



COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Wednesday, September 14, 2011

6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

- 1. Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
- 2. Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
 - a. Stormwater NPDES Permit Changes**
- 3. Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.
- 4. Consent**
 - a. Approval of Minutes for the City Commission Budget Workshops held August 2, August 3 and August 4, 2011; approval of the Minutes for the City Commission Regular Meeting held August 9, 2011; approval of Minutes for the City Commission Workshop and Regular Meeting held August 23, 2011.**

- b. Authorization for the City Manager to enter into a memorandum of understanding agreement with the Pinellas County Sheriff's Office for FY12 police records management and police report services.**
- c. Authorization for the Mayor, City Manager and Police Chief to enter into a memorandum of understanding agreement with the Pinellas County Sheriff's Office Child Protection Investigations Division (CPID). The agreement provides for inter-agency cooperation, collaboration and sharing of appropriate information involving allegations of child abuse or neglect and recognizes operations protocols for joint investigations of abuse reports involving both criminal and dependency allegations.**
- d. Authorization for the City Manager to enter into an agreement with the Pinellas County Sheriff's Office for FY12 forensic crime scene and latent print processing, property and evidence storage in the amount of \$24,793.08**

5. Action Items

- a. Authorize the City Manager to close the 300 block of Corey Avenue on Sundays for the Corey Fresh Market in St Pete Beach.**

6. Ordinances

- a. Ordinance 2010-18, First Reading and Public Hearing establishing Division 40 and amending Divisions 23 and 26 of the Land Development Code to provide development standards for the Community Redevelopment District 8th Avenue and amending the Official Zoning Map of the City to assign the Community Redevelopment District-Eighth Avenue zoning to the subject property.**
- b. Ordinance 2011-23 First Reading and Public Hearing: An Ordinance of the City of St. Pete Beach, Florida adopting a final millage rate for the fiscal year ending September 30, 2012 and providing for an effective date.**
- c. Ordinance 2011-24, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida; adopting a budget for the fiscal year ending September 30, 2012; providing appropriations, providing for an effective date.**

- d. **Ordinance 2011-25, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for an amendment of section 2-254 (b) (8), of the appendix: a fee schedule of the code of ordinances as set forth in attachment A to this ordinance; pertaining to charges for off-duty police officers; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict therewith, to the extent of such conflict, and providing for an effective date.**
 - e. **Ordinance 2011-26, First Reading and Public Hearing, providing for the amendment of Sections 82-202(a)(1), 82-202(a)(2), 82-203(b)(1), 82-205 and 82-260 of the Appendix A Fee Schedule of the Code of Ordinances as set forth in Attachment A increasing the fees pertaining to parking pay station and metered parking decals and permits.**
 - f. **Ordinance 2011-27, First Reading and Public Hearing, amending Chapter 82, Article III, Division 2, Section 82-171 pertaining to an increase in fines for parking violations.**
 - g. **Ordinance No. 2011-28, First Reading and Public Hearing, amending Section 38.7 of the City of St. Pete Beach City Code Entitled "Elections Date of Commissioners," and Providing an Effective Date.**
 - h. **Ordinance 2011-29, First Reading and Public Hearing, adopting new City ordinances, modifying and repealing existing City ordinances so as to comply with Florida Chapter 2011-109 clarifying that no provisions of City code be inconsistent with Florida Statutes section 790.33 including revisions thereto as contemplated by Florida Chapter 2011-109.**
 - i. **Ordinance 2011-30, First Reading and Public Hearing, approving a Contingent Mediation Settlement Agreement between Walter Sowa v. The City of St. Pete Beach, Florida**
- 7. **Resolutions**
 - a. **Resolution 2011-16, adopting the updated Pinellas County Local Mitigation Strategy (LMS) plan.**
 - 8. **Items for Discussion – none on this agenda.**
 - 9. **City Manager, City Attorney and City Commission Reports**

10. Adjournment

APPEALS

If a person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on the Friday preceding the meeting. In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services at (727) 363-9243 no later than four (4) days prior to the proceeding for assistance.

St. Pete Beach City Commission
Agenda Report

Issue Considered: Stormwater NPDES Permit Changes

Date: 09/14/2011

Prepared By: Renee Cooper, CIP Construction Manager

Through: Steven J. Hallock, Public Services Director

Summary of Issue: During this cycle year, FDEP has issued new and enhanced requirements for our stormwater NPDES Permit. The permit requirements following mandates set forth by the EPA. Public Education is a requirement of the NPDES Permit. By informing the Commission and residents of new requirements and changes to the permit, we fulfill a Public Education requirement and also provide valuable information about increasing demands of NPDES permitting.

Reviewed by
City Manager:

MB

**ST. PETE BEACH
CITY COMMISSION WORKSHOP**

**August 2, 2011
5:00 pm**

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

**Commissioner Al Halpern
Commissioner Jim Parent
Commissioner Marvin Shavlan
Vice Mayor Beverly Garnett
Mayor Steve McFarlin**

ALSO PRESENT

**City Manager Mike Bonfield
Public Services Director Steve Hallock
Finance Director Elaine Edmunds
Fire Chief Dan Graves
City Clerk Rebecca C. Haynes**

1. Items for Discussion

a. Non-Programmed Capital Improvement Plan

City Manager Bonfield explained that non-programmed capital improvements are moderate to large scale projects that are not currently included in the budget. He requested the Commissioners review and discuss the list to determine the priority of the projects.

The projects discussed are:

Fire Stations 22 & 23, refurbish or rebuild

Municipal marina and grant application

Blind Pass Road re-construction including sidewalk, lighting, utilities and crosswalks

Corey Avenue streetscape from Boca Ciega to Gulf Boulevard and Gulf Boulevard to Sunset Way

Egan Park additions/improvements

Hurley Park Ball Fields

Pass-a-Grille Way Street re-construction

Pass-a-Grille pilings/concrete removal

Solar Pool heating

Warren Webster improvements

Lido Park exercise equipment

Tree trimming/maintenance, particularly Washingtonia Trees in Pass-A Grille

The Commissioners also discussed a new gym and roof replacement at the recreation center, Warren Webster improvements, a beachfront boardwalk in the hotel district, a police patrol boat and utilizing a room at the Recreation Center for a marina office/small boat store (if the marina is built).

There being no further business to come before the Commission, the workshop was adjourned at 7:21 pm.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes Approved on: _____

**ST. PETE BEACH
CITY COMMISSION WORKSHOP**

**August 3, 2011
5:00 pm**

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

**Commissioner Al Halpern
Commissioner Jim Parent
Commissioner Marvin Shavlan
Vice Mayor Beverly Garnett
Mayor Steve McFarlin**

ALSO PRESENT

**City Manager Mike Bonfield
Finance Director Elaine Edmunds
Police Chief David Romine
Fire Chief Dan Graves
Library Administrator Phyllis Ruscella
I.T. Director Donald Burkhardt
City Clerk Rebecca C. Haynes**

1. Items for Discussion

a. Fiscal Year 2012 Budget Review

City Manager Mike Bonfield briefly explained the 2011-2012 Fiscal Year Budget process. He noted that an adjustment in the millage rate is not needed.

There was a brief discussion on construction of a new fire station, combining the two current stations into one station, staffing levels and impact on the residents.

City Manager Bonfield noted that the City is operating on approximately 22% less than it was in 2007. The millage was not adjusted in 2008, 2009 or 2010.

City Manager Bonfield explained that ad valorem taxes have decreased, utility tax has shown a slight increase and business tax receipts have run fairly

constant. Building permits for 2011 show a moderate increase over 2009 but overall permits and licenses have remained stable. State Revenue Sharing has leveled out, Pinellas County Cooperative continues to decrease, and parking fee revenue totals \$952,000.

The Commission discussed parking fee rates.

It was agreed that the new rates will be \$125 for non-resident annual decal, \$25 for resident employee annual decal, \$1.50 hourly metered, and a daily rate of \$12.00 for metered, effective October 1, 2011. Coin meters are currently at \$1.00.

City Manager Bonfield will research surrounding communities for their parking ticket rates and report back to the Commission.

Recreation fees and revenues are level, court fines are down and rental properties are running consistent.

Wrapping up the revenue portion of the budget, Mr. Bonfield noted the City is operating on approximately \$1 million less than it was six years ago.

The Police Department budget reflects no personnel changes, an increase in pension and insurance costs and a one-time expense for the new records management system plus on-going annual maintenance. Mr. Bonfield noted there were no significant changes in travel and training, utilities, equipment rental and insurance. He noted the bond payment for the station will be paid off in 2013.

Mr. Bonfield stated he will research dispatch services at the Gulfport Police Department and report back to the Commission.

City Manager Bonfield detailed the Fire Department budget which is split into two (2) areas, one is fire suppression and the other is EMS. There is no increase in personnel but pension costs and uniform allowance costs have risen.

Mr. Bonfield reported that there are no significant changes in the Library budget. He noted that the electricity charges should decrease due to the installation of the thermostat control units.

Information Technology budget does not contain changes in personnel and City Manager Bonfield remarked that all maintenance contracts, with the exception of the Library, are budgeted through this department.

Mr. Bonfield commented on the elimination of the lobbyist and the addition of the "Safe Harbor" donation in the City Commission budget.

The City Clerk budget shows no substantial change and eliminates the contract position originally requested to update the backlog of minute preparation.

The City Attorney budget reflects an increase of \$25,000 in labor costs.

Mr. Bonfield stated the only notable change in the City Manager budget is the part-time status of the Human Resources Administrator.

Tuition reimbursement, unemployment rates and charity funds were discussed.

Mr. Bonfield noted that the only significant change in the Community Development Department is the removal of the professional/contractual expense in the Planning Division.

In the Finance Department budget, the City Manager reported no changes in personnel and an increase of \$15,000 in the professional/contractual to cover work associated with bidding out the City's property and liability insurance.

The Parking Enforcement budget contains fixed costs based on parking meters and pay stations. Ms. Edmunds reported that the City will be purchasing an extended maintenance agreement for the meter/pay stations in the near future. There will be eighty (80) new pay stations installed.

There being no further business to come before the workshop, the meeting was adjourned at 7:53 pm.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: _____

**ST. PETE BEACH
CITY COMMISSION WORKSHOP**

**August 4, 2011
5:00 pm**

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

**Commissioner Al Halpern
Commissioner Jim Parent
Commissioner Marvin Shavlan
Vice Mayor Beverly Garnett
Mayor Steve McFarlin**

ALSO PRESENT

**City Manager Mike Bonfield
Finance Director Elaine Edmunds
Public Services Director Steve Hallock
City Clerk Rebecca C. Haynes**

Mayor McFarlin expressed his appreciation to the Finance & Budget Committee for the great job they did on the budget.

ITEMS FOR DISCUSSION

City Manager Bonfield noted the Public Services Department budget will be reviewed in its entirety at this session.

He noted the Administration Division consists of three employees split between the General Fund, the Sewer Fund and the Reclaimed Water Fund. Overall personnel levels remain the same. Mr. Bonfield reported the Pinellas Sun Transit Authority (PSTA) is budgeted at \$420,000 which is a slight increase over last year. He noted that \$30,000 is allotted for fireworks, which was reduced to \$21,000.

City Manager Bonfield noted that the Building Maintenance Division consists of one (1) full time person and four (4) part time employees and reflects an increase of \$25,000 in professional/contractual for various maintenance items.

The Streets Division consists of three (3) contracts: traffic signal maintenance with the county, holiday decorations and street sweeping. Mr. Bonfield stated that monies from the maintenance fund are directed to the road resurfacing in the Capital Improvement Projects.

Mr. Bonfield noted the Parks Department currently has one vacancy to fill. An additional \$25,000 is added for various projects that arise throughout the year. Public Services Director Hallock stated that telephone costs have increased based on the additional service through Irrigation Maintenance Management System (IMMS). The system remotely manages the park irrigation system and automatically calls the department to notify staff of leaks or any other problem.

City Manager Bonfield stated that the Recreation Department personnel will remain the same. After discussion, it was agreed to increase wages by \$6-7,000 and offset the expense by increasing the revenue budget by the corresponding amount (revenue from facility rental). Mr. Bonfield reported that the St. Pete Beach Classic revenues offset the expenditures. He noted the bus leasing is used primarily for senior citizen trips and revenue is garnered from the excursions.

Finance Director Elaine Edmunds presented the items on hold from the General Fund as follows:

Tuition Reimbursement Plan	\$ 5,000
Comprehensive Plan Implementation	\$ 50,000
Corey Avenue Street Improvement Project	\$300,000
Permitting for Marina	\$ 50,000
Pass-a-Grille Way Engineering	\$ 50,000
Washingtonian Trimming	\$ 27,000
Lido Park Exercise Equipment	\$ 10,000

It was agreed to put \$70,000 into reserves. It is estimated that increases in the parking meter rates will generate about \$140,000. Parking tickets will be increased to \$30.00 per ticket.

Finance Director Edmunds estimates the City will be at approximately 24% in reserves at the end of this year.

City Manager Bonfield noted there are no personnel changes in the Waste Water Fund. Public Services Director Hallock stated there is no increase to customers

this year but staff will review the rate structure next year for any changes. Increased rates will gradually be passed to customers as costs increase.

Mr. Bonfield discussed the 14% rate increase associated with Reclaimed Water that takes effect October 1, 2011. Mr. Hallock noted the \$124,000 budgeted to the General Fund for administrative fees.

City Manager Bonfield stated we continue to work off the fixed assessment from last year and may be getting the rest of it in this year; if we do, the adjustment will be in this budget to incorporate the variable component.

Ms. Edmunds updated the Commission on pay station statistics noting that the City is charged \$.23 per transaction on credit card charges and there were 23,485 VISA and Master Card transactions in the month of June.

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 7:20 p.m.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: _____

**CITY COMMISSION MEETING
MINUTES**

**Tuesday, August 9, 2011
2:00 p.m.**

CALL TO ORDER

**PLEDGE OF ALLEGIANCE
INVOCATION**

ROLL CALL

PRESENT:

Vice Mayor Garnett
Commissioner Halpern
Commissioner Shavlan
Commissioner Parent

ABSENT:

Mayor McFarlin

ALSO PRESENT:

City Manager Mike Bonfield
City Clerk Rebecca Haynes
City Attorney Susan Churuti

1. **Changes to the Agenda**
There were no changes to the agenda.
2. **Presentations**
 - a. **Support Our Troops - Terri Finnerty**

Ms. Terri Finnerty spoke on behalf of "Support Our Troops" reporting that the non-profit group distributed 247 boxes to our troops overseas with the assistance of eleven volunteers. She thanked the individuals and businesses who contributed and encouraged others to join the group and help the men and women who serve our country. Ms. Finnerty read correspondence received from Chaplain Sean Mulholland and showed photos of our troops.

79th Ave Street End Park project close out.

City Manager Bonfield reported that some platted roads were never paved and the street ends eventually were converted into small parks or neighborhood parking lots. Mr. Bonfield introduced John Kretzer, Public Properties Crew Chief, who reported that

staff renovated the property at the east end of 78th Avenue immediately off Boca Ciega Drive at a cost of \$12,000 versus \$25,000 to hire an outside firm.

3. Audience Comments

Maria Urban, St. Pete Beach, commented on the petitions she previously submitted re: city attorney expenses and requested an audit be conducted.

Ann Still, 81st Avenue, spoke about "Support Our Troops" and her displeasure that they were removed from the City of St. Pete Beach's website.

Bill Howard, 85th Avenue, Chaplain of American Legion volunteers, commended the efforts of the "Support Our Troops" volunteers. Mr. Howard spoke about our military men and women and asked that the City continue their support by co-sponsoring them on the City's website.

Dr. Terri Finnerty, Blind Pass Road, noted how much the troops appreciate the care packages "Support Our Troops" sends to them. She requested Commissioners find a way to continue supporting them via public television and website access.

Debra Schechner, Boca Ciega Isles, stated that she has worked with the program for two years and encouraged the Commission to continue co-sponsoring "Support Our Troops."

City Attorney Susan Churuti noted her personal affiliation with and support of veterans. Ms. Churuti stated that elected officials are required to adhere to the Constitution when making decisions and must allow equal access by all groups with no regulation on content. Ms. Churuti noted the City of St. Pete Beach has a designated public forum which may allow equal, non-regulated access, and is also guided by the cable contract.

The Commissioners requested adding "Save Our Troops" as a discussion item.

Debra Edny, St. Pete Beach, requested the Commissioners make an exception and allow "Support Our Troops" to advertise on the City's website and public television.

Rosemary Manning, 1st Avenue, addressed audience members and requested they speak at the podium rather than shout from their seats.

Maureen Card, Blind Pass Road, requested information on why the sponsorship issue is being raised.

City Manager Bonfield responded that donations are still accepted at City Hall, and removal of the organization from the City website and public television is not politically motivated. Mr. Bonfield noted the City has an ordinance, passed by a previous Commission, that prohibits anything on the website or public television channel

that is not a City sponsored event or organization. He noted that he was not asked by any Commissioner to request an opinion from Ms. Churuti.

Rick Falkenstein, St. Pete Beach, thanked City workers for saving money by improving the park space rather than hiring an outside company.

4. [Consent](#)

- a. Approval of the July 26, 2011 Minutes of the City Commission Workshop and the July 26, 2011 Minutes of the City Commission Regular Meeting
- b. Request from the Pinellas Public Library Cooperative to approve a change to the funding formula to reallocate capital funds to operating expenses in the amount of \$420,000 on a one-time basis for the 11/12 fiscal year, conditioned on maintaining a balance of at least \$500,000 in the capital reserve fund.
- c. Authorize the City Manager to enter into Amendment 2 of the Inter-local Agreement with Pinellas County for maintenance of traffic control signal and devices.
- d. Authorize the City Manager to allow access to Upham Beach for the Upham Beach Stabilization Project as outlined in the FDEP/ACOE Joint Coastal Permit application.
- e. Authorize the City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the 2012 Suntan Art Center/City of St Pete Beach 100 Artists Shows.
- f. Authorize the City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the 2012 October Friday Nights Concert in the Park Series.
- g. Authorize the Mayor and City Manager to enter into ALS First Responder Agreement Extension with Pinellas County

Commissioner Parent moved to approve the Consent Items. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. [Action Items](#)

- a. [Approval of proposed change to the PSTA Route 35.](#)

City Manager Bonfield informed Commissioners about the revised motion. He then introduced Ms. Denise Skinner, PSTA Transportation Director, who highlighted the changes in the transportation routes.

Denise Skinner, Transportation Director, reviewed the proposed service modifications to the Suncoast Beach Trolley based upon a grant the County received. Ms. Skinner explained the Suncoast Beach Trolley would start at the Park Street terminal and terminate at Gulf Boulevard and 75th Avenue, and Route 35 would provide service south to Pass-A-Grille.

Discussion was held about ridership and service levels, tourist and worker transfers, advertisement opportunities and the style of trolleys.

Rosemary Manning, 1st Avenue, asked if the trolley service will extend to 1st Avenue or to the ball field, and discussed the shelters.

Jeff Danner, St. Petersburg City Council Member and PSTA Board Member, commented on the potential increase in the social/cultural exchange between the two cities sharing museums, art centers, beaches and restaurants.

Rick Falkenstein, St. Pete Beach, requested the trolley service remain the same for the benefit of tourists.

Debra Schechner, Boca Ciega Isle, commented on bringing vacationers directly to St. Pete Beach from the airport.

Commissioner Halpern moved to approve Item 5(a) and authorize the City Manager to enter into an agreement with PSTA to modify Suncoast Beach Trolley to incorporate Route 35. Commissioner Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

b. [Authorize the City Manager to enter into a purchasing agreement with Eveland Bros., Inc., for \\$83,796.68 for Horan Park Improvements.](#)

City Manager Bonfield requested Commissioners discuss Items (b) and (c) as one item as they both relate to Horan Park; however, each contract would need a separate motion if approved.

Mr. Bonfield stated that improvements include a walking path, patio, new lighting and electrical outlets.

Renee Cooper, CIP Construction Manager, reviewed the bid results and the cost savings realized from value engineering.

Commissioner Parent moved to approve Item 5(b) and authorize the City Manager to enter into a purchasing agreement with Eveland Bros., Inc., for \$83,796.68 for Horan Park Improvements. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

- c. [Authorize the City Manager to enter into a purchasing agreement with L&S Curb Service for \\$20,154.20 for Horan Park Improvements.](#)

Commissioner Halpern moved to approve Item 5(c) and authorize the City Manager to enter into a purchasing agreement with L&S Curb Service for \$20,154.20 for Horan Park Improvements. Commissioner Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. [Ordinances](#)

- a. [Ordinance 2011-22, First Reading and Public Hearing, Revision of Article II, Emergency Management.](#)

City Manager Bonfield reported that Fire Chief Dan Graves updated the comprehensive emergency management plan which necessitated revising a portion of the emergency ordinance. The emergency plan was created from the ordinance changes and will be presented at the next meeting along with the final reading of the proposed ordinance.

Commissioner Parent requested the changes for the next meeting.

There were no comments from the audience.

Commissioner Parent moved to approve Item 6(a), Ordinance 2011-22, First Reading and Public Hearing, Revision of Article II, Emergency Management. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. [Resolutions](#)

- a. [Resolution 2011-15, of the City of St. Pete Beach, Pinellas County, Florida authorizing the City Manager to apply for Boating Infrastructure Grant Funds administered by the Florida Fish and Wildlife Conservation Commission through the U.S. Fish and Wildlife Service for the costs associated with the design and construction of transient boat docks and related amenities adjacent to the St. Pete Beach Community Center and Colonel Horan Park.](#)

City Manager Bonfield explained this project was reviewed at the Budget Workshops. The grant funding available is available through the Boating Infrastructure Grant Funds and will be used for one transient dock/boat slip and related amenities.

Commissioner Shavlan moved to approve Item 7(a), Resolution 2011-15, of the City of St. Pete Beach, Pinellas County, Florida authorizing the City Manager to apply for Boating Infrastructure Grant Funds administered by the Florida Fish and Wildlife Conservation Commission through the U.S. Fish and Wildlife Service for the costs associated with the design and construction of transient boat docks and related amenities adjacent to the St. Pete Beach Community Center and Colonel Horan Park. Commissioner Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

8. [Items for Discussion](#)

- a. Discussion of "Support Our Troops"

City Attorney Churuti reviewed sections of the City Code that regulate advertising on the City's website or cable television station.

The City Manager was requested to provide clarification guidelines on sponsoring or co-sponsoring outside organizations and events. City Manager Bonfield responded that he would poll surrounding communities for their policies and provide a summary to the Commissioners.

9. [City Manager, City Attorney and City Commission Reports](#)

City Manager Bonfield reported that the Planning Board will meet August 16 at 4:00 p.m. to address the Land Development Code. He received official notice that construction of the new Bayway Bridge is approved. Bids will be sent out in October, award of bid is scheduled for November and the anticipated construction start date is January 2012. Mr. Bonfield noted registration is open at the Recreation Department for the after school program and Friday, August 12 is the last Dive-In Movie of the season. Agenda items for the next Commission meeting include the City's website status, introduction of an ordinance re: land use and zoning, approval of the comprehensive emergency management plan, adoption of the emergency management plan ordinance,

the Special Magistrate service, a storm water permit and a bid award.

City Attorney Churuti provided an update on the Anderson case.

Commissioner Shavlan reported the residents of Maritana have concerns regarding the Bayway Bridge construction.

Commissioner Parent commented on the Bayway Bridge official construction notice, thanked Ms. Churuti for her work on the appeal package, noted the "100 Artists Show" at Horan Park and reported that he will attend the upcoming Florida League of Cities Annual Conference.

Commissioner Halpern thanked the City Public Services crew for their work on the 79th Avenue Street End Park project and informed the Commissioners the speed hump is installed at Captiva Circle.

Vice Mayor Garnett requested mulch be added along the Bayway road, noted the "100 Artists Show" sponsored by the Suntan Art Center and reminded everyone to support their local merchants. Vice Mayor Garnett commented on her hearing in Tallahassee before the State of Florida Ethics Commission regarding the filings against her by Mr. Harry Metz.

00201[Adjournment](#)

There being no further business to come before the Commission, the meeting was adjourned at 8:57 p.m.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on

**CITY COMMISSION
WORKSHOP MEETING**

**AUGUST 23, 2011
5:00 PM**

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Present:

**Commissioner Al Halpern
Commissioner Jim Parent
Commissioner Marvin Shavlan
Vice Mayor Beverly Garnett
Mayor Steve McFarlin**

Also Present:

**City Manager Mike Bonfield
City Attorney Mike Davis
City Clerk Rebecca C. Haynes**

City Attorney Mike Davis addressed the Commission regarding Public Records, Sunshine Law and Ethics Training.

Mr. Davis reviewed the requirements of and exemptions to Florida's open government laws that cover public records and open meetings.

He noted that a public record is any record regardless of form that is intended to memorialize, perpetuate or communicate information. The public records law provides that any records made or received by any public agency in the course of official business are available for inspection, unless specifically exempted by the Florida Legislature. A hand-written note is exempt when used by the writer for recall purposes only and retained for a limited amount of time.

The State of Florida Division of Library and Information Services maintains a disposition schedule for municipal use in determining a records management system.

City Attorney Davis recommended routing records and communication relating to city business through the Office of the City Clerk. He also recommended using caution when accessing social network sites such as Facebook or Twitter. He advised against discussing issues that may come before them as a decision-making body. Mr. Davis also noted that a commissioner may send an e-mail to other commissioners but any commissioner receiving the e-mail cannot respond.

Mr. Davis distributed a packet written by a former City of Dunedin attorney regarding ethical behavior in public office and covers acceptance of gifts, disclosure of information, nepotism, bribes, interaction with lobbyists, etc. He stated that additional information is contained on the State of Florida website under the Commission on Ethics and the Office of the Attorney General Divisions.

City Attorney Davis stated that Commissioners are permitted to speak with candidates running for office until the candidate is elected.

There being no further business to come before the workshop, the meeting was adjourned at 5:39 pm.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

AUGUST 23, 2011

6:00 PM

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Present:

Commissioner Al Halpern
Commissioner Jim Parent
Commissioner Marvin Shavlan
Vice Mayor Beverly Garnett
Mayor Steve McFarlin

Also Present:

City Manager Mike Bonfield
City Attorney Mike Davis
IT Director Don Burkhardt
Fire Chief Dan Graves
Community Development Director Karl Holley
City Clerk Rebecca C. Haynes

1. Changes to Agenda

Mayor McFarlin requested to add the discussion of a petition submitted at a previous meeting demanding an audit of the City's legal expenses. The item was added as **Item 8(c) Items for Discussion**.

2. Presentations

a. Beach Goes Pops

Mr. Jay Anderson reviewed the "Beach Goes Pops" events and the distribution of proceeds to community organizations. The next event is scheduled for April 20 and 21, 2012.

b. Website – Digital Eel

City Manager Mike Bonfield introduced Steve Schwalb of Digital Eel who presented a status report on the new website. Mr. Schwalb and IT Director Don Burkhart demonstrated how to access information including a new feature entitled, “Photo of the Month.” Digital photos can be submitted to pictures@stpetebeach.org for possible display on the site.

3. Audience Comments

Maria Urban, 6439 2nd Palm Point, addressed the City’s legal expenses.

Tom DeYampert, 510 78th Avenue, spoke about alleys and code enforcement.

Deborah Schechner, 710 Boca Ciega Isle Drive, suggested listing all community events on the City’s website and encouraged everyone to display their flags during the 10th anniversary of 9-11.

4. Consent Agenda

- a. Approval of the VW Classic Car Show Special Event on September 4, 2011

City Manager Bonfield advised the Commission that this event will take place on 9th Avenue in Pass-A-Grille.

A representative of the car show addressed the Commission and gave a brief description of the event which will run from 8:00 a.m. to 3:00 p.m. She encouraged Volkswagen owners to attend and exhibit their vehicles.

Commissioner Parent made a motion to approve the Consent Agenda as written. The motion was seconded by Commissioner Shavlan and unanimously approved by roll call vote.

5. Action items

- a. Approval of Comprehensive Emergency Management Plan (CEMP)

City Manager Bonfield asked Fire Chief Graves to give a brief overview of the changes that have been made from the City’s previous plan.

Chief Graves provided the Commission with the amended CEMP and outlined some of the changes that have been made to the Plan which, according to FEMA rules, require Commission approval.

Vice Mayor Garnett made a motion to approve the Comprehensive Emergency Management Plan. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

b. Approval of release of Shade Meeting Transcripts

City Attorney Mike Davis advised the Commission that he received a public records request for transcripts of Shade Meetings regarding litigation. The transcripts have not been released because the cases have not been settled and the records may remain confidential unless a waiver is signed by all involved parties.

It was the consensus of the Commission that the transcripts not be released at this time.

6. Ordinances

a. Ordinance 2011-22, Final Reading and Public Hearing, Revision of Article II, Emergency Management

Commissioner Halpern made a motion to approve Ordinance 2011-22; an ordinance of the City of St. Pete Beach, Florida, amending Article II of Chapter 34 of the City of St. Pete Beach City Code entitled “Emergency Management” and providing an effective date. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

b. Ordinance 2010-35, Final Reading and Public Hearing providing for amendment of the Future Land Use Map of the St. Pete Beach Comprehensive Plan for property located at 113 11th Avenue.

City Manager Bonfield reminded the Commission that this matter was first heard on May 10, 2011 and he summarized the public hearing and discussions among Mr. Caruso, community members and their respective attorneys.

City Attorney Davis stated that Commissioners are required to disclose any ex-parte communication since the last hearing.

Vice Mayor Garnett stated that she spoke with several of the neighbors in the community, Mary Fernandez, Ron Holehouse, Tiffany, owners of the Keystone, the Herman’s and Jay Anderson.

Commissioner Shavlan noted that he spoke with Mary Fernandez and Community Development Director Karl Holley. He drafted and distributed correspondence regarding possible solutions for both parties involved.

Commissioner Parent reported that he spoke with staff members.

Commissioner Halpern noted that he spoke with staff members and Planning Board Member Will Jacoby.

Mayor McFarlin spoke with City Manager Bonfield and received the noted correspondence from Commissioner Shavlan.

Commissioner Halpern made a motion to approve Ordinance 2010-35, an ordinance of the City of St. Pete Beach, Florida providing for amendment of the Comprehensive Plan of the City by amending the Future Land Use Plan map incorporated therein; providing for amendment of the Future Land Use Plan map designations of property generally located at 113 11th Avenue and more specifically described in Exhibit "A" attached hereto and incorporated herein; providing for a change in the designation of said parcels from residential low medium to residential high with the resort facilities overlay on the City's Future Land Use Plan map; providing for the repeal of ordinances, or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date. The motion was seconded by Commissioner Parent.

Mayor McFarlin called for Commissioner comments.

Commissioner Parent inquired about setback requirements and applauded Commissioner Shavlan for trying to negotiate a compromise on this issue.

After discussion Mayor McFarlin asked the City Clerk to call roll.

The motion was *denied* by a vote of 2 to 3. Commissioner Shavlan, Vice Mayor Garnett and Mayor McFarlin voted nay.

- c. Ordinance 2010-34, First Reading and Public Hearing providing for amendment of the Official Zoning Map or the St. Pete Beach Land Development Code for property located at 113 11th Avenue. This is a quasi-judicial hearing.

Vice Mayor Garnett made a motion to approve Ordinance 2010-34, an ordinance of the City of St. Pete Beach, Florida providing for amendment of the Land Development Regulations of the City by amending the official zoning map incorporated therein; providing for amendment of the zoning designation of property generally located at 113 11th Avenue and more specifically described in Exhibit "A" attached hereto and incorporated herein; providing for a change in the designation of said parcel from residential low medium 2 to Traditional Hotel District on the City's official zoning map; providing for the repeal of ordinances or parts of ordinances

in conflict herewith to the extent of such conflict; providing for severability and providing for an effective date. The motion was seconded by Commissioner Parent.

Hearing no Commission discussion, Mayor McFarlin asked the City Clerk for roll call.

The motion was *denied* by a 1 to 4 vote. Commissioner Parent, Commissioner Shavlan, Vice Mayor Garnett and Mayor McFarlin voted nay.

Mr. Jackson Bowman, Brigham & Moore, 300 West Platt Street, Tampa, requested that the record include a copy of the proposed agreement previously distributed by Commissioner Shavlan.

City Attorney Davis stated that the correspondence will be made a part of the record and stated the document will be maintained in the Office of the City Clerk.

7. Resolutions

There are none for this agenda.

8. Items for Discussion

- a. Six-month review of performance of Special Magistrate

City Manager Bonfield noted that the Commission requested a six-month review of the Special Magistrate position.

After discussion, the Commission requested City Manager Bonfield advertise the position prior to expiration of the current contract and interview interested candidates, including Mr. Elias should he be interested in continuing with the City.

- b. City Logo

After discussion by the Commission, all agreed that the logo should be changed once the new website was finalized and a decision was made on how the City was going to be marketed.

- c. Petition requesting the hiring of an outside law firm to audit the current legal bills.

After discussion, it was agreed that there will be no action taken to hire an agency to conduct an audit on current legal expenses.

9. Reports

City Manager Bonfield reported that FDOT will begin the Pedestrian Improvement Project on August 29 that will include installation of pedestrian refuge islands along Gulf Boulevard between Pinellas Bayway and Blind Pass Road.

Mr. Bonfield requested to schedule a workshop to discuss the Corey Avenue couplet and streetscape. It is tentatively set for Tuesday, September 20 at 4:00 p.m. in the Commission Chambers.

City Manager Bonfield reported upcoming Recreation Center events include the "Tween Party" on September 2nd, Family Movie in the Park on September 9th and the Community Center Yard Sale on September 24th. The Friday Night Concert Series begins October 7 at 7:00 p.m. in Horan Park.

He reported that the Police Department is working with the task force this Saturday from 10:00 a.m. to 2:00 p.m. at Dolphin Village Publix for "Prescription Drug Take Back Day".

The next Commission meeting is Wednesday, September 14th at 6:00 pm.

Vice Mayor Garnett reported on the Florida League of Cities Annual Conference and described the various workshops and general business sessions that she attended. Vice Mayor Garnett requested that staff eliminate acronyms when publishing public notices to avoid confusion on what the abbreviations represent. She reported the Pass-A-Grille 100th Anniversary Celebration is October 22, 5:00 p.m. to 10:00 p.m. on Eighth Avenue and reminded everyone to support their local merchants.

Commissioner Shavlan reported that he also attended the Florida League of Cities Annual Conference and complimented Vice Mayor Garnett on her summary of events. He noted the "Snack Shack" is scheduled to open next weekend and on September 9th there is a sand dance at "Harry's Beach Bar".

Commissioner Parent asked City Manager Bonfield about the electrical project at Horan Park and discussed the alley that runs behind the Chamber of Commerce. Commissioner Parent's "Roundtable" will be 6:30 p.m., Wednesday, August 31st at the Library. He distributed a "Top Ten List" of suggestions that he believed would be helpful in making budget decisions. He reported on events at The Florida League of Cities Annual Conference.

Commissioner Halpern commented on the alleys in disrepair and noted it may be a code enforcement issue. He commented on completion of the electrical installation project at Horan Park.

Mayor McFarlin thanked Vice Mayor Garnett for presiding over the last meeting. He reiterated his support of the "Support Our Troops" organization.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:34 pm.

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: _____

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

Issue Considered: Authorization for the City Manager to enter into a memorandum of understanding agreement with the Pinellas County Sheriff's Office for FY12 police records management and police report services.

Date: September 14, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Dave Romine – Police Chief

Summary of Issue: This is a request to authorize the City Manager to enter into a memorandum of understanding agreement with the Pinellas County Sheriff's Office for FY12 police records management and police report services.

On February 22, 2011 the City Commission authorized the City Manager to enter into a similar memorandum of understanding with the Pinellas County Sheriff's Office. The agreement due to expire 09/30/2011 provided the City licensing and access to the Augmented Computer Information Support System (ACISS) and the Automated Report Management System (ARMS) operated and maintained by the Pinellas County Sheriff's Office for the completion of police reports and police records management. The costs associated with the FY12 memorandum of understanding agreement are as follows:

Annual ACISS license maintenance - \$952.00 – Same as FY11
Annual Net Motion license maintenance - \$288.00 – Same as FY11
ARMS System police reports - \$5.50 each – Same as FY11

The City Attorney has reviewed the agreement and has approved same as written.

Motion: "I move to authorize the City Manager to enter into an agreement with the Pinellas County Sheriff's Office for FY12 police records management and police report services.

Attachments: Pinellas County Sheriff's Office FY12 memorandum of understanding agreement providing FY12 police records management and police report services.

**Reviewed by
City Manager:** MB

RECORDS MANAGEMENT SYSTEM (RMS)

MEMORANDUM OF UNDERSTANDING

Between

THE PINELLAS COUNTY SHERIFF'S OFFICE

And

THE CITY OF ST. PETE BEACH

This Memorandum of Understanding (MOU) is entered into by and between the Pinellas County Sheriff's Office (PCSO) and the City of St. Pete Beach (CITY).

ARTICLE I. THE PROJECT

The PCSO will provide a law enforcement records management system, Augmented Computer Information Support System (ACISS) to the CITY for sharing automated records in order to maximize data resource sharing, increase efficiency, eliminate redundant records systems and the associated fiscal impact. In addition, the CITY'S police department will have access to and may choose to utilize PCSO's Automated Report Management System (ARMS) Specialists for completion of police reports.

ARTICLE II. TERM

The term of this MOU shall be from October 1, 2011, through September 30, 2012, with an option to renew for an additional twelve (12) months by mutual written agreement of the parties.

ARTICLE III. OBLIGATIONS OF THE PARTIES

The PCSO shall operate a law enforcement records system (ACISS) on a computer hardware system and provide a point of network connectivity for the CITY'S police department. The PCSO is responsible for maintaining the records management computer system, including all required software licenses, upgrades, updates and system administration. The PCSO is also responsible for maintaining the records management software (ACISS), including all necessary software licenses, upgrades, updates and system administration. The CITY agrees it shall be responsible for providing and running the necessary anti-virus software on all computers connected to ACISS, and shall be responsible for performing Windows updates on a regular and ongoing basis.

The CITY'S police department local area network is currently able to link to the PCSO through its connection with a Pinellas County VPN appliance. This appliance provides a communication link to the PCSO public safety campus at 10750 Ulmerton Road, Largo, Florida. As the network technology continues to evolve, typically with improved "throughput" and

reduced cost, this network connection may be substituted upon agreement by both parties. The network described herein shall provide connectivity for the records management system; any cost in connection with this communication link shall be the responsibility of the CITY. In order to provide the CITY'S police department mobile units the most efficient access to ACISS, the CITY agrees to utilize the NetMotion VPN product on the police department's mobile (laptop) units when said units are connected outside of the police department network.

Each party will continue to be the custodian of the data, information and reports entered and developed by each. As a result, any public records request received for CITY police department's records will be the responsibility of the police department and be referred to the police department for response should the PCSO receive the request. Likewise, any public records request for PCSO records will be the responsibility of the PCSO and should be referred to the PCSO should the CITY and/or the CITY'S police department receive the request.

ARTICLE IV. AUTOMATED RECORD MANAGEMENT SYSTEM REPORTS

In making the Automated Records Management System available to the CITY'S police department, the PCSO will enable and permit police department officers to call in to the PCSO all police reports as the police department may deem necessary or appropriate. ARMS Specialists who generate these reports shall be continuously available to the CITY'S police department except at such times as the PCSO'S computer system is unavailable because of routine maintenance, upgrading, data back-up operations or malfunction.

The PCSO, through appropriate staff, will review each report for completeness in compliance with UCR requirements. However, it shall be the responsibility of the CITY'S police department to review and approve all reports for the accuracy and completeness of information contained therein. The CITY police department will also be responsible for ensuring that all police report supporting documents are scanned and entered into ACISS¹. Further, the CITY'S police department shall determine which reports require follow-up by the State Attorney and shall provide copies of those reports to the Office of the State Attorney and to such other parties as it deems appropriate or may be required by law.

The CITY will be responsible for providing the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC) with information pertaining to missing persons, weapons, stolen vehicles, articles with serial numbers and the like, and validating same as required.

The PCSO will be responsible for preparing reports reflecting crime statistics for all Part 1, UCR reportable crimes occurring in the CITY which are reported to the PCSO through the ACISS system pursuant to this MOU. The information shall include the number and types of crimes reported by the CITY through the ACISS system. This information will be provided to the CITY, which will be responsible for filing all required UCR reports with the Florida Department of Law Enforcement (FDLE).

¹ The PCSO and CITY police department will review the options for accomplishing supporting document entry into ACISS and determine which option(s) will be utilized.

Should the CITY'S police department enter and generate all or a portion of its own police reports, it agrees to establish and maintain a quality control system in order to maintain the integrity of the data being entered into ACISS. Failure to do so may result in payment by the CITY to ACISS to restore the integrity of the data and/or the requirement that all reports be done utilizing PCSO ARMS Specialists.

ARTICLE V. TRAFFIC CRASH REPORTING SYSTEM

In addition to ACISS, the PCSO will also make a vehicle crash reporting system available to the CITY police department. The system currently in use is the Traffic and Criminal Reporting System (TraCS) although the parties agree the PCSO reserves the right to discontinue use of TraCS should the State of Florida no longer offer its use free of charge or for other reasons as determined by the PCSO. Should the PCSO discontinue use of TraCS, it agrees to make available at cost, if any, whatever replacement system it elects to use.

It will be the responsibility of the CITY police department to ensure that crash reports are entered and approved/closed in a timely manner in compliance with the standards set by Florida Statute and the Florida Department of Highway Safety and Motor Vehicles (DHSMV) guidelines. The PCSO will be responsible for the uploading of crash reports on its website for citizen access.

ARTICLE VI. COSTS FOR ACCESS TO THE RMS

The parties agree the costs consist of the following:

1. The annual maintenance charge for the two ACISS licenses. The annual cost per ACISS license is FOUR HUNDRED SEVENTY-SIX DOLLARS AND NO CENTS (\$476.00), for a total of NINE HUNDRED AND FIFTY-TWO DOLLARS AND NO CENTS (\$952.00). Should the parties determine that an additional ACISS license is required, the CITY agrees to pay the cost for the additional license, which is TWO THOUSAND EIGHT HUNDRED DOLLARS AND NO CENTS (\$2,800.00), plus the annual maintenance charge of FOUR HUNDRED SEVENTY-SIX DOLLARS AND NO CENTS (\$476.00).
2. The annual maintenance charge for the twelve (12) Netmotion licenses. The annual cost per Netmotion license is TWENTY-FOUR DOLLARS AND NO CENTS (\$24.00), for a total of TWO HUNDRED EIGHTY-EIGHT DOLLARS AND NO CENTS (\$288.00). Should the CITY determine that additional mobile units will be connected to ACISS, the CITY agrees to pay for the required additional Netmotion licenses, which are ONE HUNDRED TWENTY DOLLARS AND NO CENTS (\$120.00) per license, plus the annual maintenance charge per license of TWENTY-FOUR DOLLARS AND NO CENTS (\$24.00).
3. Automated Report Management System (ARMS) police reports which the CITY'S police department utilizes the PCSO to complete. The cost for each report is FIVE DOLLARS AND FIFTY CENTS (\$5.50), for which the CITY'S police department will be billed by the PCSO monthly and will be payable upon receipt.

Other than the ARMS police reports, which shall be billed monthly, the total for the above-reference charges, ONE THOUSAND TWO HUNDRED AND FORTY DOLLARS AND NO CENTS (\$1,240.00) shall be paid by the CITY by October 1, 2011. Any additional licenses, as provided for above, shall be billed by the SHERIFF to the CITY at the time said license(s) is(are) acquired by the SHERIFF.

ARTICLE VII. TERMINATION

Either party may terminate this Agreement thirty (30) days after receipt by the other party of written notice of intent to terminate.

ARTICLE VIII. OTHER CONDITIONS

Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced in writing, duly signed, and attached to the original of this Agreement. The parties agree to renegotiate this Agreement if revisions of any applicable laws or regulations make changes in this Agreement necessary.

IN WITNESS WHEREOF, the parties hereto cause their signatures to be affixed this _____ day of _____, 2011.

ATTEST:

CITY OF ST. PETE BEACH, FLORIDA

City Clerk

City Manager

APPROVED AS TO FORM

City Attorney

APPROVED AS TO FORM

SHERIFF OF PINELLAS COUNTY, FLORIDA

Deputy General Counsel

Jim Coats, Sheriff

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorization for the Mayor, City Manager and Police Chief to enter into a memorandum of understanding agreement with the Pinellas County Sheriff's Office Child Protection Investigations Division (CPID). The agreement provides for inter-agency cooperation, collaboration and sharing of appropriate information involving allegations of child abuse or neglect and recognizes operations protocols for joint investigations of abuse reports involving both criminal and dependency allegations.

Date: September 14, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Dave Romine – Police Chief

Summary of Issue: This is a request to authorize the Mayor, City Manager and Police Chief to enter into a memorandum of understanding agreement with the Pinellas County Sheriff's Office Child Protection Investigations Division (CPID). The agreement provides for inter-agency cooperation, collaboration and sharing of appropriate information involving allegations of child abuse or neglect and recognizes operations protocols for joint investigations of abuse reports involving both criminal and dependency allegations.

This memorandum of understanding is a continuation of an existing, agreement that has recently expired.

Upon approval, the new agreement will continue thru June 30, 2015.

The City Attorney has reviewed the agreement and has approved same as written.

Motion: "I move to authorize the Mayor, City Manager and Police Chief to enter into a memorandum of understanding agreement with the Pinellas County Sheriff's Office Child Protection Investigations Division (CPID) providing for inter-agency cooperation, collaboration and sharing of appropriate information involving allegations of child abuse or neglect and recognizes operations protocols for joint investigations of abuse reports involving both criminal and dependency allegations."

Attachments: Memorandum of understanding agreement with the Pinellas County Sheriff's Office Child Protection Investigations Division (CPID).

**Reviewed by
City Manager:** MB

MEMORANDUM OF UNDERSTANDING/WORKING AGREEMENT

The Undersigned Law Enforcement Agencies
and the
Child Protection Investigations Division (CPID) of the
Pinellas County Sheriff's Office

The undersigned agencies agree to the following:

A. PURPOSE

The purpose of this Memorandum of Understanding is to coordinate services of the Pinellas County Sheriff's Office, Child Protection Investigations Division (CPID), and the undersigned Pinellas County Law enforcement agencies within Pinellas, through cooperation, collaboration, and the sharing of appropriate information. This agreement recognizes operations protocols for the joint investigation of abuse report involving both criminal and dependency allegations. Such protocols may be addressed herein or be supplemented by a document in writing signed by the parties hereto whenever additional procedures are needed.

It is the objective of this document to:

1. Provide standard, consistent and thorough investigations of allegations of child abuse, neglect or abandonment,
2. Maximize the resources through a joint investigative process,
3. Minimize the number of interviews for children who are victims of abuse or neglect,
4. Allow for the orderly collection of evidence in the criminal investigative process,
5. Ensure the provision of appropriate services when deemed necessary for children and their families, and
6. Provide a forum for on-going communication and resolution of issues involving child safety in this community and to foster an effective collaboration among:
 - a. Law enforcement
 - b. The State Attorney's Office
 - c. The judiciary
 - d. Domestic violence providers
 - e. The Child Protection Team
 - f. The local school system
 - g. The Department of Juvenile Justice
 - h. The Department of Children and Families, and
 - i. The Pinellas County Sheriff's Office, Child Protection Investigation Division
 - j. The Community Based Care provider

Memorandum of Understanding/Working Agreement with the
Pinellas County Sheriff's Office, Child Protection Investigation Division

B. DEFINITIONS

"Child Abuse/Neglect/Abandonment" (dependency law, paraphrased): Harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of a parent, adult household member, or other person responsible for the child's welfare, and, for purposes of reporting requirements, by any person. [Florida Statute 39.01, see individual definitions]

"Criminal Investigation": An investigation conducted by an appropriate law enforcement agency for the purpose of uncovering evidence which may lead to an individual's prosecution for adult abuse, neglect, or exploitation, or child abuse, neglect, or other appropriate criminal charges.

"Domestic Violence": "An assault, battery, aggravated battery, sexual assault, sexual battery, stalking, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit." [Florida Statute 741.28, in part]

"Emergency Placement-Child": The temporary care of a child who is alleged to be or who has been found to be dependent, pending further disposition, before or after adjudication, or after execution of a court order. The placement may be with a relative, non-relative or state licensed home or facility.

"Family or household member": "...means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time". [Florida Statute 741.28]

"Joint Investigation": Two agencies conducting concurrent criminal and protective investigations.

"Law Enforcement Agency of Jurisdiction where a victim is located (JV Agency)": the law enforcement agency who assists the law enforcement agency of jurisdiction over the offense.

"Law Enforcement Agency of Jurisdiction over the offense (JO Agency)": the law enforcement agency which will conduct the criminal investigation.

"Protective Investigation": A fact finding and emergency service engagement process with the primary goal of protecting children, disabled adults or elderly persons.

"Community Base Care (CBC)": CBC is the lead agency/provider in Pinellas County, responsible for protective services of children in care.

Memorandum of Understanding/Working Agreement with the
Pinellas County Sheriff's Office, Child Protection Investigation Division

C. INVESTIGATIVE PROCEDURES

1. The Florida Abuse Registry Hotline, known as the "Hotline", of the Florida Department of Children and Families (DCF) shall be responsible, as required by Florida Statute 39, for transferring all calls with information that a child has been harmed by a **non-caretaker** to the Sheriff (or law enforcement agency of primary jurisdiction) in the county in which the harm occurred.
 - a. The undersigned law enforcement agencies are responsible for establishing procedures for accepting such information including any follow-up hard copy report from the Hotline, and when applicable, the timely transfer of such information to any other appropriate law enforcement jurisdiction.
 - b. The law enforcement agency designated to receive **non-caretaker** abuse calls for Pinellas County is the Pinellas County Sheriff's Office; the phone # is (727) 582-6200.

Hard copies of Hotline reports that document child-on-child sexual allegations will be forwarded to the law enforcement agency of jurisdiction within two business days of receipt by the PCSO Child Protection Investigation Division.

2. Unless otherwise specified in this written agreement or required by law, all reports of alleged abuse, neglect, or abandonment of a child, taken for Pinellas County by the Hotline, will be transmitted to the PCSO's CPID.
3. The CPID child protection investigator (**CPI**) shall immediately notify, as required by Florida Statute 39.301 (2), by either telephonic or electronic means, the appropriate law enforcement agency that the Hotline has received a report or learned of a situation covered by item 2., above, of this agreement. A written copy of the report will be delivered or transmitted to the appropriate law enforcement agency, or to the law enforcement officer assigned, within one working day.
4. Pursuant to FS 39.301(2), an undersigned law enforcement agency receiving a report of abuse shall be responsible for reviewing the report (i.e., the Hotline allegation, be it verbal or hard copy) and determining whether a criminal investigation is warranted. If a criminal investigation is initiated, the criminal investigation shall be coordinated with the child protective investigation by the CPID whenever possible. Evidence gathered in criminal investigations will be handled according to the procedures of the undersigned law enforcement agency.

Memorandum of Understanding/Working Agreement with the
Pinellas County Sheriff's Office, Child Protection Investigation Division

5. The undersigned agencies agree, whenever possible, to conduct joint investigations. During the course of such investigations, the parties hereto agree to share information on an on-going and continuous basis. The parties understand that the safety of the alleged victim is of primary concern and that the request for protective investigation by the CPID must be responded to either immediately or within 24 hours of receipt of the Hotline Report.
6. If the undersigned law enforcement agencies request that the alleged perpetrator not be interviewed by the CPI, that request shall be honored. The CPI must then document the date and the time of the request, the person making the request and the reason for the request. The law enforcement agencies agree to advise the CPID when the interview may be conducted and will, when appropriate, share the results of any interview conducted by the undersigned law enforcement agencies.
7. The CPI will be responsible for assessing the immediate safety of the child and taking the necessary actions to provide for the continued safety of the child. The CPI will also be responsible for determining and requesting any social services deemed necessary to support the family.
8. The CPID and the undersigned law enforcement agencies shall develop, implement, and provide training on these joint investigative protocols, protocols for the assessment of domestic violence during abuse investigations, and the assessment of abuse during family violence investigations.
9. This Memorandum of Understanding/Working Agreement, with any attachments, is pursuant to Florida Statute 39.306, and is intended to constitute the necessary and written protocols as set forth therein, and includes:
 - a. Information governing response to reports of abuse or neglect or investigations,
 - b. An assessment of risk, and
 - c. Release and maintenance of records and other information.
10. Should any conflicts occur:
 - a. During an investigation, resolution shall be attempted at the lowest ranking levels possible, and consideration shall be given in the following priority
 1. the welfare of the child, and then
 2. the thoroughness and integrity of the criminal investigation, and then
 3. the thoroughness and integrity of the dependency investigation.
 - b. During an administrative review, resolution shall be attempted by both parties' component leaders or higher authorities. If necessary, resolution shall be attempted through an independent law enforcement support entity.

Memorandum of Understanding/Working Agreement with the
Pinellas County Sheriff's Office, Child Protection Investigation Division

D. SHARING OF INFORMATION

1. Pursuant to Florida Statute 39, and because the CPID is an entity within the Pinellas County Sheriff's Office, the undersigned law enforcement agencies are authorized to share with CPID and its CPIs, criminal history information accessed through the Florida Crime Information Center.

- a. Such information may be used only in the furtherance of a specific child protective investigation including the emergency placement of an endangered child. Information is defined under D.2 below.
- b. Such information will be provided without charge.
- c. Such information may be provided by the assigned criminal investigator or through a component of the undersigned law enforcement agencies.
- d. The release of such information will be documented in accordance with applicable FDLE/FCIC procedures.

2. Within statutory guidelines the undersigned law enforcement agencies will, upon request, provide to the designated CPI, or CBC protective services worker, a copy of all initial law enforcement reports pertaining to a family or child under investigation, including those relating to domestic violence. Narrative descriptions and any subsequent, supplemental, or related reports will be provided. These reports include those in which children are present when family violence occurs.

3. Within statutory guidelines, the undersigned law enforcement agencies shall develop procedures to allow access to or otherwise share all appropriate local criminal information on an individual under investigation with the assigned protective investigator.

4. Within statutory guidelines, the PCSO, CPID will provide to the appropriate law enforcement agency copies of protective investigation reports during criminal investigations. Any reports shall be provided without cost to the law enforcement agency. Copies of these reports shall include the identity of the reporter, which remains confidential pursuant to Florida Statute 39.

5. All information, reports, documents, etc., provide under the provisions of this agreement shall retain any confidential status provided under law and shall not be distributed outside the undersigned agencies unless otherwise authorized or mandated by law.

Memorandum of Understanding/Working Agreement with the
Pinellas County Sheriff's Office, Child Protection Investigation Division

E. COORDINATION OF PRELIMINARY VICTIM CONTACT BETWEEN LAW ENFORCEMENT AGENCIES:

The jurisdiction of the victim-location (JV) agency, and jurisdiction of offense-location (JO) agency. Because victims are sometimes found in a jurisdiction other than the jurisdiction in which an alleged offense occurred (such as a hospital emergency room, or a school), the undersigned law enforcement agencies further agree to coordinate initial inquiries, and preliminary investigations. In these cases, the agency having jurisdiction where the victim is located (JV agency) shall, if requested by any of the undersigned agencies, have a law enforcement officer respond and conduct a preliminary inquiry to establish sufficient facts upon which the case may be evaluated, giving particular attention to the severity of the alleged offense, the availability of witnesses, and the existence of physical evidence which requires timely handling. Once the preliminary inquiry is conducted, an immediate notification shall be given by the JV agency to an on-duty supervisor of the agency having jurisdiction where the alleged offense occurred (JO agency). The agency is responsible for investigating the criminal act(s).

The JO agency shall promptly inform the JV agency what type of response will be made and when the response will occur. The JO agency may request the JV agency conduct a preliminary interview of the victim and witnesses, and other activities associated with a preliminary investigation. If the JV agency conducts an investigation, the investigating officer shall prepare a written report, "Assist Other Agency," and shall send it to the JO agency's case agent, or appropriate component, as soon as possible.

F. CANCELLATION.

This agreement shall continue until June 30, 2015. However, any party hereto may withdraw by providing thirty (30) days written notice to the other agencies.

REMAINING PAGE BLANK

Memorandum of Understanding/Working Agreement with the
Pinellas County Sheriff's Office, Child Protection Investigation Division

IN WITNESS WHEREOF, the parties hereto cause their signatures to be affixed:

In acknowledgment and execution of the MEMORANDUM OF UNDERSTANDING/
WORKING AGREEMENT, pages one through eight inclusive, I hereby set my hand and seal.

ATTEST:

CITY OF ST. PETE BEACH

CITY CLERK

By _____
Mayor

APPROVED AS TO FORM

By _____
City Manager

City Attorney

By _____
Law Enforcement Agency Head

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME this _____ day of _____ 2011, an officer duly authorized by
law to administer oaths and take acknowledgments, personally appeared _____
_____ who is personally known to me and who acknowledged he/she
executed the foregoing Memorandum of Understanding/Working Agreement.

Notary Public
My commission expires:
Commission Number:

In acknowledgment and execution of the MEMORANDUM OF UNDERSTANDING/
WORKING AGREEMENT, pages one through eight inclusive, I hereby set my hand and seal.

PINELLAS COUNTY SHERIFF'S OFFICE

JIM COATS, Sheriff

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME this _____ day of _____ 2011, an officer duly authorized by
law to administer oaths and take acknowledgments, personally appeared JIM COATS, Sheriff of
Pinellas County, Florida, who is personally known to me and who acknowledged he executed the
foregoing Memorandum of Understanding/Working Agreement.

Notary Public
My commission expires:
Commission Number:

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

Issue Considered: Authorization for the City Manager to enter into an agreement with the Pinellas County Sheriff's Office for FY12 forensic crime scene and latent print processing, property and evidence storage in the amount of \$24,793.08

Date: September 14, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: This is an annual request for authorization to enter into an agreement with the Pinellas County Sheriff's Office for forensic crime scene and latent print processing, property and evidence storage. The FY12 amount \$24,793.08 reflects a 30% decrease from FY11 due to volume and workload decreases. The City Attorney has reviewed the agreement and has approved same as written.

Motion: "I move to authorize the City Manager to enter into an agreement with the Pinellas County Sheriff's Office for FY12 forensic crime scene and latent print processing, property and evidence storage in the amount of \$24,793.08".

Attachments: Pinellas County Sheriff's Office agreement and cover letter.

**Reviewed by
City Manager:** MB

AGREEMENT

COMES NOW, the CITY OF ST. PETE BEACH, FLORIDA, a municipal corporation (hereinafter "CITY"), and JIM COATS, as Sheriff of Pinellas County, Florida (hereinafter "SHERIFF"), and agree as follows:

WHEREAS, the CITY desires to contract with the SHERIFF for assistance in examining latent fingerprints derived from crime scenes within the CITY and from suspects and victims of crimes occurring within the municipal limits of the CITY, and

WHEREAS, the CITY desires to contract with the SHERIFF for crime scene services and evidence and property storage for the CITY OF ST. PETE BEACH Police Department, and

WHEREAS, the SHERIFF has available personnel to perform such services for the CITY; and

WHEREAS both the CITY and the SHERIFF believe the provision of such services as hereinafter described is in the best interest of the safety and welfare of the citizens of the CITY and of Pinellas County and that such will facilitate the investigation of criminal activity and the apprehension of persons engaging in such activity; and

WHEREAS, the activities and services described herein are not "law enforcement activities" as provided under Sec. 4.06 of the City Charter,

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth below, the parties hereto agree as follows:

1. LATENT PRINT SERVICES

A. The SHERIFF shall provide to the CITY latent print examination and analysis services.

B. Latent Print Examiners who perform these services shall be appropriately trained and qualified to examine latent fingerprints and to identify same.

C. Said Examiners shall be members of the Pinellas County Sheriff's Office and shall be subject to the direction and all rules and regulations of the SHERIFF.

D. Said Examiners shall be on duty to perform fingerprint examinations for the City eight (8) hours per day, five (5) days per week and shall as a part of their duties:

1. Examine fingerprints provided by the CITY to eliminate fingerprints of persons who have a legitimate reason to have their fingerprints in a premise or on an object.
2. Evaluate the quality of latent fingerprints provided by the CITY.
3. Compare the latent fingerprints of suspects provided by the CITY.
4. Appropriately document those latent fingerprints provided by the CITY that cannot be positively identified.
5. Prepare and provide to the CITY reports on all latent fingerprint identifications performed.
6. Attend depositions, hearings and trials and render expert testimony in the area of fingerprint identification.

E. In those instances where the CITY submits a complex or lengthy latent identification request, the SHERIFF shall devote the necessary personnel available to perform the work.

F. The CITY shall provide one individual, to be designated by the CITY, who shall act as a liaison with Examiners as provided for herein. Said liaison shall:

1. Be a member of the CITY Police Department.

2. Be responsible for the timely and appropriate delivery of latent fingerprints and certain items of evidence to the SHERIFF.
3. Be responsible for the proper execution and delivery to the SHERIFF of correctly executed latent fingerprint request forms.
4. Be responsible for the return to the CITY of completed latent fingerprint request forms showing the results of such examination or comparison.
5. Serve as the SHERIFF'S contact with the CITY in all day-to-day matters relating to the examination of latent fingerprints pursuant to this Agreement.

G. The CITY shall pay the SHERIFF the sum of FIVE THOUSAND TWO HUNDRED TWO DOLLARS AND SEVENTY-ONE CENTS (\$5,202.71) for the latent print examination and analysis services to be rendered pursuant to this Agreement.

2. FORENSIC SCIENCE SERVICES

A. The SHERIFF will provide to the CITY, upon request by the CITY, forensic science services to document, process and collect evidence at crime scenes under the jurisdiction of the CITY. Said services shall include the photographing and otherwise documenting said crime scene as such may be appropriate, within the scope and capabilities of the SHERIFF. Any processing or testing outside the SHERIFF'S capabilities are not addressed herein as part of the terms of this Agreement.

B. The SHERIFF shall provide to the CITY Police Department copies of all crime scene reports generated by SHERIFF'S personnel pursuant to this Agreement.

C. The CITY shall pay to the SHERIFF the sum of TWO HUNDRED TWO DOLLARS AND SEVENTEEN CENTS (\$202.17) for each crime scene processed by the SHERIFF and shall pay for sixty (60) calls for service for the twelve month period of this

Agreement. For all requests for service in excess of the minimum number of calls, the CITY shall pay to the SHERIFF the sum of TWO HUNDRED TWO DOLLARS AND SEVENTEEN CENTS (\$202.17) for each crime scene processed pursuant to this Agreement.

D. The CITY shall pay to the SHERIFF the sum of TWELVE THOUSAND ONE HUNDRED THIRTY DOLLARS AND EIGHTEEN CENTS (\$12,130.18) for the 60 calls for service during the period of this Agreement.

E. Billing for requests for service in excess of the minimum number of calls for service during the period of this Agreement shall be invoiced monthly at the rate of TWO HUNDRED TWO DOLLARS AND SEVENTEEN CENTS (\$202.17) per call.

F. The parties agree that the term "call for service" as used herein shall be defined as an incident, event or offense that requires a report or offense number made, recorded or taken by a member of the CITY Police Department for documentation purposes and which requires some reportable action by a SHERIFF'S Forensic Science Specialist. All services rendered under the same case number shall be deemed one call for service. Such offense numbers shall be used to calculate calls for service with each offense number that results in a request for services being deemed a call for service.

3. EVIDENCE AND PROPERTY SERVICE AND STORAGE

A. During the term of this Agreement, the SHERIFF agrees to provide to the CITY storage, release and disposition of all seized evidence, found property and property being held for safekeeping as defined by Florida Statutes and the CITY of St. Pete Beach Code of Ordinances within the SHERIFF'S Evidence and Property Storage Facility, except for non-evidentiary bicycles and breath, blood or urine samples obtained from persons suspected of

operating vehicles or vessels while under the influence of alcohol or drugs, which samples shall be maintained by the Pinellas County Medical Examiner's Office.

B. The SHERIFF shall also transport drug items to and from the County lab as determined by the CITY Police Department. The SHERIFF shall be responsible for transporting all items of property or evidence as aforesaid from the CITY Police Department and transporting same to secure storage facilities maintained by the SHERIFF. However, where such items of property or evidence are large, voluminous, heavy or otherwise not compatible with transport by ordinary courier, it shall be the responsibility of the CITY Police Department to transport such items to the SHERIFF'S Evidence and Property Storage Facility.

C. The SHERIFF shall store and maintain chain of custody of all evidence and other property in accordance with current general orders and SOPs.

D. All evidence and other property seized, found or held for safekeeping by the SHERIFF for the CITY Police Department shall be disposed of in accordance with Florida law or as otherwise ordered by a court of law. Nothing herein shall prevent the CITY from retaining any of its evidence or other property as part of the CITY'S inventory of property or donated by the CITY to a qualified non-profit organization in accordance with Florida law.

E. The CITY shall pay to the SHERIFF the sum of SEVEN THOUSAND FOUR HUNDRED SIXTY DOLLARS AND NINETEEN CENTS (\$7,460.19) for the evidence processing and storage service. The cost is inclusive of personnel and storage costs.

4. TOTAL COMPENSATION

The CITY shall pay to the SHERIFF, on October 1, 2011, the sum of TWENTY-FOUR THOUSAND SEVEN HUNDRED AND NINETY-THREE DOLLARS AND EIGHT

CENTS (\$24,793.08) which reflects the minimum sum due for all services to be rendered during the term of this Agreement.

5. CONTACT PERSONS

The SHERIFF agrees to use best efforts and necessary resources available to the SHERIFF to carry out the terms and conditions of this Agreement. Both parties agree that they will cooperate and work together to carry out the terms and conditions of the Agreement. To that end, the parties agree that the following individuals shall be the contact persons of the CITY and SHERIFF respectively:

FOR THE CITY

David Romine, Chief
200 76th Avenue
St. Pete Beach, FL 33706
(727) 363-9200

FOR THE SHERIFF

James LaBonte, Director
P.O. Drawer 2500
Largo, FL 33779-2500
(727) 582-6410

6. TERMINATION

Either party may terminate this Agreement without penalty upon providing notice of such termination in writing thirty (30) days in advance of the date of termination. Upon such termination, the SHERIFF shall retain such sums from the payment set forth above as reflect actual calls for service and property storage at the rate provided herein and shall refund the remainder to the CITY.

7. COMPLETE AGREEMENT

This Agreement constitutes the full and complete understanding of the parties.

8 MODIFICATION

This Agreement may be modified or amended only by a document in writing signed by the parties hereto.

9. ASSIGNMENT

Neither party shall assign any obligations or responsibilities under this Agreement to any third party.

10. INDEMNIFICATION

Each party shall be liable for the negligent acts or omissions of its own employees in the performance of this Agreement. Nothing contained herein shall be construed to limit or modify the provisions of Florida Statute 768.28. Nothing herein shall abrogate or expand the sovereign immunity enjoyed by the CITY and the SHERIFF pursuant to the provisions of Chapter 768, Florida Statutes, nor shall any third party receive any benefit whatsoever from the indemnification provided herein.

11. TERM OF AGREEMENT

This Agreement shall be for a period of one (1) year commencing October 1, 2011, and concluding September 30, 2012.

The parties agree that where the Agreement is not terminated as provided for above, the terms of this Agreement shall automatically continue for 120 days beyond September 30, 2012, in the event a replacement contract has not yet been completely executed. The CITY shall pay to the SHERIFF the same sum as is due per this Agreement, and the parties agree that an increase in the annual cost of service, if any, shall be retroactively applied for services rendered from October 1, 2012, through the duration of the replacement contract, and shall be paid by the CITY to the SHERIFF immediately for the services already provided.

IN WITNESS WHEREOF the parties to this Agreement have caused the same to be signed by their duly authorized representatives this ____ day of _____ 2011.

ATTEST:

CITY OF ST. PETE BEACH, FLORIDA

City Clerk

City Manager

Approved as to form and
correctness:

Countersigned:

APPROVED AS TO FORM

SHERIFF OF PINELLAS COUNTY, FLORIDA

Deputy General Counsel

Jim Coats, Sheriff



Sheriff Jim Coats

Pinellas County Sheriff's Office

"Leading The Way For A Safer Pinellas"

August 8, 2011

David Romine, Police Chief
St. Pete Beach Police Department
200 76th Avenue
St. Pete Beach, FL 33706

Subject: Pinellas County Sheriff's Office FY 12 Contract for Services (Latent Print, Forensics, Evidence and Property)

Dear Chief Romine:

Enclosed please find the contract for law enforcement services between the Pinellas County Sheriff's Office and the City of St. Pete Beach. The contract price to continue the current level of service for Fiscal Year 2011-2012 is \$24,793.08, which is a 30% decrease due to workload decrease as explained in my earlier electronic mail to you. Note that I will be sending the Memorandum of Understanding concerning the records management system (ACISS) under separate cover.

Please contact me if there are questions and we need to discuss this. I can be reached at 727/582-6721. Otherwise, please have the appropriate City officials approve and sign the agreement and return the two originals to this office. We will then have the Sheriff sign and forward a completely executed contract for your records.

We appreciate the opportunity to continue being the provider of these law enforcement support services to the St. Pete Beach Police Department and look forward to another productive year as we strive to meet the needs of your Department and community.

Sincerely,

Sheriff Jim Coats

By: 
Julie L. Upman
Labor Relations Director

Enclosure (2)

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorize the City Manager to close the 300 block of Corey Avenue on Sundays for the Corey Fresh Market in St Pete Beach.

Date: November 14, 2011

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: City Commission voted on March 10, 2009 to proceed with allowing a Sunday European Style Market on Corey Avenue. On June 9, 2009 City Commission reviewed the event again and authorized it to proceed. Since approval it has been a good event for the City and brought people to the downtown area.

This market used to be a partnership between Suntan Arts and the Corey Area Business Association (CABA). This year the groups have decided to part ways. CABA would like to hold their Sunday market on Corey Avenue and Suntan would like to hold their Sunday market in Horan Park. Since the CABA event requires a street closure City Commission must approve.

Representative(s) from the event will be doing the presentation and the goal is to update City Commission on the event, answer any questions and address any concerns.

Requested Motion: "I move to authorize the City Manager to close the 300 block Corey Avenue on Sundays for the Corey Fresh Market in St Pete Beach."

Attachments: Corey Fresh Market Special Event Permit Application

Reviewed by
City Manager: MB

Special Event Permit Information Package

Revised January 2009



Complete and return to:
Catherine Hartley, Senior Planner
Community Development Department
155 Corey Avenue
St. Pete Beach, FL 33706

Staff Use Only:
Date Received: _____
Permit Number: 2010-____

SPECIAL EVENT PERMIT APPLICATION

Name of Event Fresh Corey Sunday Market - St Pete Beach
Date of Event Sunday May 10 Time 9am - 3pm
Event Location 300 Block Corey Ave
Applicant Name: Kathi Hansen Telephone # 727-498-8775
Email Address: funintiesun@stpetebeach.org Mailing Address: 350 Corey Ave 33706
Organization Corey Area Business Assoc Estimated Attendance 300-400
Description of event: Fresh Market including produce, art/craft vendors, food, live music, retail merchants open also

DO YOU REQUEST ANY OF THESE ACTIVITIES? Please checkmark ☒ all that apply.

☒ Signage	☒ Food Sales
☒ Retail Vending	☒ Banner
☐ Fireworks	☐ Alcohol Sale/Consumption (Additional State Liquor Permit Required)
☐ Bonfire	☐ Cookout
☒ Vehicles On The Beach	☒ Temporary Structure (i.e.: Tent, Stage, Etc.)
☒ Street Closure	☐ On-Site Medical Team/EMS
☐ Electricity	☐ Traffic/Crowd Control

Other _____

A map must be provided denoting all above referenced areas of activity. The appropriate attached forms must also be completed.

FEE SCHEDULE:

Special Event Permit Fee \$20.00 Type 1 Events, \$50.00 Type 2 Events, \$500.00 Type 3 Events
Non-Profit Activities No Fee Upon Proof Of Non-Profit Status

The City Administration reserves the right to require a two (2) weeks notice for all special events request. If City Commission approval is required four (4) weeks notice is required for agenda placement. This application along with any other required information must be submitted to the Community Development Department for review. Applications must be approved by all affected departments prior to final approval. Any stipulations required by the City Manager, City Staff and/or City Commission shall be met.

I hereby certify that I/we will be responsible for the preservation, sanitation and cleanup of the areas used for the special event. Additionally, I/we certify that there are no misrepresentations in the foregoing statements and answers.

Kathi Hansen VP CABA
Applicant Signature

8-11-11
Date



REQUEST FOR CITY CO-SPONSORSHIP (Resolution 92-16)

If you are requesting a street closure, you are requesting co-sponsorship. Please turn in your application materials 45 days prior to the event so that the request can be placed on the City Commission agenda.

Co-Sponsorship: An agreement entered into by the City of St. Pete Beach with an entity to provide money, services, or supplies to help promote and implement a program or event.

Your request will be placed on the City Commission agenda for consideration of co-sponsorship. The sponsoring entity shall be notified of the decision of the City Commission by the City Clerk. Once approved for co-sponsorship for moneys, supplies or services, you will be required to submit a financial statement, (a final statement of expenditures and revenues), for the event to the City Manager within thirty (30) days of the conclusion of the program or event.

Name of Applicant: Corey Area Business Assoc - CABA
 Description of Event: Corey Area Fresh Market - St Pete Beach

Are you requesting:

1. Money? Yes ☐ No ☒ Amount requested _____
2. In-kind services? Yes ☒ No ☐ _____
3. City supplies? Yes ☒ No ☐ New/Lighter barricades
4. Describe services/supplies requested: Is this event sponsored by a charitable or non-profit organization?
non-profit

If yes, what is the name of the charity or non-profit organization?

CABA

(A letter of authorization is required from the charitable/non-profit organization).

Is this fund-raiser for the non-profit organization? If yes, proof of a permit from the Department of Consumer Protection is required.

Any proceeds goes back into advertising

What percent of the gross proceeds will go to the non-profit organization?

? TBD

Are you receiving funding from other sources? If yes, who?

no

Do you presently have any outstanding balances due to the City of St. Pete Beach? If yes, describe _____

no

Will this be an annual event? Yes ☒ No ☐

Will this event be recurring later this year? Yes ☐ No ☒

If yes, when?

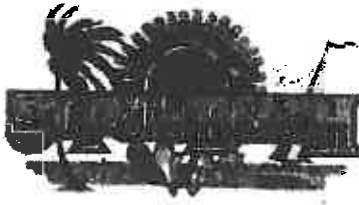
Oct - May

Will this event will be open to the public? Yes ☒ No ☐

If yes, how will it be advertised? Local media, TV, Press release, website

How will this event benefit the residents of St. Pete Beach?

A community event offering benefits of fresh market - exposure to downtown Area financial dollars to merchants.



TEMPORARY STRUCTURE PERMIT APPLICATION

COMPLETE AND RETURN TO:

St. Pete Beach Fire Department
7301 Gulf Blvd.
St. Pete Beach, FL 33706
(727) 363-9206 FAX: (727) 360-6744

Name of Event: Corey's Fresh Market - St Pete Beach
Date of Event: Sundays - Oct - May Hours: 9 (AM/PM) to 3 (AM/PM)
Event Location: 300 Blk Corey Ave
(Authorization is required from the property owner)
Event Coordinator/Applicant: Kathi Hansen VP Phone: 727-498-8778
Organization: Corey's Area Business Assoc
Summary of Event Activities: Fresh market w/ local vendors + music
Estimated Attendance: 300-400
Type of Temporary Structure to be used (check one): Tent ☐ Stage ☐ Bleachers ☐ Other ☒ (description) Vendor own canopy's
What will the structure be used for? Vendor
Will cooking be conducted in the structure? Yes ☐ No ☒ (If yes, a separate outdoor cooking permit is required.)
Who is supplying the structure? Vendor
What is the structure constructed of? will be on floor (If the structure is a tent, attach current Flame Spread Certificate)

Does the tent have open sides? Yes ☒ No ☐

GUIDELINES FOR TEMPORARY STRUCTURES

- \$ Tents and air supported structures shall comply with requirements of FPC CH39
- \$ All structures must be accessible by Fire equipment, Structurally stable, and flame resistant
- \$ There must be separate tents for cooking and dining. Over 100 people, provide emergency lighting
- \$ Fire Extinguishers (approved) minimum 2A-10BC in each tent. 40BC for fat fryers
- \$ Heat producing appliances shall not sit on combustible surface (tables, saw horses, etc.)
- \$ Cooking vendor separation - minimum of 5 feet between vendors
- \$ Electrical connections shall be only approved main disconnect panels complete with circuit breakers and a limited number of receptacles (both 220 and 120 volt) available from the City Public Works Dept.
- \$ Extension cords (temporary wiring) shall comply with NEC Article 305
- \$ Each extension cord shall be plugged directly into an approved receptacle and shall, except for approved multiplying extension cords, serve only one appliance or fixture.
- \$ Extension cords shall be in good condition without splices, deterioration, or damage.
- \$ Extension cords shall be of grounded type when servicing grounded appliances or fixtures.
- \$ Ground fault protection shall be provided to supply temporary power to equipment being used by personnel.
- \$ Plans and necessary applications shall be submitted to the building department for electrical or gas installations. Permits shall be issued only to licensed contractors and limited to one of each per event.
- \$ One EMS unit and one Fire Inspector may be required on site when 1,000 or more are expected to attend. Costs for these services will be billed to the sponsoring organization or promoter.

APPROVALS:

Building Department: _____ Date: _____

Zoning Department: _____ Date: _____

(A map must be provided denoting all above referenced areas of activity. All temporary structures, and electrical supplies must be in accordance with the City of St. Pete Beach guidelines accompanying this application.)

DO YOU HAVE PROOF OF LIABILITY INSURANCE FOR THIS EVENT? Yes ☐ No ☒ If this event is to be held on Public Property, the City may require that a liability bond be posted to insure that no damage is done; the amount of which is to be determined by the City's Risk Management Officer according to the intricacy of the event.

I HEREBY CERTIFY THAT I/WE WILL BE RESPONSIBLE FOR THE PRESERVATION, SANITATION, AND CLEANUP OF THE AREAS USED FOR THE EVENT. ADDITIONALLY, I/WE CERTIFY THAT THERE ARE NO MISREPRESENTATION IN THE FOREGOING STATEMENTS AND ANSWERS.

(Applicant) Kathi Hansen 350 Corey Ave 727-498-8778
(Address) (Phone)

(Signature of Fire Marshal, Fire Chief, or his/her designee)

(Date)



SPECIAL EVENT OUTDOOR COOKING PERMIT APPLICATION

COMPLETE AND RETURN TO: St. Pete Beach Fire Department
7301 Gulf Blvd.
St. Pete Beach, FL 33706
(727) 363-9206 FAX: (727) 360-6744

Name of Event: Corey Sunday Market - St Pete Beach
Date of Event: Sundays - Oct-May Hours: 9 (AM/PM) to 3 (AM/PM)
Event Location: 300 Blk Corey Ave
(Authorization is required from the property owner)
Event Coordinator/Applicant: Kathy Hansen Phone: 727-498-8725
Organization: Corey Area Business Assoc
Summary of Event Activities: Fresh Market - local vendors - music
Estimated Attendance: 300-400
What cooking source will be used? Propane x Charcoal Electrical x ? generators

GUIDELINES:

Charcoal:

- \$ If pit is used for cooking, a minimum of four (4) foot diameter is required
- \$ Approved metal containers shall be provided for the disposal of coals and ashes.

Propane:

- \$ Listed outdoor cooking appliances shall be installed in accordance with their listing and the manufacturer's instructions.
- \$ Unlisted units shall be installed outdoors with clearances to combustible material of not less than 36 inches at the sides and back, and not less than 48 inches at the front.
- \$ Installation, testing, and replacement of gas piping, gas utilization equipment, or accessories shall be performed by only a qualified agency. Total product for the event shall be provided with an approved centrally located tank. (No portable tanks.)
- \$ Propane cookware must be inspected prior to approval
- \$ Dry powder extinguisher (2A10BC) must be readily available at all times.

Electrical:

- \$ Approved main disconnect panels and all circuit breakers must comply with the National Electrical Code.

Plans and necessary permit applications shall be submitted to the building department for electrical or gas installation. Permits shall be issued only to licensed contractors and limited to one of each per event. **NOTE:** Some companies offer these services at no cost to non-profit charity events.

One EMS unit and one Fire Inspector may be required on site when 1,000 or more are expected to attend. (Costs for these services will be billed to the sponsoring organization or promoter.)

APPROVALS:

Building Department: _____ Date: _____
Zoning Department: _____ Date: _____

DO YOU HAVE PROOF OF LIABILITY INSURANCE FOR THIS EVENT? Yes No If this event is to be held on Public Property, the City may require that a liability bond be posted to insure that no damage is done; the amount of which is to be determined by the City's Risk Management Officer according to the intensity of the event.

I HEREBY CERTIFY THAT I/WE WILL BE RESPONSIBLE FOR THE PRESERVATION, SANITATION, AND CLEANUP OF THE AREAS USED FOR THE EVENT. ADDITIONALLY, I/WE CERTIFY THAT THERE ARE NO MISREPRESENTATION IN THE FOREGOING STATEMENTS AND ANSWERS.

(Applicant) Kathy Hansen (Address) 350 Corey Ave (Phone) 727-498-8725

(Signature of Fire Marshal, Fire Chief, or his/her designee)

(Date)

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

Issue Considered: First Reading and Public Hearing of Ordinance 2010-18, establishing Division 40 and amending Divisions 23 and 26 of the Land Development Code to provide development standards for the Community Redevelopment District 8th Avenue and amending the Official Zoning Map of the City to assign the Community Redevelopment District-Eighth Avenue zoning to the subject property.

Date: September 14, 2011

Prepared By: Karl E. Holley, AICP, Community Development Director

Summary of Issue: In March of 2009, the citizens of St. Pete Beach approved adoption of Ordinance 2008-24 which established the Future Land Use classification of Community Redevelopment District-Eight Avenue for the area adjacent to Eighth Avenue and the south side of Ninth Avenue. The proposed ordinance establishes development standards for the designated area.

The Planning Board voted unanimously at their August 18, 2010 meeting to recommend approval of the proposed Ordinance.

Requested Motion: “I move to approve Ordinance 2010-18 (read title)”

Attachments: Ordinance 2010-18.

Reviewed by City Manager: MB

ORDINANCE # 2010-18

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE; ADDING A NEW DIVISION 40 AND AMENDING DIVISIONS 23 AND 26 TO IMPLEMENT THE EIGHTH AVENUE COMMUNITY REDEVELOPMENT DISTRICT, AS WRITTEN IN EXHIBIT “A” ATTACHED HERETO; AMENDING THE OFFICIAL ZONING MAP AS ILLUSTRATED IN EXHIBIT “B” ATTACHED HERETO AND ADOPTED HEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OF PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 2008-24 on August 26, 2008, establishing a special Future Land Use designation for Eighth Avenue, known as the Community Redevelopment District- Eighth Avenue: and

WHEREAS, the Citizens of St. Pete Beach validated the adoption of this comprehensive plan amendment, in 2009; and

WHEREAS, pursuant to Section 163.3202 Florida Statutes, the City must adopt Land Development regulations consistent with the land use plan; and

WHEREAS, the Planning Board of the City of St. Pete Beach and the City Commission of the City of St. Pete Beach conducted public hearings noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, the City Commission finds this text amendment to the Land Development Code and change to the official zoning map 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. Division 40 of the Land Development Code, establishing the Eighth Avenue Zoning district, and Divisions 23 and 26 related to parking and signage in the Eighth Avenue District, are hereby amended as identified in “Exhibit A”.

Section 2. The zoning map is hereby amended as illustrated in “Exhibit B”.

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

Section 4. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become immediately upon adoption.

STEVE MCFARLIN, MAYOR

LPA NOTICE MAILED: 7/15/2010

LPA PUBLIC HEARING: 8/17/2010

FIRST READING: 9/14/2011

NOTICE MAILED: 8/12/2011

PUBLISHED : 8/24/2011

SECOND READING/ADOPTION HEARING:

PUBLISHED :

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011

Rebecca Haynes, City Clerk

Division 40. Community Redevelopment District - Eighth Avenue (CRD – EA)

Section 40.1. Purpose and intent.

The Eighth Avenue District is intended to encourage and promote the continuance of the existing mixed use development pattern and architectural aesthetic of the area, as well as encourage the infill of vacant or under-developed lots.

Section 40.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, permitted uses and structures in the Eighth Avenue Community Redevelopment District are as follows:

- (a) Residential uses are permitted only as a component of a vertically mixed-use development;
- (b) Transient accommodation use – hotel, motel bed and breakfast and resort condominium;
- (c) Eating and drinking establishments – Bar (cocktail lounge, saloon), specialty food such as gourmet take out, catering, coffee shops, etc. and sit-down restaurants;
- (d) General and professional office uses;
- (e) Retail trade establishments; Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (f) Private, specialized instruction, such as computer training, real estate courses, self-improvement classes, career training or fitness instruction;
- (g) Artist studios, art galleries, and museums;
- (h) Transit facilities;
- (i) Vehicle for hire – limited to rental of bicycles and individual motorized vehicles such as segways, mopeds/scooters;
- (j) Public recreation and other governmental or civic uses, such as a post office;
- (k) Parking facilities with a commercial or mixed use component; or

(l) Other uses similar in character, nature and impact to permitted uses listed above.

Section 40.3. Permitted accessory uses and structures.

(a) Uses and structures, as regulated in Sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures and are not of a nature prohibited under Section 7.5.

(b) Home occupations, subject to the conditions set forth in Section 6.5 of this code.

(c) Temporary uses under the provisions of Section 6.11 of this code.

Section 40.4. Prohibited uses and structures.

Pursuant to the Special Area Plan, Single Family Residential uses are prohibited in the Eighth Avenue District. All other uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the Eighth Avenue District. Structures that are currently constructed as single family residences may continue as legal non-conforming uses or can be adaptively re-used as temporary lodging or commercial uses.

Any use which has been determined under the provisions of Chapter 46 of the Code of Ordinances to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the Eighth Avenue District.

Section 40.5. Density and intensity.

Density and Intensity of use for commercial and residential components shall be inclusive, i.e. the same land area may be used to support both use types without proration. For the purpose of determining mixed uses, transient accommodations shall be considered residential uses and may be combined with ground floor commercial within a mixed-use project. The intensity of the commercial use shall be determined by Floor Area Ratio and the intensity of the transient accommodation shall be determined by units per acre.

Residential use - Shall not exceed 24 dwelling units per acre.

Temporary lodging use - Shall not exceed 30 units per acre.

Non-residential use - Shall not exceed a floor area ratio (FAR) of 1.0 for single use commercial structures or 1.50 for mixed-use development. Projects that consist of a non-residential uses mixed with a temporary lodging or residential use shall provide a minimum FAR of .40 for the non-residential use.

Section 40.6. Building height.

Total height for non-residential, temporary lodging, or non-residential uses mixed with residential uses shall not exceed 35 feet above Base Flood Elevation.

Section 40.7. Setbacks

Front yard: No front yard setback for primary structure; The first and second story of all buildings up to 25 feet in height must not be set back more than 7 feet from the front property line; The third story and/or any portion of the building that exceeds 25 feet in height may be set back further than 7 feet. Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right of way on 8th Avenue and Gulf Way, provided such projection does not extend to within 18 inches of the curbline, subject to a development and right of way use agreement with the City. The second story of the primary structure up to 20 feet above the base flood elevation may also extend over the public right of way, provided such projection does not extend to within 18 inches of the curbline, subject to a development and right of way use agreement with the City. The façade of a third story and/or any portion of a building that exceeds 25 feet above base flood elevation shall not extend beyond the front property line.

Secondary front yard No secondary front yard setback for primary structure; Buildings must not be set back more than 7 feet from the secondary front property line; Marquees, canopies, colonnades, arcades, or fixed awnings may project over the public right of way on 8th Avenue and Gulf Way, provided such projection does not extend to within 18 inches of the curbline. Structures may not project over alleys.

Side yard: None

Rear yard 10 feet minimum. Parking may be placed in the rear setback.

40.8 Maximum impervious surface ratio.

Maximum impervious surface ratio (ISR) for all uses: 0.90

Section 40.9. Minimum Off-Street Parking Requirements and Access Requirements

1. Number of parking spaces required: Subject to Division 23 of the Land Development Code.
2. Access to and location of parking areas:
 - a. Parcels abutting an alley shall not place parking in the front yard setback of the parcel, nor will be provided driveway access from the main thoroughfare. Parking may be placed in the rear or side yard. Access shall be provided via the alley.
 - b. Parcels without alley access shall be granted a curb cut from the main thoroughfare and may provide parking in the front yard.

Section 40.10 Landscaping and buffering

In order to accommodate the form and scale of historic development patterns on 8th Avenue, the CRD-EA District shall be exempt from the buffering and landscaping requirements in Section 22 of this Code.

Parking

Sec. 23.5. Number of parking spaces required.

(e) For commercially zoned properties abutting 7th, 8th, and 9th Avenues in Pass-a-Grille, additional parking shall be required for a change of use only if there is an increase in the floor area of an existing building or construction of additional buildings.

For properties zoned CRD-EA, permitted non-residential and temporary lodging uses are exempt from the minimum parking standards above. Residential uses shall provide the required off-street parking in the table above.

Signage

Sec. 26.35. Severability. CRD-EA District

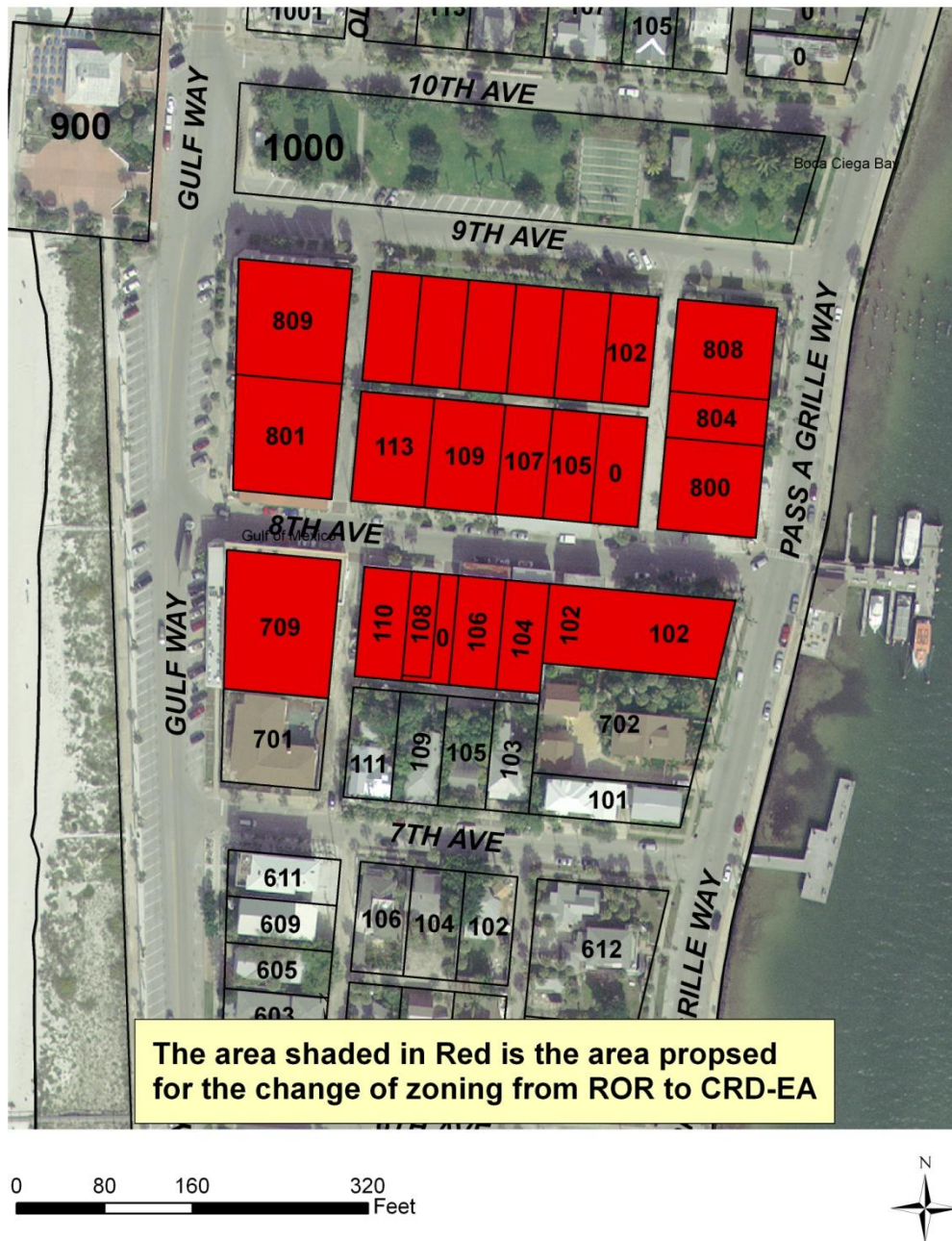
Each business with its own exterior entrance may have up two signs per frontage and may choose from the following:

- (a) One (1) Projecting sign not to exceed 12 square feet and shall have a minimum clearance from the sidewalk of 7.5 feet.
- (b) One (1) Window sign per window pane.
- (c) One (1) attached sign, which may include a wall sign, a canopy, or a marquee sign; the attached sign may not be larger than 1 square foot for every linear foot of building frontage.
- (d) Sandwich boards, subject to the following conditions:
 - 1. Such sign shall be located in front of the storefront for which it advertises and will in no case obstruct the public sidewalk that would create a walkway less than 48" wide.
 - 2. The sign shall not be placed within the visibility triangle required for intersections at streets, alleys, and driveways, as required by this LDC.
 - 3. Such sign shall be no larger than 9 square feet in area per face;
 - 4. Such sign shall have no illumination of any kind;
 - 5. Such sign may be displayed only during the time when the business is open to the public.
- (e) One designer sign, such that the sign is no larger than 4 feet tall by 3 feet wide by 3 feet deep. The designer sign shall not be located within the visibility triangle of any right of way or driveway, nor shall it be placed on public right of way.
- (f) All other signs are prohibited.

Sec. 26.35. 36 Severability

“Exhibit B”

Change of Zoning from ROR to CRD-EA



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

Issue Considered: First Reading Ordinance 2011-23 setting the millage Rate for Fiscal Year 2012

Date: September 14, 2011

Prepared By: Elaine Edmunds, Finance Director

Summary of Issue: The proposed 2.8569 operating millage (\$2.8569 per \$1,000 of taxable valuation) is .1851 mills higher than the current year millage rate and equal to the roll-back rate. The proposed millage rate will generate approximately \$5,456,522 in ad valorem taxes which is comparable to the previous year's tax revenue due to the decrease in overall property values within the City. The proposed debt service millage is increased from .0796 to .0895 mills.

The above millage rate will allow \$70,000 to be put toward reserves. It has been the desire of the Commission to attain a reserve for emergencies equal to 25% of budgeted operating expenditures. It should be noted that with the reclaimed water fund repaying the general fund for monies previously borrowed, that the additional \$70,000 will not be necessary to achieve the targeted 25% reserve figure. A millage rate of 2.8102 will be sufficient to cover the additional capital expenditures requested by the City Commission during the budget workshops. This millage is less than the roll-back of 2.8569 and will result in an overall lesser amount of tax revenue to the City.

Requested Motion: "I move that Ordinance No. 2011-23 an ordinance of the City of St. Pete Beach, Florida; establishing the ad valorem tax levy of _____ mills and a debt service levy of .0895 mills for the general fund for the fiscal year beginning October 1, 2011 and ending September 30, 2012; providing for an effective date be approved on first reading."

Attachment: Ordinance 2011-23

**Reviewed by
City Manager:** MB

ORDINANCE NO. 2011-23

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA; ADOPTING A FINAL MILLAGE RATE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012; PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETE BEACH, FLORIDA, DOES ORDAIN:

Section 1. That a millage levy of 2.8569 general and operative levy and 0.0895 debt service levy is hereby fixed and adopted for the fiscal year of the City ending on September 30, 2012 and shall be placed upon the total taxable assessed valuation of property of any kind liable for and subject to taxation by the City of St. Pete Beach, Florida, including real and personal property, lying within the City of St. Pete Beach, Florida.

Section 2. Said monies as raised by the levy of 2.8569 mills, estimated at \$5,456,522 shall be used for the general operation of the City of St. Pete Beach including, but not limited to, salaries, insurance and energy costs and transfers for capital projects for the afore-mentioned fiscal period.

Section 3. Said monies as raised by the levy of 0.0895 mills, estimated at \$171,537, shall be used to pay debt service on the general obligation bonds issued by the City for the Police Building.

Section 4. The operating millage rate is equal to the rolled-back rate, computed pursuant to the TRIM Act (Section 200.065(1) Florida Statutes) which represents an equivalent amount in property tax collections as the previous year.

Section 5. That a certified copy of this ordinance shall be forwarded to the Tax Assessor of Pinellas County, Florida, together with a request that the aforementioned levies be made by his/her office on behalf of the City of St. Pete Beach for the Fiscal Year 2011-2012.

Section 6. This ordinance shall become effective immediately upon its final passage.

Steve McFarlin, Mayor

FIRST READING: _____
PUBLISHED _____
FINAL READING: _____
PUBLIC HEARING: _____

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Rebecca Haynes, City Clerk

ORDINANCE NO. 2011-23

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA; ADOPTING A FINAL MILLAGE RATE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012; PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETE BEACH, FLORIDA, DOES ORDAIN:

Section 1. That a millage levy of 2.8102 general and operative levy and 0.0895 debt service levy is hereby fixed and adopted for the fiscal year of the City ending on September 30, 2012 and shall be placed upon the total taxable assessed valuation of property of any kind liable for and subject to taxation by the City of St. Pete Beach, Florida, including real and personal property, lying within the City of St. Pete Beach, Florida.

Section 2. Said monies as raised by the levy of 2.8102 mills, estimated at \$5,386,522 shall be used for the general operation of the City of St. Pete Beach including, but not limited to, salaries, insurance and energy costs and transfers for capital projects for the afore-mentioned fiscal period.

Section 3. Said monies as raised by the levy of 0.0895 mills, estimated at \$171,537, shall be used to pay debt service on the general obligation bonds issued by the City for the Police Building.

Section 4. The operating millage rate is less than the rolled-back rate, computed pursuant to the TRIM Act (Section 200.065(1) Florida Statutes) which represents an equivalent amount in property tax collections as the previous year.

Section 5. That a certified copy of this ordinance shall be forwarded to the Tax Assessor of Pinellas County, Florida, together with a request that the aforementioned levies be made by his/her office on behalf of the City of St. Pete Beach for the Fiscal Year 2011-2012.

Section 6. This ordinance shall become effective immediately upon its final passage.

Steve McFarlin, Mayor

FIRST READING: _____
PUBLISHED _____
FINAL READING: _____
PUBLIC HEARING: _____

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Rebecca Haynes, City Clerk

City of St. Pete Beach
Undesignated Fund Balance Projection

	General Fund FY 11	General Fund FY 12	General Fund FY 12
Beginning Balance	\$2,337,289	\$3,014,944	\$3,014,944
Repayment from Wastewater Fund	\$285,270	\$285,270	\$285,270
Repayment from Reclaimed Fund	\$0	\$71,176	\$71,176
Budgeted Increase/Decrease	<u>\$392,385</u>	<u>\$70,000</u>	<u>\$0</u>
Projected balance 9/30/11	<u>\$3,014,944</u>	<u>\$3,441,390</u>	<u>\$3,371,390</u>
Budgeted Operating Expenses	<u>\$13,102,115</u>	<u>\$13,525,227</u>	<u>\$13,525,227</u>
Projected % of Reserve to Operating	<u>23%</u>	<u>25%</u>	<u>25%</u>
Reserve Target	<u>\$3,275,529</u>	<u>\$3,381,307</u>	<u>\$3,381,307</u>
Excess/ (Shortfall)	<u>(\$260,585)</u>	<u>\$60,083</u>	<u>(\$9,917)</u>
Millage		2.8569	2.8102
Current Millage		<u>2.6718</u>	<u>2.6718</u>
Change in millage rate		<u>0.1851</u>	<u>0.1384</u>
Per \$100,000 of property value		<u>\$ 18.51</u>	<u>\$ 13.84</u>
Difference			<u>\$ 4.67</u>

Finance & Budget Committee
Tally Sheet

	Revenue	Expenditures	Balance
General Fund:			
Budget Balance as Submitted:	\$ 14,255,825	\$ 14,255,825	\$ -
Subsequent Events:			
Reduction in Ad Valorem	\$ (9,717)		\$ (9,717)
Increase in EMS	\$ 39,355		\$ 29,638
Police Chief in DROP		\$ (53,071)	\$ 82,709
Budget Committee Recommendations:			
Increase in extra legal		\$ 80,000	\$ 2,709
Elimination of Fireworks		\$ (30,000)	\$ 32,709
Elimination of Holiday Decorations		\$ (30,000)	\$ 62,709

Also recommended roll-back rate and monies going to reserves.

City of St. Pete Beach
Tally Sheet - FY 2012 Proposed Budget
Thru Commission Workshops

	Revenue	Expenditures	Balance
General Fund:			
Budget Balance as Submitted:	\$ 14,255,825	\$ 14,255,825	\$ -
Subsequent Events:			
Reduction in Ad Valorem	\$ (9,717)		\$ (9,717)
Increase in EMS	\$ 39,355		\$ 29,638
Reduce Fireworks costs		\$ (9,000)	\$ 38,638
Police Chief in DROP		\$ (53,071)	\$ 91,709

City Commission Recommendations:

Set Millage at Roll-Back Rate	\$ 335,291		\$ 427,000
Raise parking fees	\$ 140,000		\$ 567,000
Raise parking fines	\$ 15,000		\$ 582,000
Add Revenue For Staffing Fee/Comm. Ctr	\$ 7,000		\$ 589,000
Extra Legal for Labor/Pension Atty		\$ 25,000	\$ 564,000
Increase Personnel Costs Staffing Comm Ctr		\$ 7,000	\$ 557,000
Trim Washingtonias		\$ 27,000	\$ 530,000
Replace Exercise Equip - Lido Park		\$ 10,000	\$ 520,000
Comprehensive Plan Implementation		\$ 50,000	\$ 470,000
Corey Avenue Street Project		\$ 300,000	\$ 170,000
Permitting for Marina		\$ 50,000	\$ 120,000
Pass-A-Grille Engineering		\$ 50,000	\$ 70,000
Money to Reserves		\$ 70,000	\$ -

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

Issue Considered: First Reading – Ordinance 2010-24 Budget Ordinance for FY 2012

Date: September 14, 2011

Prepared By: Elaine Edmunds, Finance Director

Summary of Issue: The FY 2011/12 Budget total for all funds is \$22,778,461. The following is a brief summary by fund.

General Fund The overall General Fund expenditures are expected to increase from \$13,898,443 to \$14,712,754 or approximately 5.9%. This figure includes an increase in amount of transfer to the Capital Projects Fund from \$475,000 to \$925,000. The operating millage rate of 2.8569 mills is .1851 mills higher than the current year's millage rate and equal to the roll-back rate. Therefore there is no reduction in property tax revenue even though property tax values declined 6.48%. Use of the roll-back rate will provide an additional \$70,000 toward the City's reserves.

Wastewater Fund The budget reflects no increase in wastewater fees in FY 2012.

Reclaimed Water The budget reflects an increase in reclaimed water fees that would generate enough revenue to offset the current year's expenditures. The amount of the increase is 14%.

Stormwater Fund A Stormwater Fund was been established for FY 2011. The revenue for this fund will come from a \$36 non-ad valorem assessment on all properties in the City.

Capital Improvement Program (CIP) - The CIP includes a variety of improvement projects throughout the City. The total amount budgeted for FY 2012 is \$2,297,000.

Requested Motion: "I move that Ordinance No. 2010-25, an ordinance of the City of St. Pete Beach, Pinellas County, Florida; adopting a budget for the fiscal year beginning October 1, 2011 and ending September 30, 2012; providing appropriations; and providing an effective date be approved on first reading."

Attachment: Ordinance No 2010-24

**Reviewed by
City Manager:** MB

ORDINANCE NO. 2011-24

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA; ADOPTING A BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012; PROVIDING APPROPRIATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.241 Florida Statute requires each municipality to adopt a budget and make appropriations for each fiscal year; and

WHEREAS, Section 2.218(b) City Charter provides that the appropriation ordinance shall state in clear and precise terms that the budget is adopted by reference and is made a part of the ordinance and that the amounts therein are appropriated for the purposes and for the accounts indicated; and

WHEREAS, the City Manager has submitted a proposed annual budget to the City Commission as required by Section 4.04(e) of the City Charter; and

WHEREAS, the City Commission deems the proposed expenditures necessary and proper for the operation of the City Government and to provide for the health, safety, and welfare of its citizens.

THE CITY OF ST. PETE BEACH, FLORIDA, DOES ORDAIN:

Section 1. The annual budget for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012, as attached hereto as Exhibit "A" ("the Budget") is adopted by reference and is made a part of this ordinance and the amounts thereon are appropriated for the purposes and for the accounts thereon indicated. The Budget adopts and appropriates the sums of money appropriated for expenditures within each fund as indicated below and as further described in as Exhibit A for the Fiscal Year ending on September 30, 2012:

General Fund	\$14,712,754
Wastewater Fund	\$ 4,301,031
Reclaimed Water	\$ 1,212,201
Stormwater Fund	\$ 255,475
Capital Improvement	\$ 2,297,000

Section 2. That for the period of October 1, 2011 through September 30, 2012 all monies of the City shall be expended as appropriated herein and in accordance with the City Charter and ordinances of the City.

Section 3. This ordinance shall become effective immediately upon its final passage.

Steve McFarlin, Mayor

FIRST READING: _____
PUBLISHED _____
FINAL READING: _____
PUBLIC HEARING: _____

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Rebecca Haynes, City Clerk

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

Issue Considered: First reading of Ordinance 2011-25 providing for an amendment of Section 2-254 (b) (8) of the Appendix A fee schedule of the code of ordinances pertaining to charges for off duty police officers.

Date: September 14, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: The attached ordinance 2011-25 provides for an amendment of Section 2-254 (b) (8) of the Appendix A fee schedule of the code of ordinances pertaining to charges for off duty police officers. This amendment will change the Appendix A fee schedule to reflect an increase in the hourly rate of a contracted off duty police officer from \$49.00 to \$53.00. The increased rates are necessary to cover the personnel costs associated with contractual off duty police work.

Requested Motion: “I move for the adoption of Ordinance 2011-25 . . . (read title).”

Attachments: Ordinance 2011-25
Amended Appendix A Fee Schedule

Reviewed By:
City Manager: MB

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2011-25**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH FLORIDA PROVIDING FOR AN AMENDMENT OF SECTION 2-254 (b) (8), OF THE APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES AS SET FORTH IN ATTACHMENT A TO THIS ORDINANCE; PERTAINING TO CHARGES FOR OFF-DUTY POLICE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to update the City's fees pertaining to charges for off-duty police officers; and

WHEREAS, the City Commission has found that this Ordinance to be in the best interest of the health, safety and welfare 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. Appendix A, Section 2-254 (b) (8) of the Code of Ordinances, City of St. Pete Beach, Florida is hereby amended as set forth in attachment A to this Ordinance.

Section 2. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon final adoption as provided by law.

Steve McFarlin, MAYOR

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

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Rebecca Haynes, CLERK

ATTATCHMENT A
APPENDIX A FEE SCHEDULE

This appendix includes all fees and charges established by ordinance of the city commission that do not appear in the Code of Ordinances.

TABLE INSET:

Section This Code	Description	Amount
	Chapter 2. Administration	
2-254(a)	Miscellaneous fees	
2-254(a)(1)	Duplicating any audio tape of meetings of the city commission or any city board:	
	When the person making the request provides a blank audio tape for said duplicating	No charge
	If a blank audio tape is not provided	Actual cost of the audio tape
2-254(a)(2)	Duplicating video tape:	
	When the person making the request provides a blank video tape for said duplicating	No charge
	If a blank video tape is not provided	Actual cost of the video tape
2-254(a)(3)	Photocopy charges:	
2-254(a)(3)a	Per side of page	0.15
2-254(a)(3)b	Per two-sided duplicated page	0.20
2-254(a)(4)	Reprinting microfilmed records:	
2-254(a)(4)a	8 1/2-inch by 11-inch or 8 1/2-inch by 14-inch page, per page	0.25
2-254(a)(4)b	Larger pages, including maps, per page	2.00
2-254(a)(5)	Copy of city Charter and Code of Ordinances in looseleaf binder	125.00
2-254(a)(6)	Yearly subscription to looseleaf supplements for Code of Ordinances, per year, paid in advance	50.00
2-254(b)	Administrative fees:	
2-254(b)(1)	Notarization of documents, per document	No charge

2-254(b)(2)	Preparation of declaration and notarization of domicile, per preparation	7.00
2-254(b)(3)	Identification cards and fingerprint services:	
2-254(b)(3)a	Identification card or fingerprint card only	5.00
2-254(b)(3)b	Identification card or fingerprint card with state department of law enforcement (FDLE) record check for applicant, when required by city, plus costs charged by FDLE for processing fingerprint cards	5.00
2-254(b)(5)	Temporary street banners permitted by chapter 122 pertaining to signs:	
2-254(b)(5)a	Erection by city employees	184.00
2-254(b)(5)b	City civic associations or charitable special events, no fee	
2-254(b)(6)	Certification of city records by city clerk's office (F.S. § 119.07.1(a)), per document	1.00
2-254(b)(7)	Disaster re-entry pass, per each	1.00
2-254(b)(8)	Fees for off-duty police officer, per hour Administrative Fee per off duty contact Fee for police vehicle if required, per hour Fee for police vessel if required , per hour	49.00 <u>\$53.00</u> \$15.00 \$10.00 \$25.00
2-254(b)(9)	Fees for off-duty fire department personnel special detail work	45.00

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

Issue Considered: First reading of Ordinance 2011-26 providing for the amendment of Sections 82-202(a)(1), 82-202(a)(2), 82-203(b)(1), 82-205 and 82-260 of the Appendix A Fee Schedule of the Code of Ordinances as set forth in Attachment A increasing the fees pertaining to parking pay station and metered parking decals and permits.

Date: September 14, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: The attached ordinance 2011-26 provides for an amendment of Section 82 of the Appendix A fee schedule of the code of ordinances increasing the fees pertaining to parking pay station and metered parking decals and permits. This amendment will change the Appendix A fee schedule to reflect the following:

	Chapter 82 Chapter Traffic and Vehicles	Amount
<u>82-202(a)</u>	Parking decals:	
<u>82-202(a)(1)</u>	City resident or nonresident owning property within city <u>or employees of businesses operated on premises only in Pass-a-Grille area and south of 31st Avenue, employees of businesses operated on premises having frontage on Beach Plaza.</u>	15.00 <u>25.00</u>
<u>82-202(a)(2)</u>	Nonresident	100.00 <u>125.00</u>
<u>82-203(b)(1)</u>	Employees of businesses operated on premises only in Pass-a-Grille area and south of 31st Avenue, employees of businesses operated on premises having frontage on Beach Plaza, per calendar month	25.00 per mo.
<u>82-205</u>	Parking meter rates for parking meters identified by the city manager as "parking pay stations."	1.25 <u>1.50</u> per hour, 10.00 <u>12.00</u> for 12 hours
<u>82-260</u>	Daily parking permits	10.00 <u>12.00</u>

Requested Motion: "I move for the adoption of Ordinance 2011-26 . . . (read title)."

Attachments: Ordinance 2011-26
Amended Appendix A Fee Schedule

Reviewed By:
City Manager: MB

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO 2011-26**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH FLORIDA PROVIDING FOR AN AMENDMENT OF SECTIONS 82-202(a)(1), 82-202(a)(2), 82-203(b)(1), 82-205 and 82-260 OF THE APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES AS SET FORTH IN ATTACHMENT A TO THIS ORDINANCE PERTAINING TO AN INCREASE IN THE PARKING PAY STATION AND METERED PARKING DECAL FEES; METERED PARKING PERMIT FEES PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to update the City's fees pertaining to the City's parking pay stations and metered parking decals and permits; and

WHEREAS, the City Commission has found that this Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City of St. Pete Beach;

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

Section 1. Appendix A, Sections 82-202(a)(1), 82-202(a)(2), 82-203(b)(1), 82-205 and 82-260 of the Code of Ordinances, City of St. Pete Beach, Florida are hereby amended as set forth in attachment "A" to this Ordinance.

Section 2. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon final adoption as provided by law.

Steve McFarlin, MAYOR

FIRST READING : _____

PUBLISHED : _____

SECOND READING : _____

PUBLIC HEARING : _____

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Rebecca Haynes, CITY CLERK

ATTACHMENT A

CODE OF ORDINANCES SECTION 82 APPENDIX A FEE SCHEDULE

	Chapter 82 Chapter Traffic and Vehicles	Amount
82-202(a)	Parking decals:	
82-202(a)(1)	City resident or nonresident owning property within city or <u>employees of businesses operated on premises only in Pass-a-Grille area and south of 31st Avenue, employees of businesses operated on premises having frontage on Beach Plaza.</u>	15.00 25.00
82-202(a)(2)	Nonresident	100.00 125.00
82-203	Parking permits:	
82-203(a)	Gulf Way and Eighth Avenue area:	Below
82-203(a)(2)	Houses and apartments having street addresses on Gulf Way from First Avenue to 22nd Avenue and Eighth Avenue:	Below
82-203(a)(2)a	"A" Permit purchase by record title owner of each unit.	20.00
82-203(b)	On-premises businesses in Pass-a-Grille:	Below
82-203(b)(1)	Employees of businesses operated on premises only in Pass-a-Grille area and south of 31st Avenue, employees of businesses operated on premises having frontage on Beach Plaza, per calendar month	25.00 per mo.
82-203(c)	One-day permits for operators of commercial watersports businesses at Merry Pier, for resale at same price to legitimate customers	2.00
82-203(d)	Gulfwinds Condominium, Friendly Native Condominium and Ramar Apartments and Starlight Towers Condominium:	Below
82-203(d)(2)	"E" Permit Purchase by record title owner of unit, each	20.00
82-203(e)	Hanging meter permits for Pass-a-Grille business owners to be used by customers	35.00 per yr.
82-204	Parking meter rates, per 15 minutes	0.25
82-205	Parking meter rates for coin operated parking meters identified by the city manager, per hour	1.00
82-205	Parking meter rates for parking meters identified by the city manager as "parking pay stations."	1.25 1.50 per hour, 10.00 12.00 for 12 hours

82-205	Parking meter rates for parking meters identified by the city manager as "County Park Beach Access parking pay stations."	1.50 per hour, 12.00 for 12 hours
82-242(b)	Controlled parking residential parking permit, annual	"D" 5.00
82-243(g)	Controlled parking residential temporary parking permit	"Temp. "D" 3.00 per mo.
82-260	Daily parking permits	10.00 <u>12.00</u>
82-273	Storage charge for impounded motor vehicle, per day	35.00

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

Issue Considered: First Reading of Ordinance 2011-27 amending Chapter 82, Article III, Division 2, Section 82-171 pertaining to an increase in fines for parking violations.

Date: September 14, 2011

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: First reading of Ordinance 2011-27 amending Chapter 82, Article III, Division 2, Section 82-171 as set forth will increase parking violation fines as indicated below:

(1) Overtime parking	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(2) Improper parking	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(3) Double parking	\$40.00	\$55.00
(4) No parking zone	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(5) Motor running, unattended	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(6) Keys in ignition	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(7) Other	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(8) Parking for space reserved for disabled persons:	\$255.00	\$270.00
(9) Parking in front of fire hydrant:	\$100.00	\$115.00
(10) Parking on streets or lots restricted to specific permit parking:	\$40.00	\$55.00

Requested Motion: “I move for the adoption of Ordinance 2011-27 . . . (read title).”

Attachments: Ordinance 2011-27

Reviewed By:
City Manager: MB

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2011-27**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 82, ARTICLE III, DIVISION 2, SECTION 82-171, FINES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to update the City's fines for certain violations pertaining to the City's parking regulations; and

WHEREAS, the City Commission has found that this Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City of St. Pete Beach;

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

SECTION 82-171 FINES FOR VIOLATIONS

Section 1. Chapter 82, Article III, Division 2, Section 82-171 of the Code of Ordinances, City of St. Pete Beach, Florida is hereby amended as follows:

82-171: Fines for violations:

The following fines shall be charged for certain parking violations:		After 15 Days
(1) Overtime parking	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(2) Improper parking	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(3) Double parking	\$40.00	\$55.00
(4) No parking zone	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(5) Motor running, unattended	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(6) Keys in ignition	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(7) Other	\$25.00 <u>\$30.00</u>	\$40.00 <u>\$45.00</u>
(8) Parking for space reserved for disabled persons:	\$255.00	\$270.00

(9) Parking in front of fire hydrant:	\$100.00	\$115.00
(10) Parking on streets or lots restricted to specific permit parking:	\$40.00	\$55.00

Section 2. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 3. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon final adoption as provided by law.

Steve McFarlin, MAYOR

FIRST READING : _____

PUBLISHED : _____

SECOND READING : _____

PUBLIC HEARING : _____

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011

Rebecca Haynes, CLERK

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

Issue Considered: Ordinance No. 2011-28, establishing the date for the 2012 election in Districts One and Three

Date: September 14, 2011

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: This ordinance will set the date for the 2012 election for Districts One and Three in the City of St. Pete Beach. The proposed ordinance allows flexibility in setting the election date depending on the date of the Presidential Preference Primary election, which will be set by October 1, 2011.

Requested Motion: “I move to approve Ordinance No. 2011-28. . . (read title).”

Attachments: Ordinance No. 2011-08

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2011-28

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH,
FLORIDA AMENDING SECTION 38.7 OF THE CITY OF
ST. PETE BEACH CITY CODE ENTITLED "ELECTIONS
DATE OF COMMISSIONERS," AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City Commission finds the amendments to Chapter 38 of the City Code, as more particularly set forth herein, in the public interest of the citizens of the City of St. Pete Beach, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. PETE BEACH, FLORIDA:

Section 1. Chapter 38; St. Pete Beach City Code related to Elections is hereby amended in its entirety as follows:

Sec 38-7: Election Date of Commissioners

The regular election for the city commission shall be held on the second Tuesday of March, unless the city commission determines, by ordinance pursuant to Florida Statutes Section 100.3605(2), that it is appropriate to schedule that election for some other date in March. The date of the regular municipal election in the year 2012; however, shall be the same as the date of the Presidential Primary Election, if the date of the Presidential Primary Election is later than January 31, 2012. If the date of the Presidential Primary Election is between January 3 and January 31, 2012, the date of the regular municipal election shall be March 13, 2012, unless another date is designated by ordinance adopted by the City Commission 120 days prior to the election date.

Section 2. Should any section, sentence, clause, part or provision of this ordinance be held or declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part held or declared to be invalid.

Section 3. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This Ordinance shall take effect immediately upon second reading.

**STEVEN
McFARLIN, MAYOR**

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

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Rebecca C. Haynes, City Clerk

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

Issue Considered: First Reading of Ordinance 2011-29 adopting new City ordinances, modifying and repealing existing City ordinances so as to comply with Florida Chapter 2011-109 clarifying that no provisions of City code be inconsistent with Florida Statutes section 790.33 including revisions thereto as contemplated by Florida Chapter 2011-109.

Date: September 14, 2011

Prepared By: Dan O'Connor – Administrative Services Supervisor

Through: Dave Romine – Chief of Police

Summary of Issue: First Reading of Ordinance 2011-29 adopting new City ordinances, modifying and repealing existing City ordinances so as to comply with Florida Chapter 2011-109 clarifying that no provisions of City code be inconsistent with Florida Statutes section 790.33 including revisions thereto as contemplated by Florida Chapter 2011-109.

Ordinance 2011-29:

Amends section 34-38 (d)(1) of the City Code pertaining to executive orders, proclamations and rules having the force and effect of laws dealing with the sale, dispensing or transportation of alcoholic beverages, explosives, combustibles and ammunition when a state of emergency is declared.

Amends section 54-4 of the City Code pertaining to the discharge of spear guns and firearms which the City has the authority to regulate pursuant to Florida Statutes Section 790.33, including amendments thereto enacted by Laws of Florida Chapter 2011-109.

Repeals section 54-3 of the City Code pertaining to the discharge of firearms.

Adds sections 54-9 and 54-10 to the City Code pertaining to and clarifying ordinances regulating firearms and ammunition.

Requested Motion: “I move for the adoption of Ordinance 2011-29 . . . (read title).”

Attachments: Ordinance 2011-29

Reviewed By:
City Manager: MB

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2011-29

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, ADOPTING NEW ORDINANCES AND MODIFYING EXISTING ORDINANCES AND REPEALING EXISTING ORDINANCES SO AS TO COMPLY WITH LAWS OF FLORIDA CHAPTER 2011-109, CLARIFYING THAT NO PROVISIONS OF THE CODE ARE INTENDED TO AND SHALL NOT BE CONSTRUED TO BE IN CONFLICT OR INCONSISTENT WITH FLORIDA STATUTES SECTION 790.33, INCLUDING REVISIONS THERETO AS CONTEMPLATED BY CHAPTER 2011-109, LAWS OF FLORIDA; REVISING SECTIONS 34-38 AND 54-4 OF THE CODE OF ORDINANCES OF THE CITY OF ST. PETE BEACH, TO CONFORM TO STATE LAW REGARDING FIREARMS; REPEALING SECTION 54-3; CREATING SECTIONS 54-9 AND 54-10; CLARIFYING THAT NO PORTIONS OF THE CITY'S CODE OF ORDINANCES ARE INTENDED OR IN ANY MANNER SHALL BE DEEMED TO BE IN CONFLICT OR INCONSISTENT WITH THE PROVISIONS OF FLORIDA STATUTES SECTION 790.33, INCLUDING REVISIONS THERETO TO CONTEMPLATED BY CHAPTER 2011-109, LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has enacted Laws of Florida Chapter 2011-109 amending the provisions of Florida Statutes Section 790.33, also known as the "Joe Carlucci Uniform Firearms Act;" and

WHEREAS, Laws of Florida Chapter 2011-109 establishes that it is the intent of the Legislature through Florida Statutes Section 790.33 to deter and prevent violations thereof and violations of rights protected under the Constitution and laws of the State of Florida relating to firearms, ammunitions, or components thereof, by official authority that occurs when enactments are passed in violations of state law or under code of local or state authority; and

WHEREAS, Laws of Florida Chapter 2011-109 expressly preempts unto the State the entire field of regulation of firearms and ammunitions, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Thus, unless expressly authorized by the Florida Constitution or general State law, local governments will be preempted from any manner of regulation of firearms and ammunitions.

WHEREAS, Laws of Florida Chapter 2011-109 establishes various penalties for violating Florida Statutes Section 790.33, including provisions that:

(a) require a court to declare ordinances, regulations, or rules that violate Florida Statutes Section 790.33 invalid and issue a permanent injunction against the local government from enforcing such ordinances, regulations, or rules;

(b) require a court to assess a civil fine of up to \$5,000.00 against the elected or appointed local government official or administrative agency head under whose jurisdiction a violation occurred if the court determines that a violation was knowing and willful;

(c) specify that a knowing and willful violation of the statute by a person acting in an official capacity is cause for immediate termination of employment; and

(d) authorize a person or organization whose membership is adversely affected by the ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated in violation of the statute to file for declaratory and injunctive relief and for all actual damages attributed to the violation; and in such suits, courts shall award the prevailing plaintiff (i) reasonable attorney's fees and costs, including a contingency fee multiplier as authorized by law, and (ii) the actual damages incurred up to \$100,000.00.

WHEREAS, Laws of Florida Chapter 2011-109 also significantly limits the use of public funds to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated Florida Statutes Section 790.33, and provides that such a violation shall be cause for termination of employment or contract or removal from office by the Governor.

WHEREAS, prior to adoption of Laws of Florida Chapter 2011-109, it had been accepted practice of numerous local governments through the State of Florida to use their home rule powers to enact ordinances that did not specifically regular firearms, but which, like ordinances addressing noise and excessive sounds, could impact the use of firearms in the same manner that it would impact other activities generally regulated by such police power ordinances.

WHEREAS, the City Commission of the City of St. Pete Beach intends by this Ordinance to take all actions necessary so as to assure that no provisions of the Code of Ordinances of the City of St. Pete Beach, shall be deemed, interpreted, construed, implemented, administered, enforced, etc., in any manner whatsoever to be a violation of Florida Statutes Section 790.33, including as the statute has been amended by Laws of Florida Chapter 2011-109,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. PETE BEACH, FLORIDA:

Section 1. Section 34-38, City Code, is amended to read:

Sec. 34-38. Declaration of state of emergency.

(a) In the following order, the mayor, vice-mayor, commissioner, city manager or assistant city manager shall have the authority to declare a state of emergency by proclamation. Upon the absence or unavailability of the mayor, the vice-mayor may issue such a declaration, and upon the absence or unavailability of the mayor and the vice-mayor, a city commissioner or the city manager or, upon the absence or unavailability of the city manager, an assistant city manager may issue such a declaration.

(b) Any declaration of a state of emergency and all emergency regulations activated under this article shall be confirmed by the city commission by resolution within five working days of such declaration or at the next regularly scheduled meeting of the city commission, whichever occurs first, unless the nature of the emergency renders a meeting of the city commission extremely impractical. Confirmation of the emergency declaration shall disclose the reasons for, anticipated impacts of, actions proposed and taken to manage the emergency and other pertinent data relating to the declaration of emergency.

(c) The state of emergency shall continue until there is a finding by the official declaring the emergency that the emergency no longer exists or until a meeting of a quorum of the board of city commissioners can take place and terminate the state of emergency by proclamation.

(d) Upon the determination of an emergency, the mayor, vice-mayor or city manager shall have the power to issue and rescind executive orders, proclamations and rules. Such executive orders, proclamations and rules shall have the force and effect of law and may deal with the following matters:

(1) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, ~~firearms~~, explosives and combustibles (except for ammunition whether City has the authority to _____ pursuant to Florida Statutes Section 790.33, including amendments thereto enacted by Laws of Florida Chapter 2011-109.

(2) Establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated, essential services, such as fire, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs and emergency calls by physicians.

(3) Utilize all available resources of the city government as reasonably necessary to cope with the emergency, including emergency expenditures, not to exceed \$50,000.00.

- (4) Declare certain areas off limits.
- (5) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
- (6) Establish emergency operating centers and shelters, in addition to or in place of those provided for in the city's emergency plan.
- (7) Declare that during an emergency, it shall be unlawful and an offense against the city for any person to use the fresh water supplied by the city or the county, for any purpose other than cooking, drinking or bathing.
- (8) Declare that during an emergency, it shall be unlawful and an offense against the city for any person operating within the city to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price, as used in this subsection is defined to be that price at which similar merchandise, goods, or services were being sold during the 90 days immediately preceding the emergency or a markup which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency.
- (9) Confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement shall be within 60 days and at customary value charged for the items during 90 days previous to the emergency.
- (10) Make provisions for rationing of fuel, ice and other essentials.
- (11) Evacuation planning.
- (e) A state of emergency, when declared as provided in this section, shall continue in effect from day to day until declared to be terminated.
- (f) Upon the declaration of a state of emergency, the city manager shall post written notice of such declaration upon the main bulletin board in the city hall and shall notify by telephone not less than two newspapers of general circulation with the city, at least three television stations and at least three radio stations broadcasting in Pinellas or Hillsborough Counties. When practicable, the city manager shall also cause the written notice to be published, in its entirety, at least four days each week in a newspaper of general circulation in the city until the state of emergency is declared to be terminated.

Section 2. Section 54-4 Code is amended to read:

Sec. 54-4 Discharge of spear guns.

It shall be unlawful for any person to use, discharge or cause to be discharged any spear or harpoon by or with a spring gun, mechanic gun, power gun or any mechanic device whatsoever within the corporate limits except for firearms which the City has the authority to regulate pursuant to Florida Statutes Section 790.33, including amendments thereto enacted by Laws of Florida Chapter 2011-109

Section 3. Section 54-3 City Code is repealed.

Section 4. Section 54-9 is hereby created to be part of Chapter 54 of the Code of Ordinances of the City of St. Pete Beach, Florida, and shall read as follows:

Section 54-9. Ordinances Regulating Firearms and Ammunitions.

As established by Florida Statutes Section 790.33, including amendments thereto enacted by Laws of Florida Chapter 2011-109, except as expressly provided by the Florida Constitution or by general law, the Florida Legislature is occupying the whole field of regulation of firearms and ammunitions, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances are any administrative regulations or rules adopted by local or state government relating thereto. Accordingly, all ordinances, regulations, and rules set forth in or contemplated by this Code which in any manner regulate firearms or ammunitions to the extent that the subject matter thereof has been properly occupied by, reserved to, or preempted by the Florida Legislature (i) are hereby declared to be null and void; and (ii) shall not be interpreted, construed, implemented, enforced or the like in any manner so as to conflict with, be inconsistent with, or • violate Florida Statutes Section 790,33, including any subsequent amendments thereto,

The City acknowledges that the whole field of regulation of firearms and ammunitions, including any components thereof, are being occupied by the Florida Legislature and that, except as expressly provided by the Florida Constitution or by general law, the City is preempted from adopting, enacting, implementing, or enforcing any ordinances, regulations, and rules pertaining thereto to the extent that the subject matter thereof has been preempted by the Florida Legislature. Accordingly, as a rule of construction and interpretation applicable to all provisions of this Code, it is hereby directed that no provision of this Code shall be deemed or interpreted in any manner to violate state law, including Florida Statutes Section 790.33; rather, the provisions of this Code shall be interpreted and constructed in a manner so as to not cause or result in a violation of state law, including Florida Statutes Section 790.33.

Section 5. Section 54-10 is hereby created to be part of Chapter 54 of the Code of Ordinances of the City of St. Pete Beach, Florida, and shall read as follows:

Section 54-10. No Regulation of Firearms or Ammunitions.

No provisions in this Article are intended to be, nor shall any provision of this Article be in any manner interpreted or construed to be, a regulation of firearms or ammunitions in violation of Florida Statutes Section 790.33, including all subsequent amendments thereto. Notwithstanding any term or provision of this Article which might appear or suggest otherwise, it is hereby expressly acknowledged that the Florida Legislature is occupying the whole field of regulation of firearms and ammunitions, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state governments relating thereto and, correspondingly, no provision of this Article shall apply to firearms and ammunitions.

Section 6. Conflict. The provisions of this Ordinance shall be deemed to control and prevail over any ordinance, regulation, rule, or portion thereof in conflict with the terms hereof.

Section 7. Effective Date. This Ordinance shall become effective upon its adoption by the City Committee of the City of St. Pete Beach.

Section 8. If any phrase or portion of this ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, then the remainder thereof shall not be affected thereby.

Section 9. The above and foregoing Ordinance was read, approved on first reading at a duly convened meeting of the City Committee of the City of St. Pete Beach, Florida, the ____ day of _____, 2011.

STEVEN
McFARLIN, MAYOR

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

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Rebecca Haynes, City Clerk

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Ordinance 2011-30, approving a Contingent Mediation Settlement Agreement between Walter Sowa v. The City of St. Pete Beach, Florida
Date:	September 14, 2011
Prepared By:	Michael Davis, City Attorney
Summary of Issue:	The approval of a Contingent Mediation Settlement Agreement
Requested Motion:	“I move to approve Ordinance No. 2011-30 on first reading . . . read title.”
Attachments:	Memo regarding Settlement Agreement Ordinance 2011-30 Contingent Mediation Settlement Agreement

MEMORANDUM

TO: Hon Mayor and Members of City Commission

FROM: Michael S. Davis, Esquire

DATE: September 6, 2011

RE: Walter Sowa v. The City of St. Pete Beach, Case No. 07-008787-CI-11

This case, which has been pending against the City since 2007, was set for trial in October, 2011. The case was mediated pursuant to Order of the Court on Thursday, September 1, 2011. Mike Bonfield and I represented the City in the mediation. We arrived at a contingent mediation agreement, which has been signed by all parties and counsel. That agreement is subject to approval by the City Commission. The court has taken the case off of the trial docket pending settlement approval. Because of the legal claims by Mr. Sowa, it is necessary to approve the agreement by ordinance after a public hearing. Attached is an ordinance approving the agreement together with a copy of the contingent settlement agreement. I will provide an overview of the agreement orally.

ORDINANCE 2011-30

AN ORDINANCE OF THE CITY OF ST PETE BEACH
RELATING TO A LAWSUIT BETWEEN WALTER SOWA
AND THE CITY OF ST. PETE BEACH; APPROVING A
CONTINGENT MEDIATION SETTLEMENT
AGREEMENT BY ORDINANCE; AND PROVIDING FOR
AN EFFECTIVE DATE.

WHEREAS, Walter Sowa has brought a lawsuit against the City of St. Pete Beach
entitled *Walter Sowa v. City of St. Pete Beach, Florida*, Case No. 07-008787-CI-11;

WHEREAS, this lawsuit has been mediated pursuant to the Order of the Court;

WHEREAS, it is in the public's best interest to approve the contingent mediation
settlement agreement attached hereto as Exhibit A; and

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

Section 1. APPROVAL OF CONTINGENT MEDIATION AGREEMENT.

The contingent mediation settlement agreement attached hereto as Exhibit "A" is
approved.

Section 2. EFFECTIVE DATE. This ordinance shall become effective
immediately upon adoption.

PASSED AND DULY ADOPTED, with a quorum present and voting, this _____
day of September, 2011.

STEVEN McFARLIN, MAYOR

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

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Rebecca Haynes, City Clerk

IN THE CIRCUIT COURT IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL NO. 07-008787-CI-11

WALTER SOWA,

Plaintiff,

vs.

CITY OF ST. PETE BEACH, FLORIDA,

Defendant.

CONTINGENT
MEDIATION SETTLEMENT AGREEMENT

The undersigned parties enter into this mediation stipulation pursuant to the agreements reached at the mediation conference held in this matter on Thursday, September 1, 2011, before Charles W. Ross, Certified Mediator; the parties having conducted a confidential and privileged mediation session pursuant to the terms and conditions of the written engagement letter furnished by the mediator to each party's counsel, the terms and conditions of which have been accepted by said counsel and their parties, the mediation having been successfully concluded to the satisfaction of all of the parties and their respective counsel; the parties having agreed to the terms of a full and final settlement of all claims herein; and the parties further having agreed to abide by the following terms and conditions of this mediation settlement, the parties agree as follows:

1. **EXCHANGE OF CONSIDERATION:** As consideration for this mediation settlement agreement, the parties hereby agree that the following matters shall be performed in settlement of this claim:

The parties agree to comply with the conditions attached hereto as Exhibit "A", which is incorporated herein by reference. The obligations upon Exhibit "A" shall be performed by Plaintiff and Intervenor, Ronald Holehouse, with the Defendant City of St. Pete Beach, reasonably co-operating as to building permit issuance, as may be required, all as set forth upon Exhibit "A".

Counsel for the parties shall communicate + co-operate with one another to reasonably accomplish the terms of this settlement + the provisions on Addendum "A" attached hereto.

This settlement is subject to, and contingent upon, final City Commission approval.

know of the information set forth herein. However, this agreement may be disclosed to the above-captioned Court for enforcement purposes or as may be required by Court Order, subpoena, or judicial process.

4. The signatories to this agreement represent the parties to this mediation as noted below. Each party's representative has full authority to execute this agreement on behalf of the parties and entities reflected below. Each party enters into this agreement knowingly and voluntarily, having consulted with legal counsel and being satisfied with the terms and conditions of this settlement.

5. Each of the parties to this agreement has previously agreed to the mediation of these matters by Charles W. Ross, certified mediator, pursuant to the terms and conditions of the written engagement letter furnished by the mediator to the parties' counsel, which terms are accepted by the parties hereto. The parties have agreed to compensate the mediator for his services, pursuant to the hourly rate schedule set forth under the engagement letter, and they acknowledge that payment to the mediator is due and owing upon execution of this agreement. The parties and their respective legal counsel, jointly and severally, shall be responsible for obtaining payment due to the mediator upon conclusion of the mediation conference.

6. In the event of an ambiguity regarding the meaning of this agreement, then the parties agree to submit such issues to the mediator for a further mediation conference. No such mediation conference shall be required to enforce the clear terms and conditions of this agreement. This settlement agreement is a binding agreement under the laws of the State of Florida and has been carefully reviewed by each of the parties hereto and by each party's legal counsel prior to its execution. This

agreement may be enforced by the above-captioned court or by any other court of competent jurisdiction, if necessary. Should legal action be required to enforce this settlement agreement, the prevailing party shall be entitled to be paid its reasonable attorney's fee and court costs incurred in enforcing the terms of this settlement agreement.

7. This mediation agreement sets forth the entire and complete settlement agreement between the parties relative to this matter and may not be modified or amended except by written agreement executed by all of the parties set forth below. This written settlement agreement may not be modified by oral discussions occurring prior to or after its execution.

8. The undersigned legal counsel, as representatives of the parties hereto, and the undersigned parties, agree to cooperate with one another and to assist one another in the execution of all releases, *compliance w/ Addendum "A" terms,* stipulations for dismissal, and other such documents as may be reasonably necessary to successfully conclude this matter pursuant to the terms of this mediation agreement.

9. This Mediation Agreement is made as a settlement and compromise of disputed claims. No party to this Mediation Settlement Agreement admits any liability or wrongdoing as a result of the execution of this Agreement.

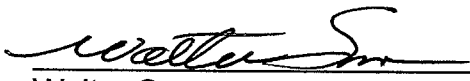
10. This Settlement Agreement has been prepared by the parties and their legal counsel as a direct result of their negotiations at the mediation conference. The parties to the mediation accept this agreement as their work product and acknowledge that this agreement has not been prepared by the mediator, but has been drafted through the combined efforts of the parties and their counsel, who accept full

responsibility for preparing this agreement and negotiating the terms and conditions set forth herein.

11. Each party represents to the mediator and to the other parties hereto that this settlement agreement is voluntarily made, with full advice from legal counsel. Each party further represents to the mediator and to the parties hereto that such party has not suffered from any mental or physical infirmity or duress which has affected the making of this settlement agreement.

IN WITNESS WHEREOF, this mediation settlement agreement has been made, knowingly and voluntarily, by the parties designated below; and this agreement has been approved by said parties' legal counsel on the date set forth below.

Thomas & Associates, P.A.


Walter Sowa
Dated: 9/1/2011

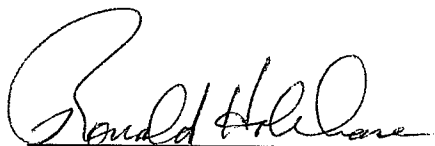

John R. Thomas, Esquire
233 Third Street North, Suite 101
St. Petersburg, FL 33701
Attorney for Plaintiff
Dated: 9/1/2011

City of St. Pete Beach, Florida

Bryant, Miller, Olive

By: 
Print Name MICHAEL P. BONFIELD
Its CITY MANAGER
Dated: 10/1/11

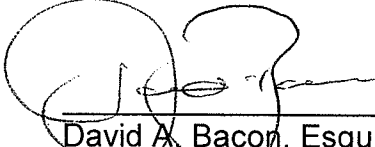

Michael S. Davis, Esquire
One Tampa City Center, Suite 2700
Tampa, FL 33602
Attorney for Defendant
Dated: _____



Ronald Holehouse, Intervenor

Dated 9/1/11

Bacon & Bacon



David A. Bacon, Esquire

2959 First Avenue North

St. Petersburg, FL 33713

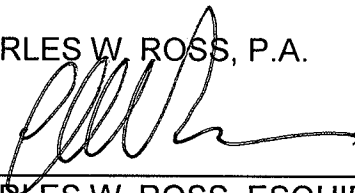
Attorney for Holehouse

Dated: 9/1/2011

Approved:

MEDIATOR

CHARLES W. ROSS, P.A.



CHARLES W. ROSS, ESQUIRE

1535 Dr. M.L. King Street North

St. Petersburg, FL 33704

(727) 502-5000

(727) 502-5001(facsimile)

Florida Bar No. 272523

Dated: 9/1/2011

ADDENDUM TO MEDIATION SETTLEMENT AGREEMENT

The Plaintiff, WALTER SOWA (herein referred to as "Sowa"), the Defendant, CITY OF ST. PETE BEACH, FLORIDA (herein referred to as the "City"), and Intervenor, RONALD HOLEHOUSE (herein referred to as "Holehouse") agree to the full and final settlement of all claims, demands and issues in this case, except for the fee/cost claims as noted below, upon the terms stated below:

1. **Property Inspection:** Holehouse agrees to cause the building structure and the ancillary structures (including without limitation the dumpster enclosure and south boundary perimeter wall) owned by him which are the subjects of this case (collectively the "Building") to be inspected on or before October 31, 2011, at Holehouse's expense, by a licensed, reputable, experienced and independent structural engineer (the "Inspector") to determine if there exist(s) any physical condition(s) of the Building, including without limitation the roof (including any invasive testing determined by the Inspector to be needed), the dumpster enclosure and the south boundary perimeter wall, air conditioning units and lintels above windows and doors, that cause the Building to not be structurally sound and that violate any applicable provision of the Florida Building Code, the Pinellas Gulf Beach Coastal Construction Code, any other applicable government regulation and code provision, and standards of construction commonly accepted within the construction industry applicable to the Building as of the date of building permit issuance by the City to Holehouse in 2007 (referred to collectively herein as the "Structural Standards"). The Inspector shall be selected by Holehouse and shall be approved by Sowa, which approval shall not be unreasonably withheld or delayed, on or before September 20, 2011. The Inspector shall provide a written report which will identify any and each physical condition determined by the Inspector to constitute a defect or deficiency that is not in compliance with the Structural Standards (each being referred to herein as a "Structural Deficiency"). A copy of the written Inspector's report will be provided to each party in this case.

2. **Remediation:** Holehouse will exercise due diligence in order to cause each Structural Deficiency identified in the Inspector's report to be corrected and remedied within a reasonable period of time, not to exceed six (6) months following the date of issuance of the Inspector's report, in order to cause each such Structural Deficiency to be brought into compliance with the applicable Structural Standards. Upon conclusion of all such corrective work, the Building will be re-inspected by the Inspector to determine and confirm, in writing, that every Structural Deficiency was corrected to cause compliance with applicable Structural Standards. The City will reasonably cooperate with Holehouse for purposes of timely issuance of such permits and governmental approvals as may be lawfully required for the performance of any and all remediation work to allow correction of Structural Deficiencies, which permits and approvals shall be issued in accordance and compliance with applicable provisions of the City's Code of Ordinances.

[Handwritten signatures and initials]
D-3
RM
RPH
us

3. **Dismissal:** Upon issuance of a written report by the Inspector that no remaining Structural Deficiency exists, it is mutually agreed that this case shall be dismissed with prejudice. However, the Plaintiff and the City reserve the right to file a motion to seek an award of attorneys' fees and costs against the other.

4. **Specific Performance:** This Mediation Settlement Agreement shall be approved by order of the Court; and all terms and provisions of this Mediation Settlement Agreement shall be subject to specific enforcement.

5. **Mutual Release:** Upon issuance of a final written report by the Inspector that no remaining Structural Deficiency exists, each party shall thereafter be deemed to have released and discharged all other parties in this case of and from any further claim, demand, suit or action.

Handwritten signatures and initials at the bottom right of the page, including "R&H" circled, "MS", and other illegible marks.

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

Issue Considered: Reading of Resolution 2011-16, adopting the updated Pinellas County Local Mitigation Strategy (LMS) plan.

Date: September 14, 2011

Prepared By: Karl E. Holley, AICP, Community Development Director

Summary of Issue: On September 28, 2004, the City Commission adopted the Pinellas County Local Mitigation Strategy (LMS) plan by Resolution 2004-17. In 2010 Pinellas County adopted an updated plan which each local municipality is required to adopt separately.

Requested Motion: “I move to approve Resolution 2011-16 (read title)”

Attachments: Copy of Resolution 2011-16.
Copy of Building Official Memo.

Reviewed by City Manager: MB

Memo

To: Karl Holly
From: Bruce Cooper, CBO
CC: file
Date: 9/6/2011
Re: Resolution 2011-16, Local Mitigation Strategy Plan (LMS) 2010

On September 28, 2004, the City Commission adopted the Pinellas County Local Mitigation Strategy (LMS) plan by Resolution 2004-17. Subsequently, Pinellas County adopted an updated plan in 2010 which each local municipality needs to adopt separately.

Key points regarding the LMS:

- o Original requirement to develop a unified, community-wide Local Mitigation Strategy plan came in early 1998 from the State Department of Community Affairs.
- o The intent of the LMS was to control the skyrocketing costs of disasters. Most of the burdens of recovering from a disaster fall squarely on the shoulders of local governments.
- o The original LMS was adopted by the Board of County Commissioners in July of 1999.
- o The next required update of the plans was completed and the County adopted in 2004.
- o Adoption of this strategy is necessary for Pinellas County to be eligible for future Federal funding under the :
 - 1. Pre-Disaster Mitigation Assistance Program
 - 2. Hazard Mitigation Grant Program (post disaster)
 - 3. Flood Mitigation Assistance Program
 - 4. Repetitive Flood Claims Program
 - 5. Severe Repetitive Loss Program
- o The purpose of an LMS is to provide a “blue-print” or guide establishing a unified and consistent course of action needed to eliminate or reduce the impact of disasters that threaten Pinellas County and its municipalities.

The LMS plan is over 600 pages with many illustrations. I have made one hard copy for the Community Development Office and saved this document under "All Departments on spb7 (Z)". Look for folder labeled, "LMS 2010"

RESOLUTION 2011-16

A RESOLUTION BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ST. PETE BEACH, COUNTY OF PINELLAS, STATE OF FLORIDA, ADOPTING THE COUNTYWIDE LOCAL MITIGATION STRATEGY.

WHEREAS, the City of St. Pete Beach (City) is located in an area that is vulnerable to natural and man-made disasters; and

WHEREAS, The City supports efforts to make our community more disaster-resistant, thereby reducing the costs of disasters, preventing or mitigating their impact to our residents and reducing time needed for recovery; and

WHEREAS, the City is a participant in the Community Rating System of the National Flood Insurance Program; and

WHEREAS, participations in the Community Rating System provides benefits to homeowners holding flood insurance policies; and

WHEREAS, the Local Mitigation Strategy (LMS) represents a unified county-wide strategy toward a more disaster-resistant community; and

WHEREAS, the City must prepare and adopt a Floodplain Management Plan in order to remain active in the Community Rating System; and

WHEREAS, the City is allowed to utilize the countywide LMS as the City's Floodplain Management Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF ST. PETE BEACH, COUNTY OF PINELLAS, STATE OF FLORIDA, at a duly assembled meeting held on September 14, 2011, that the board hereby adopts the updated Pinellas County Local Mitigation Strategy which shall function as the City's Floodplain Management Plan required by the Community Rating System. This resolution supersedes Resolution 2004-17, and shall become effective immediately upon its adoption.

INTRODUCED AND PASSED by the City Commission of the City of St Pete Beach, Pinellas County, Florida this 14th day of September, 2011.

Steve McFarlin, Mayor

ATTEST:

Rebecca C. Haynes, City Clerk