the best interest of the City to update its code regarding the sale and consumption of alcohol at specifically designated areas on the sandy beach; and

WHEREAS, the City Commission believes careful permitting of the sale and consumption of alcoholic beverages on the sandy beach at private transient lodging facilities is the appropriate manner to control the location and manner of such alcohol service; and

WHEREAS, the City Commissioner deems this ordinance is in the best interest, health, safety and welfare of the citizens and visitors of the City.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. Section 2.1 - Definitions of the St Pete Beach Land Development Code is hereby amended as follows:

* * *

Cabana Service Area is the area where alcohol can be ~~legally~~ served on the sand beach and is limited to 10 feet beyond the physical placement of the cabana.

Cabana means a lightweight fabric structure containing an open side. Not to exceed 30 sf.

* * *

Underlined words constitute additions to the City of St. Pete Beach City Code, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged. Double underline indicates additional language that has been added after the 7/11/17 City Commission meeting.

SECTION 3. Chapter 6, Article I, Section 6-5 of the City of St. Pete Beach Code of Ordinances is hereby amended as follows:

- (d) *Permits.* Permits allowing for the consumption of alcohol for special events, outdoor dining or outdoor drinking areas, or special occasions may be issued as follows:

* * * *

(4) Administrative approval on private lands: Upon receipt of an accepted site plan application, the Technical Review Committee may approve the sale of alcoholic beverages in conjunction with the rental of beach cabanas on private transient lodging property if all of the following requirements are met through the site plan review and approval process, as outlined in Division 5 of the Land Development Code.

- a. Each transient lodging facility that desires an alcohol Cabana Service Area Permit must complete the permitting process and have an active BTR (Business Tax Receipt) for cabana rental associated with the lodging facility.
- b. The Cabana Service Area must be delineated by sketch on the ~~on-site~~ COP liquor license, as well as a component of the Site Plan review. The sketch shall be available for viewing at the transient lodging facility at all times.
- c. Cabana Service Area can be no closer than 75' to a property line abutting an existing residential use outside of the CRD (Community Redevelopment District).
- d. All occupants of the cabana service area must wear an identifiable and unique wrist band that is exclusive to the upland transient lodging facility. The wrist band shall indicate that alcohol must remain in the Cabana Service Area at all times.
- e. The Cabana Service Area shall be no closer than 50' to the wet sand.
- f. Cabana Service Area's hours of operation shall be 10:00 am to 10:00 pm.
- g. Cabana Service Area's shall only be served by identifiable transient lodging facility employees on foot, in person and all service-ware shall have clearly identifiable transient lodging facility markings.
- h. Glass and plastic straws are prohibited at all times on the sand beach.
- i. Only patrons or registered members of the transient lodging facility that have current room rental as well as a cabana rental in the Cabana Service

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Area may be served alcohol. Invited guests of the facility patron that desire to be served alcohol shall register with the hotel to secure an wrist band. Patrons and/or guests are prohibited from bringing alcohol into the Cabana Service Area.

- j. Service of alcohol shall only be provided within a beach Cabana Service Area”, as delineated by boundary markers consistent with the on-site COP map, mobile distribution of alcohol is strictly prohibited.
- k. Penalty – Violation of the above criteria will result in:
 - i. First violation – written warning to the transient lodging facility.
 - ii. Second violation – written warning to the transient lodging with the stipulation that if additional violation occurs within 6 months, the revocation of the Cabana Service Area Permit will occur.
 - iii. Third violation – revocation of the Cabana Service Area Permit. The transient lodging facility will no be able to re-apply for a Cabana Service Area Permit for one year. For every continual violation and additional 6 months will be added to this requirement.

SECTION 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This Ordinance shall become effective immediately upon final passage and adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLISHED: _____

Underlined words constitute additions to the City of St. Pete Beach City Code, ~~striketrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged. Double underline indicates additional language that has been added after the 7/11/17 City Commission meeting.

Allen Johnson, MAYOR

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2016.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

1
2

Underlined words constitute additions to the City of St. Pete Beach City Code, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged. Double underline indicates additional language that has been added after the 7/11/17 City Commission meeting.



Postcard Inn
Beachcomber
Howard Johnson
Guy Harvey
Alden

Tradewinds

Sirata

Grand Plaza

Gulf Gate

Dolphin Beach

Gulf Strand

Plaza Beach

Don Cesar Beachhouse

Hideaway Sands

Don Cesar

 Cabana Vendors

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Re-plat of property

Date: August 8, 2017

Prepared By: Jennifer Bryla– Community Development Director

Through: Wayne Saunders – City Manager

Summary of Issue The owners of property at 7200 and 7210 Gulf Boulevard have requested that three lots; 13, 14 & 16, and a portion of lots 11 and 12 be combined to create one lot for commercial purposes. These lots were originally platted in an odd configuration. This plat straightens out the lot lines for a more efficient use of the land. The applicant's intent with the re-plat is to prepare the property for sale. There are no plans at this time, for commercial development. There exists a multi-family unit on the property currently with the balance of the lot being vacant.

Notices were sent to all homeowners within 300 feet of the property in accordance with the St. Pete Beach Land Development Code as well as all the pertinent utility companies.

In accordance with Florida Statutes chapter 177, the re-plat has been reviewed by a licensed surveyor on behalf of the city and he has provided comment in preparation for the final plat. The opinion of title has been inspected by the City Attorney.

Requested Motion: "I move to accept the final re-plat"

Attachment:

- Re-plat of portion of lots 11 and 12, and lots 13, 14, and 15 of a replat of St. Petersburg Beach.
- Aerial photograph of existing plat condition
- Opinion of Title
- Ord 2017-14
- Exhibit A

**Reviewed by the
City Manager:**

WS

Ordinance 2017-14

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR A REPLAT OF A PORTION OF LOTS 11 AND 12 AND LOTS 13, 14, 15, AND 16 OF A REPLAT OF ST. PETERSBURG BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGES 28 AND 29 OF THE PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA LYING IN SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST, CITY OF ST. PETERSBURG BEACH, PINELLAS COUNTY, FLORIDA, MORE FULLY DETAILED IN THE ATTACHED SURVEY; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the record owners of the real property having an address at 7200 and 7210 Gulf Boulevard, St. Pete Beach, Florida, 0.5623 acres more or less (“subject property”), have requested the aggregation of a portion of lots 11 and 12, and lots 13, 14, 15 and 16 into one platted lot (“Lot 1”); and

WHEREAS, the City’s professional surveyor has reviewed the application and proposed replat survey, and has found it legally sufficient for final approval by the City Commission; and

WHEREAS, the City Commission has found that the replat application meets all the criteria for approval of the requested replat, that it will not increase density, and that it will be in the best interest of the citizens of the City of St. Pete Beach for the application to be granted; and

WHEREAS, all property owners within 300 feet have been notified pursuant to Section 3.4(b)(3) of the St. Pete Beach Land Development Code.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The City of St. Pete Beach, Florida, hereby replats a portion of lots 11 and 12 and all of lots 13, 14, 15 & 16, as recorded in plat book 5, pages 28 & 29 of the public records of Pinellas County, Florida, into Lot 1 as shown on that certain survey filed with the City by the applicant for such purposes, as more particularly described in the legal description set forth in Exhibit “A” attached hereto.

SECTION 3. The City of St. Pete Beach makes no warranties of any kind as to the title or ownership of the property being replatted, or as to the existence of any liens, easements or encumbrances against the same. This Ordinance shall only be construed to release any legal or equitable interest the City may have in the subject property. Nothing contained herein shall be

construed to affect the rights of parties having an interest in the subject property, except to the extent provided in this Ordinance and allowed by law.

SECTION 4. Nothing contained herein shall be construed to alter the application of all City laws, regulations and Ordinances to the subject property.

SECTION 5. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 6. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Alan Johnson, Mayor

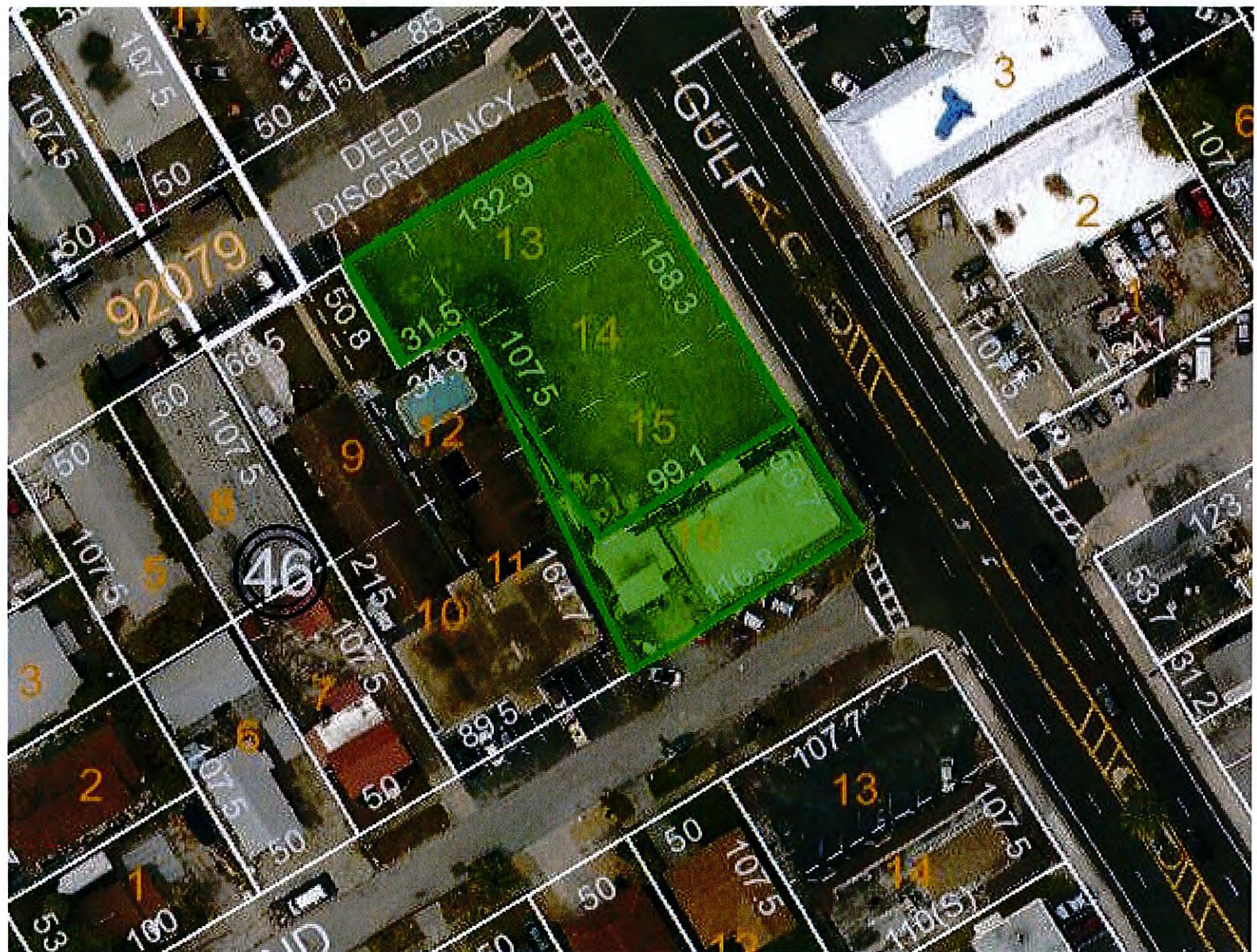
I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

City Attorney
Andrew Dickman, Esq.

Morrissey Commercial Center Re-plat Existing Condition





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POPE**
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RUPPEL &
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COUNSELORS AT LAW

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Craig A. Taraszki

File No. 062730.135276

OPINION OF TITLE

TO: City of St. Pete Beach

RE: Proposed plat of Morrissey Commercial Center

With the understanding that this Opinion of Title is furnished to the City of St. Pete Beach in compliance with Section 177.041 of the Florida Statutes, the undersigned certifies that the title abstract of the Public Records of Pinellas County, State of Florida (the "Public Records") has been examined from the beginning thru 8:00 AM, May 25, 2017, inclusive, in regards to the following described property:

From a Point of Beginning at the Southeast corner of Lot 16, Block 46, REPLAT OF ST. PETERSBURG BEACH, according to the plat thereof, as recorded in Plat Book 5, Pages 28 and 29, of the Public Records of Pinellas County, Florida, run North 30° West, 56.7 feet; thence South 60° West, 99.17 feet; thence North 30° West, 107.50 feet; thence South 25° 09'28" East, 164.79 feet to the point on the South line of Lot 11 of said Block 46, said point being 39.5 feet from the Southwest corner of said Lot 11; thence North 60° East, 116.8 feet to the Point of Beginning. Said Tract including all of Lot 16 and portions of Lots 11, 12, 13, 14 and 15 of said subdivision.

AND

The East 99.17 feet of the South 2.95 feet of Lot 13 and the East 99.17 feet of Lot 14 and the North 50.80 feet of the East 99.17 feet of Lot 15. Block 46, also Lot 13 less the Southeasterly 2.95 feet and the Northeasterly 31.5 feet of the Northwesterly 50.8 feet of Lot 12, Block 46, Replat of St. Petersburg Beach Subdivision, as recorded in Plat Book 5, Pages 28 and 29, Records of Pinellas County, Florida; being the same property being otherwise described as Lot 13, less the Southeasterly 2.95 feet and the Northeasterly 31.5 feet of the Northwesterly 50.8 feet of Lot 12, Block 46, and the East 99.17 feet of the SE 2.95 feet of Lot 13, and the East 99.17 feet of Lot 14. and the East 99.17 feet of Lot 15, less South 2.95 feet thereof of Block 46, all in St. Petersburg Beach Replat Subdivision, according to a map or plat thereof on record and on file in the office of the Clerk of the Circuit Court, Pinellas County, Florida;

Containing 24,495 square feet or 0.5623 acres, more or less.

I find that, as of the last mentioned date and time, the fee simple title to the above-described property is vested in Morrissey & Morrissey Enterprises, LLC, a Florida limited liability company, by that certain General Warranty Deed recorded March 9, 2012, in Book 17513, Page 783, and that certain Warranty Deed recorded May 5, 2014, in Book 18391, Page 1089, of the Public Records, which is the same entity that appears in the dedication of the proposed plat, subject to the following encumbrances, liens and other exceptions:

1. Mortgages: None.
2. General Exceptions:



Opinion of Title – Proposed Plat of Morrissey Commercial Center

Page 2

- a. General or special taxes and assessments required to be paid for the year 2017 and subsequent years, which are not yet due and payable.
- b. Rights or claims of parties in possession, if any.
- c. Construction lien claims, if any, where no notice thereof appears in the Public Records.
- d. Those portions of the property herein described being artificially filled in land in what was formerly navigable waters, are subject to the right of the United States Government arising by reason of the United States Government control over navigable waters in the interest of navigation and commerce.
- e. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands herein described, including submerged, filled and artificially exposed lands and lands accreted to such lands.
- f. Any lien provided by county ordinance or by Ch. 159, Florida Statutes, in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

3. Special Exceptions:

- a. Replat of St. Petersburg Beach Subdivision recorded in Plat Book 5, Pages 28 and 29, together with the Affidavit recorded in Book 9802, Page 1204, and Resolution #2001-15 recorded in Book 11433, Page 168, of the Public Records.
- b. The matters shown on that certain ALTA/ACSM Land Title Survey for 7200 & 7210 Gulf Boulevard, St. Pete Beach, FL, prepared by William C. Ward, PLS, of TerraMetrix, LLC, dated January 23, 2017, and certified April 28, 2017.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Submitted this 11th day of July, 2017.

CRAIG A. TARASZKI
Florida Bar No. 107765
Johnson, Pope, Bokor, Ruppel & Burns, LLP
333 3rd Avenue North, Suite 200
St. Petersburg, FL 33701
(727) 800-5980
craigt@jpfirm.com



Opinion of Title – Proposed Plat of Morrissey Commercial Center
Page 3

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing document was acknowledged before me this 11 day of July, 2017, by CRAIG A. TARASZKI, and he is ☒ personally known to me or has produced _____ as identification.

My Commission Expires:



Print Name: _____
NOTARY PUBLIC



Plat Book: _____ Page No.: _____

Sheet No.: 2 of: 2



Exhibit A
Morrissey Commercial Center
Replat

A PORTION OF LOTS 11 AND 12 AND LOTS 13, 14, 15, AND 16, BLOCK 46, OF REPLAT OF ST.PETERSBURG BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGES 28 AND 29, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 16, BLOCK 46, REPLAT OF ST. PETERSBURG BEACH, SAID POINT ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF GULF BOULEVARD AND THE NORTHERLY RIGHT OF WAY LINE OF 72ND AVENUE; THENCE RUNS.61°23' 59" W.,ALONG SAID NORTHERLY RIGHT OF WAY LINE OF 72ND AVENUE, FOR 116.80 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, N.23°49'03" W, FOR 165.17 FEET; THENCE S.62°06'24" W FOR 34.64 FEET; THENCE N.28°44'42" W FOR 50.05 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF 73RD AVENUE; THENCE N.61°14' 19" E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 132.53 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF GULF BOULEVARD; THENCE S.30°00'00" E., ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR 215.50 FEET TO SAID SOUTHEAST CORNER OF LOT 16 AND THE POINT OF BEGINNING. CONTAINING 0.5623 ACRES MORE OR LESS.