



CITY COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, October 25, 2022
6:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Presentations -

a. Florida League of Cities Presentation

A Florida League of Cities representative will be present to provide updates to the City Commission.

b. Gulf Beaches Historical Museum Check Presentation

c. Recognition: Fire Chief Jim Kilpatrick will recognize Firefighter Bobby Barber for recent life-saving efforts

d. Proclamation: Domestic Violence Awareness Month

e. Sign Ordinance Update

Kimley-Horn will provide an update to the Commission

2. Approval of the Agenda -

Action Request: Motion to approve the October 25, 2022 City Commission Agenda.

3. Audience Comments -

Public participation is encouraged. If you wish to address the City Commission, please fill out a speaker's card and provide it to the City Clerk. Once you are called, please come to the podium and state your name and address for the record. Comments shall be limited to 3 minutes and shall be limited to non-public hearing items on the agenda. Public comment on agenda items will be allowed when that item is called. If you plan to make a presentation as

part of your public comment, the presentation must be provided to the City Clerk 24- hours in advance of the meeting.

4. Consent -

a. City Commission Minutes: October 4, 2022, October 10, 2022, October 11, 2022 Executive Session, Workshop, and 6:00 PM Meeting

b. 2023 City Commission Meeting Calendar

c. Force Main 17 - Subaqueous Inspection

d. Cost Proposal for 73rd Avenue Sidewalk Installation

e. Cost Estimate for Composite Manhole Ring & Cover Installation

f. Authorization of Expenditures to Purchase Library Materials from Baker and Taylor, Inc.

5. Action Items

a. Historic Preservation Board Resource List

Historic Preservation Board's Suggested Resource List to be Reviewed

6. Ordinances -

a. Public Hearing Ordinance 2022-15: Parking Rates and Permitting Fees (Appendix A) Updates

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, APPENDIX A – FEE SCHEDULE; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action Request: Motion to adopt Ordinance 2022-15.

b. Public Hearing: Ordinance 2022-11 Updating Fixed Assets

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 1, SECTION 2-219 - FIXED ASSETS; PROVIDING FOR CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action request: Motion to adopt Ordinance 2022-11.

c. Public Hearing: Ordinance 2022-12 Disposal of City Assets

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 1, SECTION 2-186 - DISPOSAL OF SURPLUS CITY PROPERTY; PROVIDING FOR CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action request: Motion to adopt Ordinance 2022-12.

7. Items for Discussion -

8. City Clerk, City Manager, City Attorney and City Commission Reports -
9. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this 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.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:

The City has made accommodations for those who cannot be physically present, or do not feel comfortable appearing in person, due to COVID-19. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 5:00 p.m. on the day of the meeting at cityclerk@stpetebeach.org
- Leave a voicemail message by calling **727.363.9225** by 1:00 p.m. the day of the meeting
- Upload or submit a video or audio file online by 1:00 p.m. the day of the meeting at <https://www.stpetebeach.org/PublicComment>

In your three (3) minute or less comment, please be sure to include your name and address for the record.

The public is cordially invited to attend this meeting.

All agenda material is available for review at City Hall or www.stpetebeach.org.

DRAFT
Special City Commission Meeting
October 4, 2022
4:00 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Mark Grill, Commissioner, District 2

ELECTED OFFICIALS EXCUSED ABSENCE:

Ward Friszolowski, Commissioner, District 3
Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager
Andrew Dickman, City Attorney
Amber LaRowe, City Clerk

Mayor Johnson called the special meeting to order at 4:00 p.m. followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

Mayor Johnson added item 3.b. Termination of State of Emergency.

Attorney Dickman recommended that the Commission adopt the Resolution on today's Agenda to follow the City's Code on the Declaration of the State of Emergency. Doing so ratifies the signed Proclamation from September 27, 2022. Also today, the Commission should make a motion to terminate the Local State of Emergency since the threat of Hurricane Ian has now passed. Attorney Dickman stated that by adopting the Resolution and then terminating the State of Emergency, it allows for a clean and transparent record of the City's actions through the storm.

2. AUDIENCE COMMENTS

None.

3. RESOLUTIONS

a. Resolution 2022-22: State of Local Emergency

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, DECLARING A STATE OF EMERGENCY IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND PROPERTY, BOTH PUBLIC AND PRIVATE, FROM THE HAZARDS OF HURRICANE IAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Alex Rey, City Manager, informed the Commission of activities that occurred during the State of Emergency. This included the cancellation of all meetings scheduled for September 28, 2022, the authorization and renewal of the Public Risk Management Insurance [expiration date was September 30, 2022] that will come forward on October 11, 2022 for ratification of his signature, the authorization of the cybersecurity insurance which will also come forward on October 11, 2022 for ratification of his signature, the suspension of parking fee collection from September 26 to September 30, 2022, and the documentation of all emergency services for hurricane preparedness to seek reimbursement from the Federal Government.

Motion: **Vice Mayor Graus moved, Commissioner Grill seconded, and the motion carried 3-0 to adopt Resolution 2022-22.**

b. Termination of State of Emergency *added*

Motion: **Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 3-0 to terminate the State of Emergency.**

Mayor Johnson adjourned the meeting at 4:07 p.m.

MINUTES APPROVED:

AMBER LAROWE
CITY CLERK

ALAN JOHNSON
MAYOR

DRAFT
City Commission Budget Meeting
October 10, 2022
5:01 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Mark Grill, Commissioner, District 2
Melinda Pletcher, Commissioner, District 4
Ward Friszolowski, Commissioner, District 3

STAFF PRESENT:

Alex Rey, City Manager
Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Vincent Tenaglia, Assistant City Manager

Mayor Johnson called the meeting to order at 5:02 p.m.

1. APPROVAL OF THE AGENDA

Motion: **Commissioner Grill moved, Commissioner Pletcher seconded, and the motion carried 5-0 to approve the October 10, 2022 City Commission Budget Agenda.**

2. SECOND READING AND PUBLIC HEARING ORDINANCE 2022-13 FY 2023 MILLAGE

AN ORDINANCE OF THE CITY OF ST PETE BEACH, FLORIDA, ESTABLISHING THE MILLAGE RATE FOR FISCAL YEAR 2023, BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING AND ANNOUNCING THE NAME OF THE TAXING AUTHORITY, THE ROLLED-BACK MILLAGE RATE, THE PERCENTAGE INCREASE OVER THE ROLLED-BACK MILLAGE RATE, AND THE MILLAGE RATE TO BE LEVIED; PROVIDING FOR READING IN ITS ENTIRETY; AND PROVIDING FOR AN EFFECTIVE DATE.

3. SECOND READING AND PUBLIC HEARING ORDINANCE 2022-14 FY 2023 BUDGET

ORDINANCE 2022-14: AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA ADOPTING THE BUDGET FOR FISCAL YEAR 2023, BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR THE INCORPORATION OF THE ADOPTED CAPITAL BUDGET AS THE CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR READING IN ITS ENTIRETY; AND PROVIDING FOR AN EFFECTIVE DATE.

Both Ordinance 2022-13 and Ordinance 2022-14 were read in their entirety into the record by the City Clerk.

Vince Tenaglia, Assistant City Manager, made a presentation on both the FY 2023 millage and budget. A copy of the presentation is made a part of the record.

A discussion was had regarding a possible reduction in the millage rate for FY 2023.

Commissioner Grill would like the staff to consider drafting a policy on the giving and receiving of City donations.

Mayor Johnson opened public comment for Ordinance 2022-13 and Ordinance 2022-14.

Hearing no public comment, Mayor Johnson closed the public comment for Ordinance 2022-13 and Ordinance 2022-14.

Motion: Commissioner Pletcher moved, Commissioner Friszolowski seconded, and the motion carried 4-1 to adopt Ordinance 2022-13 for the Fiscal Year 2023 Millage. Commissioner Grill voted no.

Motion: Vice Mayor Graus moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to adopt Ordinance 2022-14 for the Fiscal Year 2023 Budget.

Commissioner Grill requested that the record notate that he voted yes on Ordinance 2022-14; however, he reserves the right to discuss any budgeted expense.

Mayor Johnson adjourned the meeting at 5:58 p.m.

MINUTES APPROVED:

AMBER M. LAROWE
CITY CLERK

ALAN JOHNSON
MAYOR

DRAFT
City Commission Special Meeting
Executive Session
October 11, 2022
4:00 PM

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Mark Grill, Commissioner, District 2
Ward Friszolowski, Commissioner, District 3
Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Andrew Dickman City Attorney
Alex Rey, City Manager
Amber LaRowe, City Clerk—(left after the close of the public portion and returned upon the reopening)

Mayor Johnson called the meeting to order at 4:06 p.m. followed by the Pledge of Allegiance.

Attorney Dickman announced that the meeting today is an Executive Session, closed meeting, pursuant to Section 286.011(8), Florida Statutes, to discuss the litigation with David S. Green, 3408 DeBazan Avenue, Case Number 22-000007-AP and David S. Green, 4 Alhambra Street, Case Number 22-000008-AP.

Attorney Dickman stated that a settlement offer has been negotiated.

Mayor Johnson closed the meeting to the public at 4:08 p.m.

Mayor Johnson reopened the public portion of the meeting at 4:28 p.m.

Attorney Dickman said that he will move forward with the feedback that was provided today and have it on the next City Commission agenda or as soon thereafter.

There being no further discussion, Mayor Johnson adjourned the meeting at 4:28 pm

MINUTES APPROVED:

AMBER M. LAROWE
CITY CLERK

ALAN JOHNSON
MAYOR

DRAFT
City Commission Workshop
October 11, 2022
4:30 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Ward Friszolowski, Commissioner, District 3
Mark Grill, Commissioner, District 2
Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager
Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Jennifer McMahon, Chief Operating Officer

Mayor Johnson called the workshop to order at 4:34 p.m. followed by the Pledge of Allegiance.

1. DISCUSSION AND PRESENTATION

a. Waterways Ordinance

Alex Rey, City Manager, introduced the topic, the need for revisions to the Code, and the plans for public feedback.

Jennifer McMahon, Chief Operating Officer, made a presentation to the Commission. This presentation is made a part of the record.

The presentation discussed:

- Items being kept in the Code
 - Section 94-1: Locations of swimming, skin diving, and wading prohibitions
 - Section 94-2: Diving/jumping from bridges prohibited
 - Section 94-3: Locations of prohibited fishing
 - Section 94-32: Prohibition of watercraft storage
 - Staff to check and see if this is also located in the beaches ordinance
 - Section 94-33: Public property restrictions
 - NEW: Egan Park & Don CeSar Ramps close 10:00 PM to 5:00 AM (closing 1-hour earlier)
 - Staff considering the addition of the 11th Avenue fishing pier to the list of public property with restrictions in this Section

Mrs. McMahon questioned the Commission on how the City should regulate private businesses using public property, like the boat ramps, for their personal business gain. A discussion was had regarding businesses registering with the City if they want to use the boat ramps for their business.

- Section 94-34: Careless operation of watercraft

Commissioner Grill asked for clarification on the City's Code definition of watercraft versus what the Fish and Wildlife Commission (FWC) and/or Coast Guard defines as a watercraft/vessel. Rita Bishop, Special Assistant

to the City Manager, stated that the Coast Guard determined that stand-up paddleboards are vessels when they are operating beyond the narrow confines of a surfing, swimming, or bathing area. Commissioner Grill questioned if the City should redefine to match. Staff will review definitions for watercraft and bring them back to the Commission.

- Section 94, Article IV: Water taxis
- Items being replaced
 - Section 94-31: Human habitation; sanitation
 - Local governments are prohibited from regulating the anchoring of vessels with certain exceptions
 - State regulations on anchoring & mooring were highlighted
 - Section 94-36: Zones of restricted operation
 - Designated zones of restricted watercraft operation and depiction on the maps
 - Currently two zones; staff proposes one zone
 - No watercrafts allowed except for designated channels for commercial watercraft - allowed with a permit and will be marked appropriately
 - Speeds of watercrafts
 - Current regulations vs. proposed

Discussion ensued regarding the proposed maps with a request made to make a small change between Brightwater and Boca Ciega Isle.

Commissioner Pletcher requested consideration for the seagrass areas.

Staff will continue to work on this Section.

- Items being deleted
 - Article III – Beaches
 - Will be own Chapter in City Code
- New items and items being moved from other chapters
 - Section 54-4: Unlawful discharge of spear guns
 - Staff to find out if there is a “lawful” discharge of spear guns
 - Egan Park and don CeSar Ramps close one hour earlier; currently 11:00 p.m. proposed closing at 10:00 p.m.
 - Add language regarding securing, tying, mooring, anchoring, and discharging passengers at the 11th Avenue fishing pier (currently only has language for the 7th Avenue fishing pier)
- Miscellaneous cleanup
 - “Police Department” will be changed to “Pinellas County Sheriff’s Office”
 - If the Code section states that it requires City Manager approval, it will now say “City Manager or his/her designee”
 - Remove specific department names

Commission continued to discuss speed and safety zones. A piling designation for safety zones was discussed with Commissioner Pletcher opposed to that idea. Speed signage was discussed as another option as long as it is legible.

Mayor Johnson adjourned the meeting at 5:44 p.m.

MINUTES APPROVED:

AMBER LAROWE
CITY CLERK

ALAN JOHNSON
MAYOR

DRAFT
City Commission Meeting
October 11, 2022
6:00 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Mark Grill, Commissioner, District 2
Melinda Pletcher, Commissioner, District 4
Ward Friszolowski, Commissioner, District 3

STAFF PRESENT:

Alex Rey, City Manager
Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Vince Tenaglia, Assistant City Manager
Jennifer McMahon, Chief Operating Officer
Betcinda Kettells, Library Director
Michelle Gonzalez, Community Development Director

Mayor Johnson called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

Mayor Johnson removed item 3.b. from the Agenda, it will be brought forward at the next City Commission meeting.

Motion: **Commissioner Friszolowski moved, Commissioner Grill seconded, and the motion carried 5-0 to approve the October 11, 2022, City Commission Agenda with the removal.**

2. AUDIENCE COMMENTS

A video was played as submitted by Pauline Roque via email; she was not present at the meeting. A copy of the video is made a part of the record.

Deb Schechner, a resident, talked about the recent tragedy of Hurricane Ian and building codes in the City.

Laura Travison, a resident, spoke about the Comprehensive Plan Consulting on tonight's agenda. She is not in favor of approval at this time and opined an in-depth review needs to occur.

Alex Rey, City Manager, discussed why this item is on the agenda and the approval process up to this point. In November of last year, a presentation was made by Kimley-Horn and Associates to kick off the review to meet State and County requirements, and for reorganization and readability; no changes are being made, discussed, or considered to anything related to density, intensity, and height. Kimley-Horn met with the Planning Board regarding the changes for approximately 5 months (beginning in May 2021); all meetings were publicly noticed, held in the Chambers, were live-streamed, are available on the City's website, and minutes were taken. A copy of their presentation to the City Commission from the November 2021 meeting is also available to the public should they request to review it.

The item on tonight's agenda is not for adoption or approval of the changes, it is only for the approval of the

expenditure for Kimley-Horn's continued services under a continuing contract for the completion of the City's Comprehensive Plan update process. This task order will include the approved changes and proposed amendments for transmittal and adoption by Forward Pinellas, the Florida Department of Economic Opportunity (DEO), with final adoption by the City Commission.

James Proctor, a resident, commented on the sanitary sewer system forced shutdown during Hurricane Ian. He is opposed to tonight's Comprehensive Plan Review approval and requests further in-depth considerations be made.

City Manager Rey addressed Mr. Proctor's statement regarding the shutdown and educated the Commission and public that it had nothing to do with the amount of use or capacity to handle, it had to do with the cooperation with the City of St. Petersburg in the planned and organized shutdown in the event the City was hit with a horrific storm so that the system could have a chance to be saved and repaired.

Deborah Schechner, a resident, was opposed to the approval of tonight's Comprehensive Plan Consulting item.

Adrian Petrila, representing Protect St. Pete Beach, was opposed to the approval of tonight's Comprehensive Plan Consulting item.

Amy Auerbach, a resident, was opposed to the approval of tonight's Comprehensive Plan Consulting item.

Michael Johnson, representing the Corey Avenue Business Association (CABA), discussed the Sunday Market. He addressed some conversations he has had with City staff regarding the City "takeover" of the Market instead of letting CABA work with Tampa Bay Markets or find another organization to work with to continue hosting these markets.

3. CONSENT

- a. **September 12 City Commission Minutes: Workshop, Budget Meeting, and Commission Meeting**
- b. **~~Force Main 17—Subaqueous Inspection removed~~**
- c. **Corey Avenue Street Closure and Wet Zone Minutes**
- d. **2022 Advanced Life Support First Responder Agreement**

Motion: Vice Mayor Graus moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to approve the October 11, 2022, Consent Agenda as presented by the City Manager.

4. ACTION ITEMS

- a. **Chill Restaurant Parklet Design**

City Manager Rey reminded the Commission of their discussion and approval at the June 28th meeting. Two designs were submitted to the Agenda, one is a permanent design, and one is removable.

James Whener, R.A., J-Way Architectural, discussed his role in the design of a permanent parklet for Chill.

Commissioner Grill read from the Parklet Guidelines and the June 28th minutes. He questioned why the City is paying for the permanent design and inquired about the cost of the Architect to prepare the design. He stated that the design now takes up 5 spaces instead of the 4 as presented in June. Mr. Grill opined that the Commission should table this to a future date to allow the Commission to review the Guidelines, for the applicant to hold a new public meeting due to the design being different from prior meetings, and to allow the Commission to have discussions with the property owners directly adjacent to Chill Restaurant.

Motion: Commissioner Grill moved, Commissioner Pletcher seconded the motion to table this discussion to allow for the Commission to review the Parklet Guidelines, and to discuss the permanent design presented tonight.

Ken Hautmann, Chill Restaurant owner, discussed the two designs. He is willing to work with the Commission on either design.

Commissioner Friszolowski prefers the permanent design.

Commissioner Pletcher is pleased with the permanent design but is displeased with the use of 5 parking spaces as opposed to the originally discussed 4.

Vincent Hunter, resident, and Corey Avenue business owner is opposed to the parklet and provided handouts to the Commission citing his reasons why. A copy of those handouts is made a part of the record.

Discussion continued among the Commissioners regarding the Parklet Guidelines, parking space utilization, and permanent design.

Mr. Rey stated that the temporary design is the applicant's proposal, and the permanent design is the City's.

Commissioner Pletcher would prefer to have cooperation from the affected business owners.

The motion on the floor failed 2-3 with Vice Mayor Graus, Commissioner Friszolowski, and Mayor Johnson voting no.

Motion: Commissioner Friszolowski moved, Vice Mayor Graus seconded, and the motion carried 3-2 for the City to work with the applicant to come back with a revised permanent parklet design reduced to the use of 4 parking spaces. Commissioners Grill and Pletcher voted no.

b. St. Pete Beach Comprehensive Plan Consulting

Heavily discussed during tonight's public comment portion of the meeting.

Mayor Johnson suggested that the entire Comprehensive Plan should be considered for review.

Commissioner Grill believes it is time for the City to review the Comprehensive Plan for any necessary changes.

Commissioner Pletcher expressed her opinions and thoughts about the decision-making that occurs with staff and elected officials. She stated that she has heard/read comments regarding the creation of a citizen board to review the Comprehensive Plan and reminded others that the Planning Board is that; they are a group of appointed citizens who volunteer their time and are required to review the Comprehensive Plan among other things. She stated that she is not sure that another board needs to be created; however, it is something that the Commission can discuss and entertain if warranted.

Attorney Dickman mentioned the statutory requirements as outlined in tonight's agenda and were previously presented to the Planning Board. He discussed what a review of the Comprehensive Plan entails and highlighted the Bert Harris Act.

The Commission agreed that it is in the best interest to hold a joint workshop with the Planning Board regarding

this topic.

Motion: Vice Mayor Graus moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to approve the task order issued under a continuing contract for professional planning services from Kimley-Horn and Associates in the amount of \$42,008.00 and authorize the City Manager to execute same.

c. Public Risk Management of Florida Agreement for Insurance Policy Renewals

Mr. Rey stated that both this Policy and the Cybersecurity Policy (next Agenda item) were expiring on September 30th; due to Hurricane Ian, the September 28th meeting was canceled whereby this was on for approval. Mr. Rey executed both renewals prior to expiration.

Motion: Commissioner Friszolowski moved, Commissioner Pletcher seconded, and the motion carried 5-0 to ratify the City Manager's authorization of the Public Risk Management of Florida renewal of insurance policies covering the period from October 1, 2022 to September 30, 2023 in the amount of \$691,892.

d. Public Risk Insurance Advisors Agreement for Cybersecurity Insurance Policy Renewal

Motion: Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 5-0 to ratify the City Manager's authorization of cybersecurity insurance with Brown & Brown covering the period from October 1, 2022, to September 30, 2023, in the amount of \$51,952.

5. ORDINANCES

a. First Reading Ordinance 2022-15: Parking Rates and Permitting Fees (Appendix A) Updates

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, APPENDIX A – FEE SCHEDULE; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Michelle Gonzalez, Community Development Director, stated that staff is proposing an increase in the hourly public parking rates by \$.50 from \$3.25 per hour to \$3.75 per hour. This increase is expected to generate approximately \$400,000 in additional general fund revenues. The City plans to use the additional revenue for enhanced beach public access, beach maintenance, and related projects. Staff would also like to eliminate the fees associated with annual residential parking permits, a reduction in revenue of approximately \$65,000.

Ms. Gonzalez stated that Appendix A also contained outdated language regarding the parking permit process, so the language was updated to better reflect the new process.

A copy of Ms. Gonzalez's presentation is made a part of the record.

Motion: Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2022-15.

b. First Reading Ordinance 2022-11: Updating Section 2-219, Fixed Assets

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 1, SECTION 2-219 - FIXED ASSETS; PROVIDING FOR CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Mr. Tenaglia stated that as of September 30, 2021, the capital assets of the City totaled a net value of \$117,963,325. These assets include land, construction in progress, City facilities, improvements, vehicles, and equipment. The City's current capitalization definition is outdated and inconsistent with best practices promulgated by the Government Finance Officers Association. It refers to "fixed" rather than "capital" assets with a "tangible" nature and a cost greater than \$2,500.

He stated that capitalization policies which incorporate lower thresholds are often costly to maintain and operate. It is also uncommon for assets to be intangible in nature. Therefore, staff is requesting to redefine capital assets as those valued greater than \$5,000 and to recognize that assets may be intangible in nature. Mr. Tenaglia stated that staff is requesting to implement this change retroactively to October 1, 2021; this will allow the fiscal year 2022 year-end financials to reflect this change.

Motion: Commissioner Pletcher moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2022-11.

c. First Reading Ordinance 2022-12: Updating Section 2-186, Disposal of City Assets

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 1, SECTION 2-186 - DISPOSAL OF SURPLUS CITY PROPERTY; PROVIDING FOR CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Mr. Tenaglia stated that this is a companion to Ordinance 2022-11. If the threshold is updated to be those assets valued greater than \$5,000, the disposal of surplus City property should also be updated for consistency. The current language requires City Commission authorization to dispose of City property with a current value greater than \$1,000 and further specifies that the proceeds from the sale of such property shall be recorded in either the General Fund or the Wastewater Fund. Staff is proposing to update the threshold to \$5,000 and clarify that the proceeds from any asset sale will be reported in the appropriate and applicable fund.

Motion: Vice Mayor Graus moved, Commissioner Grill seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2022-12.

6. RESOLUTIONS

a. Resolution 2022-20: Shared Parking Agreement

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FAMILY INTERNATIONAL HOME BUILDERS, LLC. TO SHARE THE USE OF THE PROPERTY OWNER'S PARKING SPACES; AND PROVIDING FOR AN EFFECTIVE DATE.

Jennifer McMahon, Chief Operating Officer, stated that this Agreement is like those that have come before the Commission previously. It is for the use of the vacant lot located at 73rd and Gulf Boulevard. There are about 51 parking spaces.

Commissioner Grill asked Mrs. McMahon to make sure the new rates get implemented once adopted.

Motion: Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 5-0 to adopt Resolution 2022-20.

b. Resolution 2022-19: Florida League of Cities Government Week

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 17-23, 2022, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

Commissioner Grill stated that he has been working with City staff on this item to prepare events and information to push out to the Community on our City government. There are some events at the Library planned.

Betcinda Kettells, Library Director, listed the following events and ways that the City is planning to get information out:

- Connect with schools
- Wednesday, October 19th, Commission/staff can present during the first 5 minutes of the Tampa Bay Beaches Chamber Ambassador Meeting
- Thursday, October 20th, coffee with the Commission at the Library
- Posts on social media to highlight staff and elected officials

Motion: **Commissioner Grill moved, Commissioner Pletcher seconded, and the motion carried 5-0 to adopt Resolution 2022-19.**

7. ITEMS FOR DISCUSSION

No items.

8. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Amber LaRowe, City Clerk—mentioned that the qualification period for March 14, 2023, District 2, District 4, and the Mayoral election is November 7 (noon) to November 18 (noon). She has qualification books available and encourages anyone interested to call and make an appointment with her office before November 7th to get a book and go over the requirements. Please do not wait until November 7th to start the process.

Alex Rey, City Manager—mentioned the hurricane debris pickup.

He discussed the recent negotiations with the Firefighters Union. It is planned to migrate new fire employees from the City's pension plan to the Florida Retirement System (FRS). He explained the reasons and the benefits to both the employees and the City. Mr. Rey mentioned the 3 percent pay increase for the fire union employees, via a memorandum of understanding, that will go into effect next pay period.

Andrew Dickman, Assistant City Attorney—glad to be back. Thanked the outpouring of support and compassion as he underwent treatment.

Commissioner Pletcher—mentioned today's Pass-A-Grille Women's Club 100th Anniversary celebration and ribbon cutting.

Commissioner Friszolowski—there will be a Belle Vista community meeting this Thursday evening.

He complimented staff on a good kick-off to the Concert in the Park series that began last Friday.

Commissioner Grill—complimented the City staff's preparation before the storm and their work after.

Vice Mayor Graus—echoed the sentiments expressed by Commissioner Grill and was grateful for the way staff prepared for the storm.

Mayor Johnson—echoed the same regarding storm preparations. He spent time at the Emergency Operations Center during the storm and got first-hand experience with the cooperation that goes on there.

Mayor Johnson adjourned the meeting at 9:03 p.m.

MINUTES APPROVED:

AMBER LAROWE
CITY CLERK

ALAN JOHNSON
MAYOR

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: 2023 City Commission Meeting Calendar

Date: October 25, 2022

Prepared By: Amber LaRowe, City Clerk

Through: Amber LaRowe, City Clerk

Summary of Issue: The City Charter states that the City Commission shall hold two meetings a month. The proposed calendar for 2023 schedules the City Commission meetings for the second and fourth Tuesday of every month except for the first meeting in March due to the City Election being held on the second Tuesday of March, and the meetings in November and December due to the holidays.

Funding: NA

Requested Motion: I move to approve the 2023 City Commission meeting calendar.

Attachments: 1. 2023 CC Meeting Schedule

2023 Meetings
City Commission

The City Commission meets on the second and fourth Tuesdays of the month in the Commission Chambers of City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

<u>Meeting Date</u>	<u>Time</u>
January 10, 2023	6:00 pm
January 24, 2023	6:00 pm
February 14, 2023	6:00 pm
February 28, 2023	6:00 pm
March 7, 2023*	6:00 pm
March 28, 2023	6:00 pm
April 11, 2023	6:00 pm
April 25, 2023	6:00 pm
May 9, 2023	6:00 pm
May 23, 2023	6:00 pm
June 13, 2023	6:00 pm
June 27, 2023	6:00 pm
July 11, 2023	6:00 pm
July 25, 2023	6:00 pm
August 8, 2023	6:00 pm
August 22, 2023	6:00 pm
September 12, 2023	6:00 pm
September 26, 2023	6:00 pm
October 10, 2023	6:00 pm
October 24, 2023	6:00 pm
November 7, 2023*	6:00 pm
November 14, 2023*	6:00 pm
December 5, 2023*	6:00 pm
December 12, 2023*	6:00 pm

***1st Commission Meeting in March alters due to March 14, 2023, Election Day**

***Commission Meeting Dates in November and December alter from the second and fourth Tuesday due to the holidays.**

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Force Main 17 - Subaqueous Inspection

Date: October 25, 2022

Prepared By: Mike Clarke, Public Works Director

Through: Alex Rey, City Manager

Summary of Issue: The City has requested a Task Order from Kimley-Horn and Associates, Inc. to perform a subaqueous inspection of Force Main 17, which crosses beneath Little McPherson Bayou from Alton Drive to S. Maritana Drive. Due to the age and location of the force main beneath an impaired water body, the City has requested that an inspection be performed along the bayou bottom to evaluate the main for potential exposures.

Kimley-Horn and Associates, Inc. will coordinate with Dive Tech International, Inc. to complete an underwater inspection, live video, and force main inspection of the subaqueous crossing. Kimley-Horn will then prepare a summary report documenting the findings of the inspection.

Funding: Wastewater - Force Main (101-6107-535-5635)

Requested Motion: I move to approve the Task Order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$27,475.00 for Force Main 17 Subaqueous Inspection.

Attachments:

1. Task Order from Kimley-Horn
2. Force Main 17 Exhibit



Exhibit "B"

TASK ORDER FORM - CONTINUING CONTRACT FOR PROFESSIONAL DESIGN SERVICES

<i>Date of Task Order Request</i>	4/15/2022
-----------------------------------	-----------

<i>Firm Selected for Task</i>	Kimley-Horn and Associates, Inc.
-------------------------------	----------------------------------

<i>Task (Project) Name</i>	Force Main 17 Subaqueous Evaluation
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<i>Task Description (and other relevant details)</i>	Under this IPO, the Engineer will provide general engineering services for the evaluation of Force Main 17.
--	---

<i>Task Budget</i>	\$27,475.00
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<i>Task Proposal Due Date</i>	04/28/2022
-------------------------------	------------

Thank you for your efforts on behalf of the City of St. Pete Beach. If there are any questions or additional information needed, please contact the Public Works Department at (727) 363-9243.

Acknowledgement of Task Order:

 Alex Rey
 City Manager
 City of St. Pete Beach

 Date

 Signature

 04/28/2022
 Date

 Shelby N. Hughes, P.E.
 Name
 Associate
 Title
 Kimley-Horn and Associates, Inc.
 Firm

 Brett Warner
 Assistant Public Works Director
 City of St. Pete Beach

 Date

INDIVIDUAL PROJECT ORDER (IPO)**April 22, 2022**

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Engineer), and the City of St. Pete Beach (the City) in accordance with the terms of the Master Agreement for Continuing Professional Services dated in 2021, which is incorporated herein by reference.

IDENTIFICATION OF PROJECT**Force Main 17 Subaqueous Evaluation****PROJECT UNDERSTANDING**

Under this IPO, the Engineer will provide general engineering services for the evaluation of Force Main 17. Based on available record information, Force Main 17 discharges from Lift Station 17 and crosses from S. Maritana Drive under the Little McPherson Bayou to Alton Drive. Due to the location of the force main within an impaired water body, the City has requested a subaqueous inspection be completed to evaluate exposure of the force main.

SCOPE OF SERVICES**Task 1 – Force Main 17 Subaqueous Inspection**

1. The Engineer will coordinate with Dive Tech International, Inc. (Dive Tech) to complete an underwater investigation, live video, and force main inspection for the subaqueous crossing. All findings and markings by Dive Tech will be noted on an exhibit. The Engineer will attend all subaqueous inspections and evaluate real-time video to confirm the information captured is adequate for the assessment.

Task 2 – Summary of Results

1. The Engineer will compile the results of the subaqueous inspection, available record information, and an exhibit of the casing/force main location. The Engineer will provide a technical memorandum with a summary of findings and recommendations for maintenance or replacement. If additional investigation is required, the technical memorandum will contain recommendations of how the City should proceed with additional phases of evaluation.
2. The Engineer will attend one (1) meeting with the City to review the results and the technical memorandum. The Engineer will provide meeting minutes to the City following the meeting.
3. The Engineer will provide revised GIS shapefiles to more accurately reflect what was found in the subaqueous inspection, should the alignment differ from the City's records.

ADDITIONAL SERVICES (if required):

Services requested that are not specifically included will be provided under a new and separate IPO agreement, including, but not limited to:

- Ultrasonic Testing
- Remaining Life Calculations
- Opinion of Probable Construction Costs
- Design or Construction Documents

SCHEDULE

- Task 1: 6 Weeks
- Task 2: 2 Weeks (Following Completion of Task 1)

FEE AND BILLING

Kimley-Horn will accomplish the services outlined in Task 1 – 2 for a Lump Sum fee as outlined below. Invoicing and payment will be in accordance with the terms and conditions of the Design Services Contract between the City of St. Pete Beach and Kimley-Horn and Associates, Inc. (Kimley-Horn) dated in 2021.

The following task items represent a breakdown of the lump sum amount for reference:

Task 1 – Force Main 17 Subaqueous Inspection	\$ 23,367.00
<i>Includes: DiveTech Inspection Services</i>	<i>\$ 17,700.00</i>
Task 2 – Summary of Results	\$ 4,108.00

TOTAL LUMP SUM FEE	\$27,475.00
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METHOD OF COMPENSATION:

Services under this IPO will be provided as a lump sum basis. Invoices will be prepared based on a percentage completion of the design of the project.

OTHER SPECIAL TERMS OF IPO:

Services provided under this will be invoiced on a monthly basis. All invoices will include a description of services provided.

ACCEPTED:
THE CITY OF ST. PETE BEACH, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

BY: Jordan W. Walker, P.E.

TITLE: _____

TITLE: Associate

DATE: _____

DATE: 04/22/2022

PROJECT WORK PLAN PERSON-HOUR ESTIMATE

Project Name: FM 17
Project Number: _____
Date Prepared: 4/21/2022
Estimated By: SNH

KHA Task # Subtask ID Number	KHA Task Name Subtask Name/Description	Direct Labor (Person-Hours)								Misc. Direct Expense (\$)
		Senior Prof 2	Senior Prof 1	Prof	Senior Tech Support	Tech Support	Analyst	Support Staff	KHA Labor Total	
		272.8	251.1	182.9	158.1	96.1	117.8	99.2		
1	Force Main 17 Subaqueous Inspection									
	Dive Tech			2				2.0		\$17,700
	Kimley-Horn Representatives			4			32			
	Record Drawing Research/Preparation			2			2			
	Subtotal (Hours)	0	0	8	0	0	34	2		
	Task Total (Dollars)	\$0	\$0	\$1,463	\$0	\$0	\$4,005	\$198	\$5,667	\$17,700
2	Summary of Results									
	Tech Memo			4			16			
	GIS			1			4			
	City Meeting			2			4			
	Subtotal (Hours)	0	0	7	0	0	24	0		
	Task Total (Dollars)	\$0	\$0	\$1,280	\$0	\$0	\$2,827	\$0	\$4,108	\$0
Total Project Task									\$27,475	



ST. PETE BEACH

FORCE MAIN 17

2910 Alton Dr, St Pete Beach, FL 33706

- * ARV
- ☐ Lift Station
- Cleanout
- ⊗ Manhole
- ⊗ Conflict Structure
- Ultrasonic Testing Location
- *Red Symbol Requires Excavation
- Force Main
- Aerial Crossing
- Subaqueous Crossing
- Gravity Sewer



DON JOSE ST

S MARITANA DR

S MARITANA DR

ALTON DR

MH-251

Pig Port MH

LS-17

MH-855

MH-865

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Cost Proposal for 73rd Avenue Sidewalk Installation

Date: October 25, 2022

Prepared By: Mike Clarke, Public Works Director

Through: Alex Rey, City Manager

Summary of Issue: The City requested a cost proposal from Gilliam Construction LLC for the installation of 10 foot wide sidewalks along 73rd Avenue between Boca Ciega Bay and Mangrove Avenue, as depicted on the attached layout. This project will provide for enhanced pedestrian connectivity in the Corey Avenue Business District and will provide for future parking expansion opportunities on this street segment.

Funding: CIP - Mangrove/73rd Avenue Mobility Improvements. The FY 23 budget allocated \$50,000 for this effort from the Transportation Impact Fee funds.

Requested Motion: I move to approve the cost proposal from Gilliam Construction LLC in the amount of \$50,424.00 for 73rd Avenue Sidewalk Installation.

Attachments:

1. Quote from Gilliam Construction LLC
2. Proposed 73rd Avenue Layout

Gilliam Construction LLC

2315 17th Street E.
Palmetto, FL 34221
Phone: (941) 723-1000
Fax: (941) 723-1001
Website: gcgilliamconstruction.com



Quote

DATE	9/15/2022
Quote #	1752
Contract #	
WO #	

BILL TO

City of St. Pete Beach
155 Corey Ave
St. Pete Beach, FL 33706

[illegible]

Subtotal	\$50,424.00
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Taxable -

Tax rate

Tax due	-
---------	---

TOTAL	\$ 50,424.00
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OTHER COMMENTS

If you have any questions about this quote, please contact
LaTora Gilliam, (941) 723-1000, lgilliam@gcgilliamconstruction.com

Thank You For Your Business!

Proposed Sidewalk
Along 73rd Avenue



CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Cost Estimate for Composite Manhole Ring & Cover Installation

Date: October 25, 2022

Prepared By: Mike Clarke, Public Works Director

Through: Alex Rey, City Manager

Summary of Issue: The City has requested a cost estimate from Rowland, Inc. to replace ten (10) corroded cast iron manhole ring and covers with upgraded composite covers. The ten manholes in question are stormwater manholes in the highly corrosive marine environment adjacent to the Pass-a-Grille Seawall between 12th Avenue and 1st Avenue. These manholes, installed Phase II of the Pass-a-Grille Way Reconstruction projects, have already corroded to the point of inoperability. The new composite manholes are corrosion resistant and will have a longer anticipated asset life expectancy compared to the traditional cast iron manholes previously utilized. The City intends to begin utilizing composite manholes in other highly corrosive locations to reduce future maintenance and replacement requirements.

Funding: Stormwater - R&M Other (103-6108-537-5469)

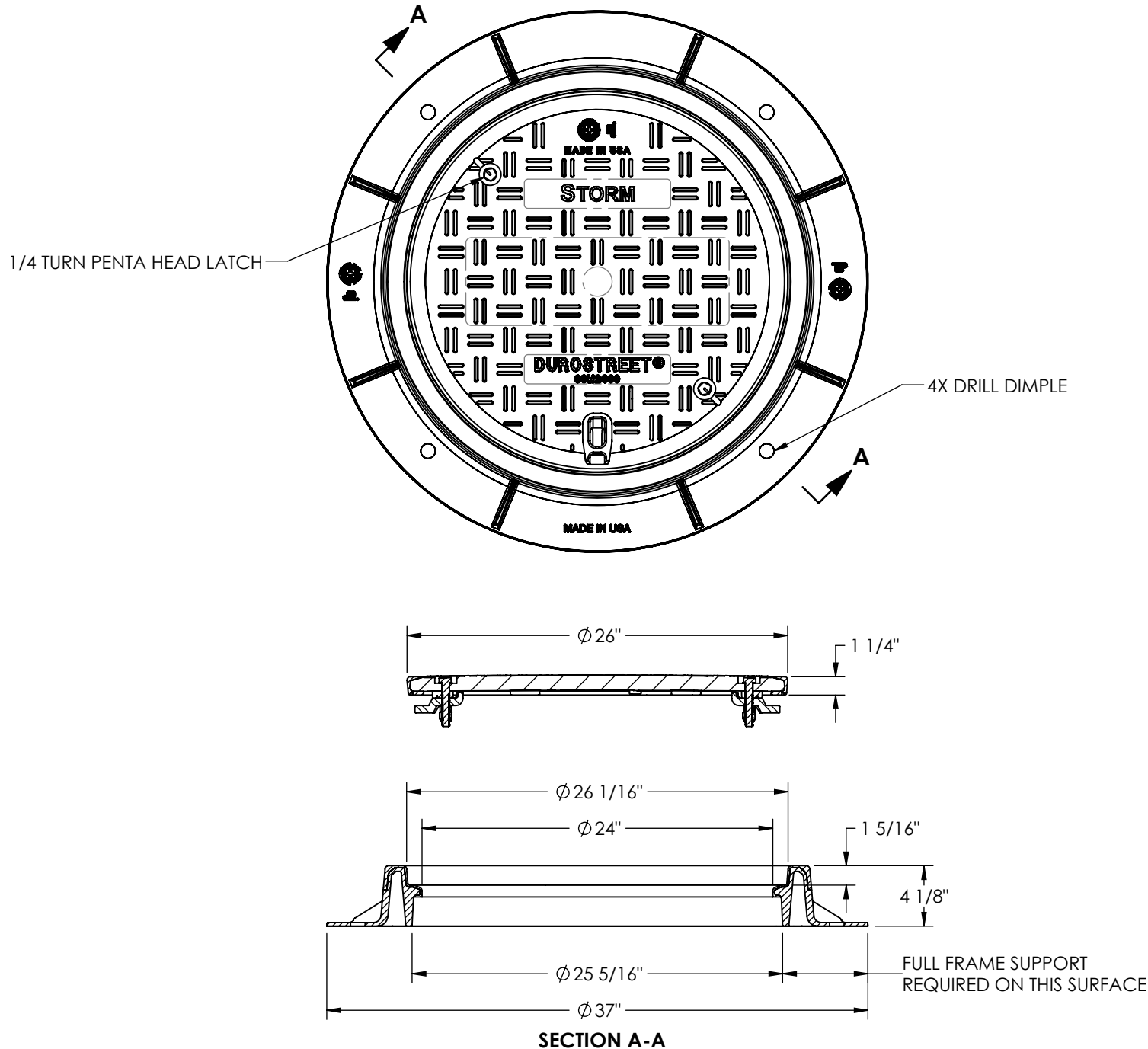
Requested Motion: I move to approve the cost estimate under the existing On-Call Civil & Large Pipeline Contractor Services Agreement in the amount of \$33,870.00 for composite manhole ring & cover installation.

Attachments:

1. Quote from Rowland Inc.
2. EJ Composite Manhole Submittal
3. DuroStreet Brochure



2600 DUROSTREET® Composite Assembly



Product Number

COM260229A01

Design Features

- Load Rating
H25 (50,000 lb)
- Estimated Weight
70 lb
- Required Accessory
13/16" Penta-Head Wrench - Sold Separate
- Country of Origin: USA

Performance Specification

- Proofload per AASHTO M306-10
- Max. Operating Temp: 160 °F

Major Components

COM260210
COM260229

Drawing Revision

10/26/2018 Designer: AJD
01/04/2021 Revised By: AJD

Disclaimer

Weights (lbs/kg), dimensions (inches/mm) and drawings provided for your guidance. We reserve the right to modify specifications without prior notice.

CONFIDENTIAL: This drawing is the property of EJ Group, Inc. and embodies confidential information, registered marks, patents, trade secret information, and/or know-how that is the property of EJ Group, Inc. Copyright © 2021 EJ Group, Inc. All rights reserved.

Contact

800 626 4653
ejco.com

DUROSTREET® Access Assembly



DUROSTREET® Access Assembly

Roadway Applications

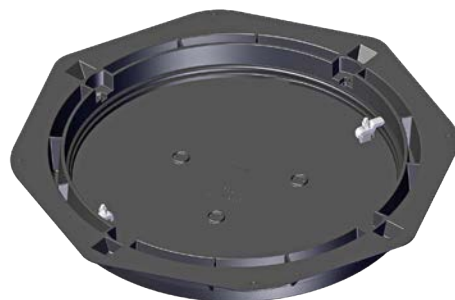
The DUROSTREET® Access Assembly has been designed for strength, durability, and ergonomics for heavy duty roadway applications. The optimized strength-to-weight design and one-person operation improves ease of access and overall worker safety. The integral cover and frame dampeners (around the edge of the cover and frame) protect the glass fiber reinforcement that spans the width of the cover.

Standard Features

- Heavy duty (H25)
- Excellent fatigue life— 2 million cycles at 16,000 lb of load*
- Superior wear and abrasion per ASTM D4060-14
- Cover dampener and frame dampener
- Color: black
- Pick bar made of 316 stainless steel
- Quarter turn paddle lock with penta head made of 316 stainless steel
- UV resistant— tested to ASTM G154-16 testing standard Cycle 1 for 1600 hours
- Five year limited warranty
- Made in the USA

Options

- Special lettering
- Custom logos
- Additional security locking
- Custom shapes: square or rectangular
- Custom diameters to fit existing frames
- Flame retardant resin
- AMR attachments
- Heat transfer protection



Bottom side view of the standard 30" clear opening frame and cover.



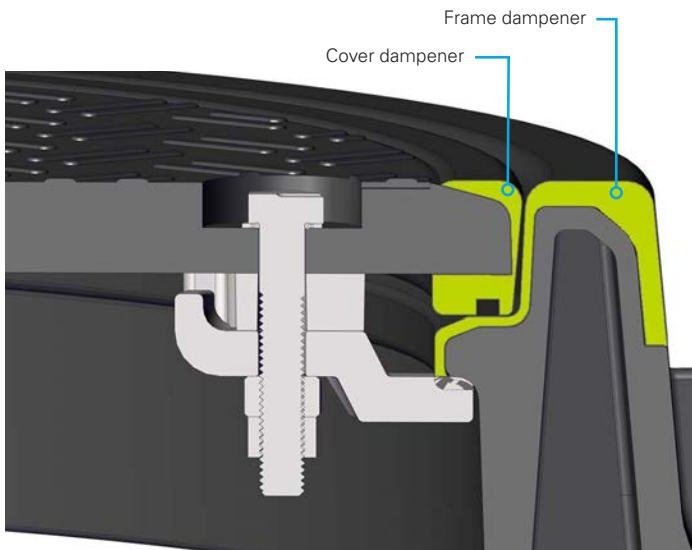
Illustrating the standard 30" clear opening frame and cover, which includes two quarter turn paddle locks and one pick bar.

*See page 8 for load rating details

DUROSTREET® Cover and Frame Dampeners

The DUROSTREET® Access Assembly features an integral cover dampener and frame dampener for strength and durability.

The dampeners, found around the perimeter of the cover and frame, are made of an extremely hard wearing polyurethane. They protect the glass fibers from wicking moisture, improve wear, and dampen traffic vibration.



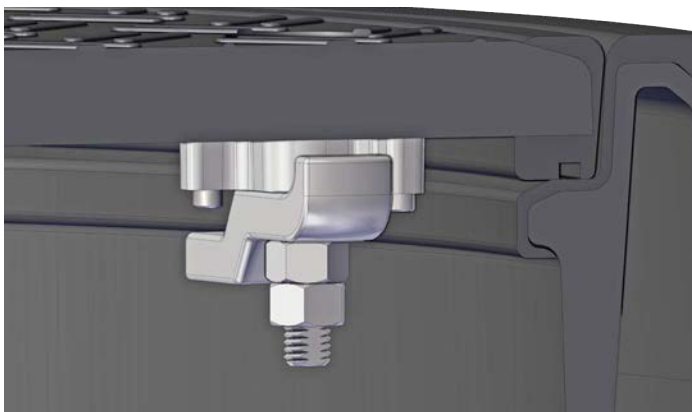
Illustrating a cutaway highlighting the cover and frame dampeners.



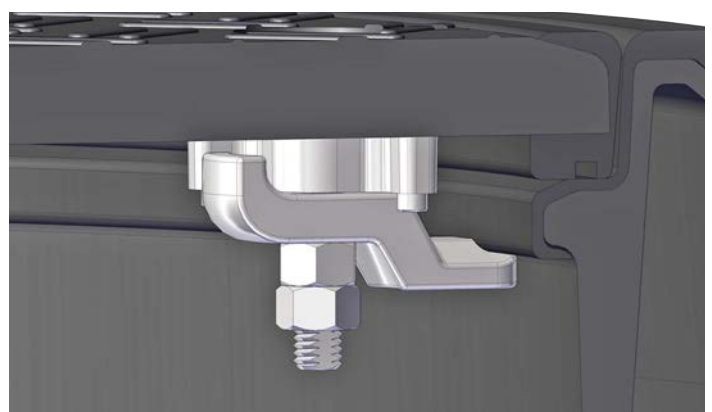
Cutaway showing the cover dampener around the outer edge (far right).

Quarter Turn Paddle Lock

The quarter turn paddle lock with 316 stainless steel penta head provides security by locking the cover in place when the paddle is turned to engage the frame.



Quarter turn paddle lock illustrated in the open position.



Quarter turn paddle lock illustrated in the closed position.

DUROSTREET® Sizes and Options

DUROSTREET® Access Assembly	Series Number	Clear Opening	Cover Diameter	Cover Thickness	Frame Height	Weight (lb)	Available Options
22" CLEAR OPENING 	COM2400	22	23 7/8	1	4 1/4	Cover: 30 lb Frame: 29 lb Set: 59 lb	Special lettering Custom logos Security locking
24" CLEAR OPENING 	COM2600	24	26	1 1/4	4 1/8	Cover: 39 lb Frame: 32 lb Set: 71 lb	Special lettering Custom logos Security locking Water resistant with optional o-ring
30" CLEAR OPENING 	COM3200	30	32	1 1/2	5	Cover: 62 lb Frame: 48 lb Set: 110 lb	Special lettering Custom logos Security locking Water resistant with optional o-ring
36" CLEAR OPENING 	COM3800	36	38	1 1/2	5	Cover: 82 lb Frame: 51 lb Set: 133 lb	Special lettering Custom logos Security locking Water resistant with optional o-ring

Note: All dimensions are in inches.

Optional Customization

The DUROSTREET Access Assembly is available in other sizes to fit existing frames. Optional custom lettering or logos are also available. Contact your EJ Sales Representative for assistance with custom applications at 800 626 4653.



Custom logo covers and special lettering are available.



Composite cover shown in an iron frame.



Custom logo covers are available.

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Authorization of Expenditures for Library Materials

Date: October 25, 2022

Prepared By: Betcinda Kettells, Library Director

Through: Vincent Tenaglia, Assistant City Manager

Summary of Issue: The fiscal year (FY) 2023 budget includes funding for the purchase of print materials at the library. Staff is requesting authorization to purchase books throughout the year on an as-needed basis utilizing a previously executed bid awarded to Baker and Taylor, Inc. by the State of Florida. Staff has evaluated Baker and Taylor against other service providers, including Amazon, Brodart, and Midwest Tapes, and recommends Baker and Taylor due to the vendor's highly responsive ordering platform and competitive pricing.

The City has a long-standing relationship with Baker and Taylor, with cataloging systems already in place. Materials discounted off retail pricing through the State of Florida include adult and juvenile hardcover fiction and non-fiction titles, reinforced bindings on selected juvenile titles, adult large print titles and non-fiction hardcover and softcover titles.

Funding: The FY 2023 budget includes \$65,000 for circulation materials (account no.001.5602.571.5660).

Requested Motion: "I move to authorize expenditures for the purchase of library circulation materials from Baker and Taylor, Inc., in the estimated amount of \$40,000 utilizing the State of Florida Contract No. 55000000-20-NY-ACS."

Attachments: Baker and Taylor Agreement

CITY OF ST. PETE BEACH, FLORIDA
AGREEMENT TO “PIGGY-BACK”

Books and Non-Print Library Materials Purchase

The City of St. Pete Beach, (hereinafter “City”) enters this Agreement to “piggy-back” (the “Agreement”) with Baker & Taylor, LLC (hereinafter "Vendor"). The City and Vendor together shall be referred to as the “Parties.”

WHEREAS, Vendor is currently under contract with the State of Florida, Department of Management Services for Books and Non-Print Library Materials and Related Ancillary Services, Contract No. 55000000-20-NY-ACS (the “Books and Non-Print Library Materials and Related Ancillary Services Contract”).

WHEREAS, the City desires to purchase from Vendor books and non-print library materials and related ancillary services.

WHEREAS, pursuant to Florida Statute 287.057 and Section 2-291 of the City’s Code of Ordinances adopted by the City Commission, the City is authorized to “piggy-back” onto the Contract Amendment No. 2 of the Books and Non-Print Library Materials and Related Ancillary Services Contract for the same or similar services.

WHEREAS, the Vendor specifically consents to the City using its “piggy-back” authority and has provided a proposal to the City with the same or similar unit pricing as the Books and Non-Print Library Materials and Related Ancillary Services Contract.

WHEREAS, this Agreement has been properly approved by the appropriate authority of the City and the Vendor.

NOW, THEREFORE, upon the mutual covenants contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the terms of Contract Amendment No. 2 of the Books and Non-Print Library Materials and Related Ancillary Services and as follows:

1. Recitals. The foregoing recitals are true and correct, and incorporated herein by reference.
2. Public Records. Vendor shall abide by the legal requirements set forth in Florida Statutes, Section 119.0701 and incorporated herein as Exhibit A. **IF THE VENDOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE VENDORS’ DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (City Clerk, City of St. Pete Beach, Florida, 727-363-9220, cityclerk@stpetebeach.org, 155 Corey Avenue, St. Pete Beach, Florida 33706).**

3. Exhibits. The following Exhibits shall be attached, incorporated and made a part of this Agreement:

- a. Vendor's original contract (Exhibit "A")
- b. Florida Public Records Law (Exhibit "B")

4. Notices. Any and all notices sent pursuant to this Agreement shall be given in writing via certified mail or overnight courier and shall be delivered to the following addresses:

As to Vendor:

Baker & Taylor, LLC
Jennifer Rhyne,
Manager, Pricing Projects & Analytics
2810 Coliseum Centre Drive
Suite 300
Charlotte, NC 28217

As to City:

City Manager
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

With Copy To:

Jennifer.Rhyne@baker-taylor.com

With Copy To:

cityattorney@stpetebeach.org

5. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument. Facsimile, documents executed, scanned and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Agreement and all matters related thereto, with such facsimile, scanned and electronic signatures having the same legal effect as original signatures.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set forth below.

Baker & Taylor, LLC:

City of St. Pete Beach:

Signature: _____

Signature: _____

By: Jennifer Rhyne

By: Alex Rey

Its: Manager, Pricing Projects & Analytics

Its: City Manager

Date: _____

Date: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ATTEST:

Andrew Dickman
City Attorney

Amber LaRowe
City Clerk

EXHIBIT “A”
(Vendor’s Original Contract)



CONTRACT AMENDMENT NO.: 2
Contract No.: 55000000-20-NY-ACS

Contract Name: Books and Non-Print Library Materials, and Related Ancillary Services

This Contract Amendment (“Amendment”) to the Books and Non-Print Library Materials, and Related Ancillary Services Contract No. 55000000-20-NY-ACS (“Contract”) is made by and between the State of Florida, Department of Management Services (“Department”) and Baker & Taylor, LLC (“Contractor”), with its principal place of business located at 2810 Coliseum Centre Drive, Suite 300, Charlotte, NC 28217; collectively referred to herein as the “Parties.”

WHEREAS, the Contract was executed by the Parties and became effective on July 14, 2020, through May 31, 2022, for the provision of Books and Non-Print Library Materials, and Related Ancillary Services, pursuant to the State of New York, Contract Award No. 22868 (“Master Agreement”); and

WHEREAS, the Parties agreed that the Contract may be amended by mutual agreement as provided in Exhibit B, Special Contract Conditions (Florida), subsection 6.9, Modification and Severability; and

WHEREAS, the Master Agreement was extended by written notice to the Contractor for a period of three months, with a new expiration date of August 31, 2022; and

WHEREAS, the Contract was amended to allow for an additional period of three months with a new expiration date of August 31, 2022; and

WHEREAS, the Master Agreement was extended by written notice to the Contractor for a period of six months, with a new expiration date of February 28, 2023; and

WHEREAS, the Parties agree to amend the Contract term as provided for in Exhibit B, Special Contract Conditions (Florida), subsection 2.2, Renewal.

ACCORDINGLY, and in consideration of the mutual promises contained in the Contract documents, the Parties agree as follows:

I. Contract Amendment. Contract Exhibit A, Additional Special Contract Conditions (Florida), is hereby deleted in its entirety and replaced with the attached Exhibit A, Additional Special Contract Conditions (Florida), which is incorporated into the Contract by reference herein.

II. Contract Renewal. The Contract is hereby amended to allow for an additional period of six months effective September 1, 2022, with a new expiration date of February 28, 2023, under the same terms and conditions, except as amended herein.

III. Warranty of Authority. Each person signing this Amendment warrants that he or she is duly authorized to do so and to bind the respective party.

Contract Amendment (approved by State Purchasing, 9/7/2021)



CONTRACT AMENDMENT NO.: 2
Contract No.: 55000000-20-NY-ACS

Contract Name: Books and Non-Print Library Materials, and Related Ancillary Services

IV. Conflict. To the extent any of the terms of this Amendment conflict with the terms of the Contract, the terms of this Amendment shall control.

V. Effect. Unless otherwise modified by this Amendment, all terms and conditions contained in the Contract shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment by their duly authorized representatives.

State of Florida:
Department of Management Services

DocuSigned by:
By: Pedro Allende
5E91A9D369EB47C...

Name: Pedro Allende

Title: Secretary

Date: 8/30/2022 | 9:29 AM EDT

Contractor:
Baker & Taylor, LLC

DocuSigned by:
By: Jennifer Rhyne
4C19E26237D2497...

Name: Jennifer Rhyne

Title: Manager, Pricing Projects & Analytics

Date: 8/29/2022 | 12:49 PM EDT



ADDITIONAL SPECIAL CONTRACT CONDITIONS

The Contractor and agencies, as defined in section 287.012, Florida Statutes acknowledge and agree to be bound by the terms and conditions of the Master Contract except as otherwise specified in the Contract, which includes the Special Contract Conditions and these Additional Special Contract Conditions.

- A. Orders: Contractor must be able to accept the State of Florida Purchasing Card and MyFloridaMarketPlace (MFMP) purchase orders.
- B. Contractor and Subcontractors, Affiliates, Partners, Resellers, Distributors, and Dealers: By execution of a Contract, the Contractor acknowledges that it will not be released of its contractual obligations to the Department or state agencies because of any failure of an affiliate, partner, subcontractor, reseller, distributor, or dealer. The Contractor is responsible for ensuring that its affiliates, partners, subcontractors, resellers, distributors, and dealers providing commodities and performing services in furtherance of the Contract do so in compliance with the terms and conditions of the Contract. The Contractor is fully responsible for satisfactory completion of all work performed under the Contract.
- C. Preferred Pricing: It is the responsibility of the Contractor to provide a completed Preferred Pricing Affidavit upon Contract execution and annually thereafter throughout the Contract term in accordance with the Special Contract Conditions.
- D. Purchases Prerequisites: Contractor must ensure that entities receiving payment directly from Customers under this Contract must have met the following requirements:
 - Have an active registration with the Florida Department of State, Division of Corporations (www.sunbiz.org), or, if exempt from the registration requirements, provide the Department with the basis for such exemption.
 - Be registered in the MFMP Vendor Information Portal (<https://vendor.myfloridamarketplace.com>).
 - Have a current W-9 filed with the Florida Department of Financial Services (<https://flvendor.myfloridacfo.com>)
- E. Punchout Catalog and Electronic Invoicing.
The Contractor is encouraged to provide a MFMP punchout catalog. The punchout catalog provides an alternative mechanism for suppliers to offer the State access to Products awarded under the Contract. The punchout catalog also allows for direct communication between the MFMP eProcurement System and a supplier's Enterprise Resource Planning (ERP) system, which can reflect real-time Product inventory/availability information.

Through utilization of the punchout catalog model, a Florida buyer will "punch out" to a supplier's website. Using the search tools on the supplier's Florida punchout catalog site, the user selects the desired Products. When complete, the user exits the supplier's

punchout catalog site and the shopping cart (full of Products) is “brought back” to MFMP. No orders are sent to a supplier when the user exits the supplier’s punchout catalog site. Instead, the chosen Products are “brought back” to MFMP as line items in a purchase order. The user can then proceed through the normal workflow steps, which may include adding/editing the Products (i.e., line items) in the purchase order. An order is not submitted to a supplier until the user approves and submits the purchase order, at which point the supplier receives an email with the order details.

The Contractor may supply electronic invoices in lieu of paper-based invoices for those transactions processed through MFMP. Electronic invoices may be submitted to the agency through one of the mechanisms as listed below:

- 1) EDI (Electronic Data Interchange)
This standard establishes the data contents of the Invoice Transaction Set (810) for use within the context of an Electronic Data Interchange (EDI) environment. This transaction set can be used for invoicing via the Ariba Network (AN) for catalog and non-catalog goods and services.
- 2) PO Flip via AN
This online process allows Contractors to submit invoices via the AN for catalog and non-catalog goods and services. Contractors have the ability to create an invoice directly from their inbox in their AN account by simply "flipping" the PO into an invoice. This option does not require any special software or technical capabilities.

The Contractor warrants and represents that it is authorized and empowered to and hereby grants the State and the third-party provider of MFMP, a State contractor, the right and license to use, reproduce, transmit, distribute, and publicly display within MFMP. In addition, the Contractor warrants and represents that it is authorized and empowered to and hereby grants the State and the third-party provider the right and license to reproduce and display within MFMP the Contractor's trademarks, system marks, logos, trade dress, or other branding designation that identifies the products made available by the Contractor under the Contract.

- F. Contract Reporting: The Contractor shall provide the Department the following accurate and complete reports associated with this Contract.

- 1) Contract Quarterly Sales Reports. The Contractor shall submit complete Quarterly Sales Reports to the Department’s Contract Manager within 30 calendar days after the close of each State fiscal quarter (the State’s fiscal quarters close on September 30, December 31, March 31, and June 30).

Reports must be submitted in MS Excel using the DMS Quarterly Sales Report Format, which can be accessed at https://www.dms.myflorida.com/business_operations/purchasing/vendor_resources/quarterly_sales_report_format. Initiation and submission of the most recent version of the Quarterly Sales Report posted on the DMS website is the responsibility of the Contractor without prompting or notification from the Department’s Contract Manager. If no orders are received during the quarter, the Contractor must email the DMS Contract Manager confirming there was no activity.

- 2) Certified and Minority Business Enterprises Reports. Upon Customer request, the Contractor shall report to each Customer spend with certified and other minority business enterprises in the provision of commodities or services related to the Customer orders. These reports shall include the period covered; the name, minority code, and Federal Employer Identification Number of each minority business enterprise utilized during the period; commodities and services provided by the minority business enterprise; and the amount paid to each minority business enterprise on behalf of the Customer.
 - 3) Ad Hoc Sales Reports. The Department may require additional Contract sales information such as copies of purchase orders or ad hoc sales reports. The Contractor shall submit these documents and reports in the format acceptable to the Department and within the timeframe specified by the Department.
 - 4) MFMP Transaction Fee Reports. The Contractor shall submit complete monthly MFMP Transaction Fee Reports to the Department. Reports are due 15 calendar days after the end of each month. Information on how to submit MFMP Transaction Fee Reports online can be located at https://www.dms.myflorida.com/business_operations/state_myfloridamarketplace/mfmp_vendors/transaction_fee_and_reporting. Assistance with transaction fee reporting is also available by email at feeprocessing@myfloridamarketplace.com or telephone at 866-FLA-EPRO (866-352-3776) from 8:00 a.m. to 6:00 p.m. Eastern Time.
- G. Financial Consequences: The Department reserves the right to impose financial consequences when the Contractor fails to comply with the requirements of the Contract. The following financial consequences will apply for the Contractor's non-performance under the Contract. The Customer and the Contractor may agree to add additional Financial Consequences on an as-needed basis beyond those stated herein to apply to that Customer's resultant contract or purchase order. The State of Florida reserves the right to withhold payment or implement other appropriate remedies, such as Contract termination or nonrenewal, when the Contractor has failed to comply with the provisions of the Contract. The Contractor and the Department agree that financial consequences for non-performance are an estimate of damages which are difficult to ascertain and are not penalties.

The financial consequences below will be paid and received by the Department of Management Services within 30 calendar days from the due date specified by the Department. These financial consequences below are individually assessed for failures over each target period beginning with the first full month or quarter of the Contract performance and every month or quarter, respectively, thereafter.

Financial Consequences Chart

Deliverable	Performance Metric	Performance Due Date	Financial Consequence for Non-Performance /Not Received by the Contract Manager
Contractor will timely submit complete Quarterly Sales Reports	All Quarterly Sales Reports will be submitted timely with the required information	Completed reports are due on or before the 30 th calendar day after the close of each State fiscal quarter	\$250 per day late
Contractor will timely submit complete MFMP Transaction Fee Reports	All MFMP Transaction Fee Reports will be submitted timely with the required information	Completed reports are due on or before the 15 th calendar day after the end of each month	\$100 per day late
Mandatory Punchout Catalog Implementation	Contract duration	Within 90 calendar days of Contract execution	\$100 per day late
<Insert additional financial consequences as needed>			

No favorable action will be considered when Contractor has outstanding Contract Quarterly Sales Reports, MFMP Transaction Fee Reports, or any other documentation owed to the Department or Customer, to include fees / monies, that is required under this Contract.

- H. Business Review Meetings: Both the Department and Customer reserve the right to schedule business review meetings. The Department or Customer may specify the format or agenda for the meeting. At a minimum, the Business Review Meeting may include the following topics:
- a. Contract compliance
 - b. Contract savings (in dollar amount and cost avoidance)
 - c. Spend reports by Customer
 - d. Recommendations for improved compliance and performance
- I. Special Contract Conditions revisions: the corresponding subsections of the Special Contract Conditions referenced below are replaced in their entirety with the following:

2.2 Renewal.

Upon written agreement, the Department and the Contractor may renew the Contract in whole or in part only as set forth in the Contract documents, and in accordance with section 287.057(14), F.S.

3.7 Transaction Fees.

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide eProcurement system. Pursuant to Section 287.057(24), F.S., all payments shall be assessed a Transaction Fee of one percent (1.0%), or as may otherwise be established by law, which the vendor shall pay to the State.

For payments within the State accounting system (FLAIR or its successor), the Transaction Fee shall, when possible, be automatically deducted from payments to the vendor. If automatic deduction is not possible, the vendor shall pay the Transaction Fee pursuant to subsection 60A-1.031(2), F.A.C. By submission of these reports and corresponding payments, vendor certifies their correctness. All such reports and payments shall be subject to audit by the State or its designee.

The vendor shall receive a credit for any Transaction Fee paid by the vendor for the purchase of any item(s) if such item(s) are returned to the vendor through no fault, act, or omission of the vendor. Notwithstanding the foregoing, a Transaction Fee is non-refundable when an item is rejected or returned, or declined, due to the vendor's failure to perform or comply with specifications or requirements of the agreement.

Vendors will submit any monthly reports required pursuant to the rule. All such reports and payments will be subject to audit. Failure to comply with the payment of the Transaction Fees or submission of required reporting of transactions shall constitute grounds for declaring the Vendor in default.

5.1 Conduct of Business.

The Contractor must comply with all laws, rules, codes, ordinances, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and authority. For example, the Contractor must comply with section 274A of the Immigration and Nationality Act, the Americans with Disabilities Act, Health Insurance Portability and Accountability Act, if applicable, and all prohibitions against discrimination on the basis of race, religion, sex, creed, national origin, handicap, marital status, or veteran's status. The provisions of subparagraphs 287.058(1)(a)-(c) and (g), F.S., are hereby incorporated by reference.

Nothing contained within this Contract shall be construed to prohibit the Contractor from disclosing information relevant to performance of the Contract or purchase order to members or staff of the Florida Senate or Florida House of Representatives.

Pursuant to section 287.057(26), F.S., the Contractor shall answer all questions of, and ensure a representative will be available to, a continuing oversight team.

The Contractor will comply with all applicable disclosure requirements set forth in section 286.101, F.S. In the event the Department of Financial Services issues the Contractor a final order determining a third or subsequent violation pursuant to section 286.101(7)(c), F.S., the Contractor shall immediately notify the Department and applicable Customers and shall be disqualified from Contract eligibility.

5.4 Convicted, Discriminatory, Antitrust Violator, and Suspended Vendor Lists.

In accordance with sections 287.133, 287.134, and 287.137, F.S., the Contractor is hereby informed of the provisions of sections 287.133(2)(a), 287.134(2)(a), and 287.137(2)(a), F.S. For purposes of this Contract, a person or affiliate who is on the Convicted Vendor List, the Discriminatory Vendor List, or the Antitrust Violator Vendor List may not perform work as a contractor, supplier, subcontractor, or consultant under the Contract. The Contractor must notify the Department if it or any of its suppliers, subcontractors, or consultants have been placed on the Convicted Vendor List, the Discriminatory Vendor List, or the Antitrust Violator Vendor List during the term of the Contract.

In accordance with section 287.1351, F.S., a vendor placed on the Suspended Vendor List may not enter into or renew a contract to provide any goods or services to an agency after its placement on the Suspended Vendor List.

A firm or individual placed on the Suspended Vendor List pursuant to section 287.1351, F.S., the Convicted Vendor List pursuant to section 287.133, F.S., the Antitrust Violator Vendor List pursuant to section 287.137, F.S., or the Discriminatory Vendor List pursuant to section 287.134, F.S., is immediately disqualified from Contract eligibility.

5.6 Cooperation with Inspector General and Records Retention.

Pursuant to section 20.055(5), F.S., the Contractor understands and will comply with its duty to cooperate with the Inspector General in any investigation, audit, inspection, review, or hearing. Upon request of the Inspector General or any other authorized State official, the Contractor must provide any information the Inspector General deems relevant. Such information may include, but will not be limited to, the Contractor's business or financial records, documents, or files of any type or form that refer to or relate to the Contract. The Contractor will retain such records for the longer of five years after the expiration or termination of the Contract, or the period required by the General Records Schedules maintained by the Florida Department of State, at the Department of State's Records Management website. The Contractor agrees to reimburse the State of Florida for the reasonable costs of investigation incurred by the Inspector General or other authorized State of Florida official for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the State of Florida which results in the suspension or debarment of the Contractor. Such costs will include but will not be limited to: salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor agrees to impose the same obligations to cooperate with the Inspector General and retain records on any subcontractors used to provide goods or services under the Contract.

8.1.1 Termination of Contract.

The Department may terminate the Contract for refusal by the Contractor to comply with this section by not allowing access to all public records, as defined in Chapter 119, F.S., made or received by the Contractor in conjunction with the Contract unless the records are exempt from s. 24(a) of Art. I of the State Constitution and section 119.071(1), F.S.

8.1.2 Statutory Notice.

Pursuant to section 119.0701(2)(a), F.S., for contracts for services with a contractor acting on behalf of a public agency, as defined in section 119.011(2), F.S., the following applies:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE DEPARTMENT'S CUSTODIAN OF PUBLIC RECORDS AT PUBLICRECORDS@DMS.FL.GOV, (850) 487-1082 OR 4050 ESPLANADE WAY, SUITE 160, TALLAHASSEE, FLORIDA 32399-0950.

Pursuant to section 119.0701(2)(b), F.S., for contracts for services with a contractor acting on behalf of a public agency as defined in section 119.011(2), F.S., the Contractor shall:

(a) Keep and maintain public records required by the public agency to perform the service.

(b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law.

(c) Ensure that public records that are exempt or confidential and exempt from public records disclosure are not disclosed except as authorized by law for the duration of the Contract term and following the completion of the Contract if the Contractor does not transfer the records to the public agency.

(d) Upon completion of the Contract, transfer, at no cost, to the public agency all public records in possession of the Contractor or keep and maintain public records required by the public agency to perform the service. If the Contractor transfers all public records to the public agency upon completion of the Contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

12.1 Performance or Compliance Audits.

The Department may conduct or have conducted performance and/or compliance audits of the Contractor and subcontractors as determined by the Department. The Department may conduct an audit and review all the Contractor's and subcontractors' data and records that directly relate to the Contract. To the extent necessary to verify the Contractor's fees and claims for payment under the Contract, the Contractor's agreements or contracts with subcontractors, partners, or agents of the Contractor, pertaining to the Contract, may be inspected by the Department upon fifteen (15) calendar days' notice, during normal working hours and in accordance with the Contractor's facility access procedures where facility access is required. Release statements from its subcontractors, partners, or agents are not required for the Department or its designee to conduct compliance and performance audits on any of the Contractor's contracts relating to this Contract. The Inspector General, in accordance with section 5.6, the State of Florida's Chief Financial Officer, and the Office of the Auditor General shall also have authority to perform audits and inspections.

13.2 E-Verify.

The Contractor and its subcontractors have an obligation to utilize the U.S. Department of Homeland Security's (DHS) E-Verify system for all newly hired employees in accordance with section 448.095, F.S. By executing this Contract, the Contractor certifies that it is registered with, and uses, the E-Verify system for all newly hired employees in accordance with section 448.095, F.S. The Contractor must obtain an affidavit from its subcontractors in accordance with paragraph (2)(b) of section 448.095, F.S., and maintain a copy of such affidavit for the duration of the Contract. The Contractor shall provide a copy of its DHS Memorandum of Understanding (MOU) to the Department's Contract Manager within five days of Contract execution.

This section serves as notice to the Contractor regarding the requirements of section 448.095, F.S., specifically sub-paragraph (2)(c)1, and the Department's obligation to terminate the Contract if it has a good faith belief that the Contractor has knowingly violated section 448.09(1), F.S. If terminated for such reason, the Contractor will not be eligible for award of a public contract for at least one year after the date of such termination. The Department will promptly notify the Contractor and order the immediate termination of the contract between the Contractor and a subcontractor performing work on its behalf for this Contract should the Department have a good faith belief that the subcontractor has knowingly violated section 448.09(1), F.S.

- J. Special Contract Conditions additions: the following subsection is added to the Special Contract Conditions:

12.3 Document Inspection.

In accordance with section 216.1366, F.S., the Department or a state agency is authorized to inspect the: (a) financial records, papers, and documents of the Contractor that are directly related to the performance of the Contract or the expenditure of state funds; and (b) programmatic records, papers, and documents of the Contractor which the Department or state agency determines are necessary to monitor the performance of the Contract or to ensure that the terms of the Contract are being met. The Contractor shall provide such records, papers, and documents requested by the Department or a state agency within 10 Business Days after the request is made.

EXHIBIT “B”

(Florida Public Records Law)

119.0701 Contracts; public records; request for contractor records; civil action.

(1) DEFINITIONS. —For purposes of this section, the term:

(a) “Contractor” means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).

(b) “Public agency” means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law.

(2) CONTRACT REQUIREMENTS. —In addition to other contract requirements provided by law, each public agency contract for services entered into or amended on or after July 1, 2016, must include:

(a) The following statement, in substantially the following form, identifying the contact information of the public agency’s custodian of public records in at least 14-point boldfaced type:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address).

(b) A provision that requires the contractor to comply with public records laws, specifically to:

1. Keep and maintain public records required by the public agency to perform the service.
2. Upon request from the public agency’s custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
4. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency’s custodian of public records, in a format that is compatible with the information technology systems of the public agency.

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Historic Preservation Board Resource List

Date: October 25, 2022

Prepared By: Jennifer McMahon, Chief Operating Officer

Through: Alex Rey, City Manager

Summary of Issue: The Historic Preservation Board members are suggesting to the Commission that they would like to review more what is outlined in Sec. 22-211. Purpose; powers and duties of the Code of Ordinances. They are requesting that City staff present to the Board anything south of 32nd Ave that pertains to:

1. Jettys
2. Piers
3. City Parks and Signs
4. Dog Beach
5. Street Signs
6. Concession/Patio
7. Walkovers
8. Hex Block Sidewalks
9. Street/Alley Projects
10. Landscaping Projects
11. Street Light Poles and Fixtures

They are asking for direction from the Commission on the role the Historic Preservation Board holds in the City and what the Commission would like to be reviewed by the Board.

Funding: N/A

Requested Motion: I recommend the Historic Preservation Board reviews....

Attachments:

CITY COMMISSION MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Ordinance 2022-15: Parking Rates and Language Updates

Date: October 25, 2022

Prepared By: Michelle Gonzalez, Community Development Director

Through: Alex Rey, City Manager

Summary of Issue: We are proposing an increase in the hourly public parking rates by \$0.50 from \$3.25 to \$3.75 per hour. This increase is expected to generate approximately \$400,000 in additional general fund revenues. As a companion to this increase, the City would eliminate the fees associated with annual residential parking permits, a reduction in revenue of approximately \$65,000.

The additional revenues generated by this rate increase is planned to be used for enhanced beach public access, beach maintenance and related projects.

Appendix A also contained outdated language regarding the parking permit process, so the language was updated to better reflect the new process.

Funding: NA

Requested Motion: I move to adopt Ordinance 2022-15.

Attachments: Ordinance 2022-15

Ordinance 2022-15

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA
PROVIDING FOR AMENDMENTS TO APPENDIX A OF THE CODE OF
ORDINANCES; PROVIDING FOR CODIFICATION; CONFLICTS;
SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR;
CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of St. Pete Beach desires to provide funding for beach cleaning and improvement efforts.

WHEREAS, public parking is most commonly used by people visiting the many beaches in St. Pete Beach.

WHEREAS, raising the hourly cost of public parking by \$0.50 would increase available funds for beach related projects without substantially increasing the cost burden on those wishing to visit the City.

WHEREAS, the increased parking rate would allow the City to provide parking permits to residents and non-resident property owners at no cost so that they may use the public parking without paying a fee.

WHEREAS, the City has updated their parking permit system and the fee schedule now contains outdated language.

WHEREAS, the City Commission, after due consideration, has determined that amending the City's Code of Ordinance Appendix A – Fee Schedule with regards to Chapter 82 – Vehicles and Traffic is appropriate.

**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 Code of Ordinances Appendix A – Fee Schedule is amended as follows:

.....

Chapter 82. Traffic and Vehicles	
Parking decals and permits: <u>See this MAP for detailed zones</u>	
"B" General Resident Parking Permit – Annual – Resident or nonresident owning property within city	20.00 <u>No cost</u>
"B" Decal—City resident or nonresident owning property within city	

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

"2R-U" Upham Beach Resident Parking Permit – Annual Fixed – Resident or nonresident owning property in the Upham Beach zone. "2R-U" Decal—Resident or nonresident owning property within Gulfwinds Condominium, Friendly Native Condominium and Raymar Apartments and Starlight Towers Condominium and 70th Avenue	20.00 <u>No cost</u>
"2R-U" Upham Beach Transferrable Parking Permit – Annual – Resident or nonresident owning property in the Upham Beach zone. "2R-U" Hang Tag Permit—Resident or nonresident owning property within Gulfwinds Condominium, Friendly Native Condominium and Raymar Apartments and Starlight Towers Condominium and 70th Avenue	20.00
"3R-B" Belle Vista Resident Parking Permit – Annual Fixed – Resident or nonresident owning property in the Belle Vista zone 3R-B Decal—Resident or nonresident owning property within Belle Vista, Lido Beach, and Boca Ciega Isle	20.00 <u>No cost</u>
"3R-D" Don Cesar Resident Parking Permit – Annual Fixed – Resident or nonresident owning property in the Don Cesar zone 3R-D Decal—Controlled parking residential parking annual permit	20.00 <u>No cost</u>
"3R-D" Don Cesar Transferrable Parking Permit – Annual – Resident or nonresident owning property in the Don Cesar zone. 3R-D Hang Tag Permit—Controlled parking residential parking annual permit	20.00
"4R" Pass-A-Grille Resident Parking Permit – Annual Fixed – Resident or nonresident owning property in the Pass-A-Grille zone 4R Decal—Controlled parking residential parking annual permit	20.00 <u>No cost</u>
"4R" Pass-a-Grille Transferrable Parking Permit – Annual – Resident or nonresident owning property in the Pass-a-Grille zone. 4R Hang Tag Permit—Controlled parking residential parking annual permit	20.00
"4B" Decal <u>Employee Permit</u> —Employees of <u>For</u> businesses operated on premises only in Pass-a-Grille area and south of 31 st Avenue	25.00
"4B-H" Hang Tag <u>Transferrable Parking Permit</u> —Permits <u>For</u> registered temporary lodging businesses in Pass-a-Grille	50.00
4B-H—Lost permit replacement	100.00
Lost 2R-U, 3R-D, 4R hang tag transferrable permit (hangtag)	50.00
"4B-M" Hang Tag Permit—One-day permits for operators of commercial watersports businesses at Merry Pier, for resale at same price to legitimate customers	5.00 weekdays 10.00 weekends
"T" Decal <u>Resident Boat Trailer Permit</u> — <u>Annual Fixed – Resident or nonresident owning property for vehicles with attached boat trailer</u>	75.00
"C" Hangtag permit—Public and private contractors conducting work in the city	10.00

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

Parking meter rates for parking pay stations	3.25 <u>3.75</u> per hour
Parking meter rates County Park Beach Access parking pay stations	3.25 <u>3.75</u> per hour
Parking meter rates for boat ramp parking at Egan Park and Don Boat Ramp (<u>attached boat trailers only</u>)	15.00 <u>20.00</u> per day
Parking meter rates for designated holiday and holiday weekends	15.00 <u>20.00</u> per day
Daily parking permits:	
One-day residential permit—Must provide proof of owning or residing at an address fronting a city non-metered B permit only zone	3.00 one-day permit
Temporary one-day non-metered B permit—Must provide proof of owning or residing at an address fronting a city non-metered B permit only zone. Cannot be consecutive days	Up to 20 one-day permits \$3.00
Storage charge for impounded motor vehicle, per day	35.00
Annual lease of metered parking space	1,200

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. 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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

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.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

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

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

Alan Johnson, Mayor

I, Amber LaRowe, 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 _____, 2022.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

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

Issue Considered: Ordinance 2022-11: Redefining the City’s capital assets

Date: October 25, 2022

Prepared By: Vince Tenaglia, Assistant City Manager

Through: Alex Rey, City Manager

Summary of Issue: As of September 30, 2021, capital assets of the City of St Pete Beach totaled a net value of \$117,963,325. These assets include land, construction in progress, City facilities, improvements, vehicles, and equipment. The City’s current capitalization definition is outdated and inconsistent with best practices promulgated by the Government Finance Officers Association. It refers to “fixed” rather than “capital” assets with a “tangible” nature and a cost greater than \$2,500.

Capitalization policies which incorporate relatively lower thresholds (i.e., \$2,500) are often costly to maintain and operate, without improving management’s control over the organization’s assets. It is also not uncommon for assets to be intangible in nature (e.g., software systems). Staff is therefore requesting to redefine capital assets as those valued greater than \$5,000 and to recognize that assets may be intangible in nature.

Staff is requesting to implement this change retroactively, effective October 1, 2021, which will allow the FY 2022 year-end financial statements to reflect this change.

Requested Motion: “I move to approve Ordinance 2022-11.”

Attachment: Ordinance 2022-11

**Reviewed by the
City Manager:** _____

Ordinance 2022-11

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 1, SECTION 2-219 - FIXED ASSETS; PROVIDING FOR CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, preparation of the City's financial statements involves properly recording financial assets consistent with governmental accounting standards and best practices.

WHEREAS, the City Commission of the City of St. Pete Beach desires to update the definitions by which such assets are recorded.

WHEREAS, the City Commission finds this amendment, deletions, and additions to be in the best interest of the citizens of the City of St. Pete Beach

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. Code of Ordinances Chapter 2, Article III, Division 1 is amended as follows:

Sec. 2-219. Fixed Capital assets.

(a) General fixed capital assets are those ~~fixed~~ assets that have:

- ~~(1) A tangible nature;~~
- ~~(2) (1) A life longer than one fiscal year; and~~
- ~~(3) (2) A cost greater than \$2,500.00 \$5,000.00; and~~
- ~~(4) Any categories of property with a lesser value that are determined by the city manager to require inventorying for proper control purposes.~~

(b) Fixed Capital assets shall be classified according to the state uniform accounting system.

(c) The city manager shall make or cause to be made an annual inventory of the fixed capital assets of the city. The inventory will normally be completed not later than the end of the fiscal year.

(d) Depreciation will not be recorded as an expense but will be utilized in financial planning for projecting replacement requirements.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. 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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

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 retroactively October 1, 2021.

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLIC HEARING: _____

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

Alan Johnson, Mayor

I, Amber LaRowe, 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 _____, 2022.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

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

Issue Considered: Ordinance 2022-12: Updating the City's asset disposal requirements

Date: October 25, 2022

Prepared By: Vince Tenaglia, Assistant City Manager

Through: Alex Rey, Assistant City Manager

Summary of Issue: If the City's capitalization threshold is updated as proposed via Ordinance 2022-11, the disposal of surplus City property should also be updated for consistency purposes. Current language requires City Commission authorization to dispose City property with a current value greater than \$1,000 and further specifies that the proceeds from the sale of such property shall be recorded in either the General Fund or Wastewater Fund. Staff is proposing to update the threshold to \$5,000 and clarify that the proceeds from any asset sale will be reported in the appropriate applicable fund.

Requested Motion: "I move to approve Ordinance 2022-12."

Attachment: Ordinance 2022-12

**Reviewed by the
City Manager:**

Ordinance 2022-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 1, SECTION 2-186 - DISPOSAL OF SURPLUS CITY PROPERTY; PROVIDING FOR CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City's financial assets are safeguarded by a system of internal controls designed to provide reasonable assurance against loss from unauthorized use or disposition.

WHEREAS, the City Commission of the City of St. Pete Beach desires to update the definitions by which such internal controls are promulgated.

WHEREAS, the City Commission finds this amendment, deletions, and additions to be in the best interest of the citizens of the City of St Pete Beach.

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. Code of Ordinances Chapter 2, Article III, Division 1 is amended as follows:

Sec. 2-186. Disposal of surplus city property.

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

Personal property includes every species of property except real property with a ~~current~~ net book value greater than ~~\$1,000.00~~ \$5,000.00 ~~or any property with a fixed asset tag.~~

Surplus personal property means personal property which the city commission, by resolution, has determined to be personal property which is no longer needed by the city and which may be disposed of by sale to the public at large.

- (b) If the city owns personal property which is in no longer useful to the city or which is burdensome to the city, the city commission may adopt a resolution setting forth that the property is no longer useful or is burdensome and authorizing the sale of it to the public at large.
- (c) The city manager may sell the property only upon such terms and conditions as are approved by the city commission and as are set forth in a duly adopted resolution.

- (d) All revenue received from the sale of surplus property shall be ~~paid into~~ recorded in the general applicable underlying fund., ~~except revenue received from the sale of surplus property connected with the sewer system. Revenue received from the sale of surplus property connected with the sewer system shall be paid into the sewer revenue fund.~~

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. 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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

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: _____

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

 Alan Johnson, Mayor

I, Amber LaRowe, 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 _____, 2022.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney