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COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, June 26, 2012

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. **Parks and Recreation Month Proclamation for July 2012.**
   b. **Pinellas County Sheriff's Office proposal for law enforcement services - Sheriff Robert Gualtieri**

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 Regular Meeting of June 12, 2012**

5. **Action Items**
   a. **Rescind the Indemnification and Hold Harmless Agreement with the Swigwam Beach Bar, LLC for outside seating and consumption of alcoholic beverages in the public right-of-way.**
   b. **Authorize the City Manager to remove the sidewalk west of the private properties on Sunset Way between 28th and 30th Avenues.**

6. **Ordinances**
   a. **Ordinance 2012-09, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of Subsection (v) of Section 82-137 of Division 1 of Article III of Chapter 82 of the code of ordinances, pertaining to stopping, standing and parking of vehicles; providing for amendment of the City parking maps; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.**

7. **Resolutions**
   a. **Resolution 2012-05, authorizing the Mayor of the City of St. Pete Beach, Florida to execute an interlocal agreement with the Pinellas County School System to facilitate County-Wide School Concurrency**
   b. **Resolution 2012-06 establishing a public hearing for September 11, 2012 to consider adoption of the annual stormwater assessment roll.**

8. **Items for Discussion**

9. **City Manager, City Attorney and City Commission Reports**

10. **Adjournment**

APPEAL

If a person decides to appeal any decision made at this meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting 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.

AMERICAN DISABILITIES ACT

In Accordance with the American's with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than (4) days prior to the meeting for assistance.

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

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Parks and Recreation Month Proclamation for July 2012.
Date:	June 26, 2012
Prepared By:	Steven J. Hallock, Public Services Director
Summary of Issue:	The National Recreation and Park Association, the Florida Recreation and Park Association and the Governor of the State of Florida designated July 2012 as Parks and Recreation Month. We would like to take this time to encourage our residents to get out and enjoy the City's parks, beaches and recreation programs. Why not take the children to a park playground and see the smiles on their faces; plan a leisurely stroll on the beach and watch a beautiful sunset; attend a class at the Community Center and do an activity you have always wanted to try; release your creativity by enjoying art activities at the Don Vista; or spend a day at the pool refreshing in the cool, clear water. We guarantee that we have something for everyone and you won't regret it.
Attachments:	Proclamation
Reviewed by City Manager:	MB

PROCLAMATION

City of St Pete Beach, Florida

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the City of St Pete Beach; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

NOW, ***THEREFORE***, The City Commission of St Pete Beach, Florida does hereby proclaim the month of July 2012 as

PARKS & RECREATION MONTH

and encourages residents and visitors alike to enjoy using the parks, beaches and recreation programs that enhance the quality of life here in the City of St Pete Beach.

SEAL:

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of St. Pete Beach, Pinellas County, Florida to be affixed this 26th day of June 2012.*

____

Mayor

CITY COMMISSION MEETING

MINUTES

June 12, 2012

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT:

Steve McFarlin, Mayor
Marvin Shavlan, Vice Mayor
Lorraine Huhn, Commissioner
Jim Parent, Commissioner

ABSENT:

Bev Garnett, Commissioner (Excused)

ALSO PRESENT:

Mike Bonfield, City Manager
Mike Davis, City Attorney
Pamala Prell, Deputy City Clerk, MMC
Renee Cooper, CIP Construction Manager
Dan O'Connor, Administrative Services Supervisor
David Romine, Police Chief

1. <u>Changes to the Agenda</u>

Commissioner Huhn requested to add the termination of the Right-of-Way Agreement between the Swigwam Bar and the City. It was added as Item 5(d).

Commissioner Parent requested the removal of Item 4(e) from the consent agenda, for discussion. It was added as Item 5(e).

Mayor McFarlin requested to add a presentation by the Tampa Bay Beaches Chamber of Commerce.

City Manager Bonfield requested to add a presentation by the Friends of St. Pete Beach.

City Manager Bonfield requested that Item 5(c) be removed from the agenda and be rescheduled for a future meeting. He explained that there was a provision in the Land Development Code regarding rear yard setbacks in the Large Resort District that was overlooked, and the notice and application need to be amended and re-advertised. He advised that it may be four weeks before it is ready for consideration by the Commission.

2. Presentations

a. Proclamation Mimi Gewanter Day.

Mayor McFarlin read a proclamation declaring June 12, 2012 as "Mimi Gewanter Day".

b. Presentation of donation from Tampa Bay Beaches Chamber of Commerce.

Mayor McFarlin presented a check in the amount of $4,074 as a donation towards the barge for the July 4, 2012 fireworks display.

c. Presentation of donation from The Friends of St. Pete Beach

Tom DeCair presented a check in the amount of $1,000 as a donation towards the barge for the July 4, 2012 fireworks display.

3. Audience Comments

Attorney Ryan Barack, 133 North Ft. Harrison Avenue, Clearwater, Florida, requested that item 4(g) be removed from the Consent Agenda, in order for his law firm to be considered for the legal representation relating to the Deepwater Horizon Disaster and BP Oil Spill.

Deborah Schechner, Boca Ciega Isle, urged the Commission to have the plaque that reads "How Does My Vote Benefit the Residents" returned to the Commission Chambers.

Debra Edney, 181 73rd Avenue, St Pete Beach, spoke regarding the City's pension debt and the City's financial obligations to the residents.

4. Consent

a. Approval of the Minutes for Shade Meeting of May 22, 2012 and Regular Meeting of May 22, 2012.

b. Authorize the City Manager to have banners raised over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the Suntan Art Center/City of St. Pete Beach 100 Artist Shows.

c. Authorize the City Manager to have banners raised over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the Corey Avenue Car Shows.

d. Approve the request from Corey Area Business Association to close the 300-400 block of Corey Avenue on September 15, 2012 and December 15, 2012 for the Corey Avenue Car Shows.

e. Ratification of the City Manager's decision to accept a proposal from Ennead LLC in the amount of $11,000 to provide sub-consulting services associated with the update of the FY 2012-2013 stormwater Non-Ad Valorem (NAV) assessment, including the "Fixed Fee" and "Impervious-Based" assessment components.

   This item was removed from the consent agenda and added as Item 5 (e).

f. Ratification of the City Manager's decision to allow the closure of the 300 block of Corey Avenue on Sundays for the Corey Fresh Market in St. Pete Beach through the end of June 2012.

g. Authorize the City Manager to enter into an agreement with Penton Law Firm for legal representation relating to the Deepwater Horizon Disaster and BP Oil Spill.

h. Authorize the City Manager to enter into an agreement with Verizon Wireless Personal Communications LP d/b/a Verizon Wireless for temporary placement of a portable cellular phone tower at 3300 Gulf Blvd.

Commissioner Parent moved to approve Consent Agenda Items (a) through (h), excluding Item (e), as written. The motion was seconded by Commissioner Huhn and unanimously approved by a roll call vote.

5. Action Items

a. Designation of voting delegate for the 8th Annual FLC Conference.

Mayor McFarlin nominated Commissioner Parent as the FLC voting delegate. Vice Mayor Shavlan seconded the nomination. The nomination was unanimously approved by a voice vote.

b. Authorize the City Manager to enter into a purchasing agreement with Morelli Landscaping, Inc., in the amount of $312,970 for landscaping and irrigation improvement on the FDOT Right-of-Way.

City Manager Bonfield explained the agreement is for landscaping and restoration work in the new medians on Gulf Boulevard and Blind Pass Road. Mr. Bonfield pointed out that this project is funded by an FDOT grant and by 'Penny for Pinellas'. He reported that the project should be finished before the Republican National Convention (RNC); if not, the contractor has agreed to stop working on Gulf Boulevard during that time.

Mayor McFarlin stated that he wanted to be certain that the work would stop during the RNC because of the additional traffic and buses that will be using Gulf Boulevard.

Commissioner Parent pointed out that the City is not required to provide any funding for this project.

Commissioner Parent moved to authorize the City Manager to enter into a purchasing agreement with Morelli Landscaping, Inc., in the amount of $312,970 for landscaping and irrigation improvements on the FDOT Right of Way. The motion was seconded by Vice Mayor Shavlan and unanimously approved by a roll call vote.

c. Public Hearing for Variance 2012-006, requesting the construction of a sundeck seaward of the City Coastal Construction Excavation Setback Line. (Quasi-Judicial)

This Item was removed from the agenda and will be rescheduled to a future meeting.

d. Termination of the Right of Way Agreement with the Swigwam Bar and the City of St. Pete Beach.

Commissioner Huhn explained that she wanted to terminate the agreement to eliminate the crowds that gather on the sidewalk and block the public's access. She advised that she has received several complaints regarding the use of the sidewalk.

Rob Williams, owner of the Swigwam Bar, stated that he was not aware that this item was going to be discussed and requested the opportunity to talk to the business owners on Corey Avenue to try to resolve their concerns. Mr. Williams suggested that certain hours be set for the use of the sidewalk.

Mayor McFarlin pointed out that the City was previously given a petition, signed by approximately 12 businesses owners on Corey Avenue, requesting that the sidewalk not be used by the bar patrons.

The Commission agreed to discuss the termination of the agreement at their June 26, 2012 meeting.

e. Ratification of the City Manager's decision to accept a proposal from Ennead LLC in the amount of $11,000 to provide sub-consulting services associated with the update of the FY 2012-2013 stormwater Non-Ad Valorem (NAV) assessment, including the "Fixed Fee" and "Impervious-Based" assessment components.

Commissioner Parent stated that he wanted to clarify that this agreement did not contain any provisions for the mitigation portion of the Assessment Program and that he would like to revisit the mitigation variable fees.

City Manager Bonfield advised that this agreement is strictly for the mailing of notices to the addresses on the tax roll and that he would schedule the review at a future meeting.

Commissioner Parent moved to approve the ratification of the City Manager's decision to accept a proposal from Ennead LLC, in the amount of $11,000, to provide sub-consulting services associated with the update of the FY 2012-2013 stormwater Non-Ad Valorem (NAV) assessment, including the "Fixed Fee" and "Impervious-Based" assessment components. The motion was seconded by Vice Mayor Shavlan and unanimously approved by a roll call vote.

Vice Mayor Shavlan asked if there could be a discussion item on a future agenda regarding the $300,000 that was budgeted for improvements on Corey Avenue.

6. <u>Ordinances</u>

a. Ordinance 2012-09, First Reading and Public Hearing, amendment of Subsection (v) of Section 82-137 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to stopping, standing and parking of vehicles; providing for amendment of the City parking maps; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.

City Manager Bonfield explained that this ordinance is an amendment to the previous ordinance that was adopted to restrict parking in the 64th Avenue/Three Palms Point neighborhood, to include the finger streets.

Dan O'Connor, Administrative Services Supervisor, explained that the ordinance contained an error and pointed out that the parking will be restricted between 425 64th Avenue and Fourth Palm Point, including the fingers streets.

Commissioner Parent suggested regulating the time for no parking in this area. The Commission agreed to prohibit parking in this area until after 9 p.m.

Commissioner Parent suggested that the City review their parking regulations and consider developing regulations for each neighborhood, similar to the regulations in Pass-a-Grille.

Mayor McFarlin called for audience comments.

Lonnie Jones, St. Pete Junior College student, stated that she is in favor of the proposed parking regulations and asked for an explanation of the Parking Permit Program and its enforcement. City Manager Bonfield provided information about the Parking Permit Program and enforcement.

Keith Kaputus, Gulf Winds Drive, St. Pete Beach, asked the Commission to consider issuing one day permits to the residents in his neighborhood for guest parking.

Commissioner Parent suggested exploring what other beach cities do to solve their parking issues.

Hearing no further comments, Mayor McFarlin closed audience comments.

Vice Mayor Parent moved to adopt Ordinance 2012-09, First Reading and Public Hearing, amendment of Subsection (v) of Section 82-137 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to stopping, standing and parking of vehicles; providing for amendment of the City parking maps; providing for severability; providing for the repeal of all ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date, as amended. The motion was seconded by Vice Mayor Shavlan and unanimously approved by a roll call vote.

7. Resolutions

a. Resolution 2012-04, declaring as surplus certain City vehicles and authorizing the City Manager to dispose of same.

Vice Mayor Huhn moved to approve Resolution 2012-04, declaring as surplus certain City vehicles and authorizing the City Manager to dispose of same. The motion was seconded by Commissioner Parent and unanimously approved by a roll call vote.

8. Items for Discussion

a. Process for considering contract for Law Enforcement Services with Pinellas County Sheriff's Office.

City Manager Bonfield explained that the proposal from the Sheriff has been provided to the Commission and suggested that the Sheriff be invited to a meeting to answer their questions. Mr. Bonfield pointed out that the ballot language needs to be submitted to the Supervisor of Elections in mid-August to be on the November, 2012 ballot, and that an ordinance would have to be adopted in July to meet that deadline.

After a general discussion, the Commission agreed to authorize the City Manager to invite the Sheriff to their June 26, 2012 meeting to answer questions. Mr. Bonfield suggested that the Commission submit their questions to him prior to the meeting so he can forward them to the Sheriff.

Mayor McFarlin called for audience comments.

<u>The following persons spoke in opposition of contracting with the Sheriff for law enforcement services for the City:</u>

Bruno Falkenstein, Hurricane Restaurant, St. Pete Beach
Deborah Edney, 73rd Avenue, St. Pete Beach
Bruce (Inaudible), Captiva Circle, St. Pete Beach
Deborah Schechner, Boca Ciega Isle Drive, St. Pete Beach
Chuck Hendershot, Belle Vista, St. Pete Beach
Millard Gamble, 1 Pass-a-Grille Way, St. Pete Beach
Danielle Micklitsch, St. Pete Beach
Rob Stambaugh, Silas Dents Restaurant, St. Pete Beach
Michael Jones, Sports Bar, St. Pete Beach

<u>The following person spoke in favor of gathering more information about the Sheriff's proposal:</u>

Michael Lehman, 535 80th Avenue, St. Pete Beach

Police Chief David Romine offered to meet with the City Commission individually to discuss the operations of the Police Department and requested to be involved in the meetings with the Sheriff's Office.

There being no further comments, the Mayor closed audience comments.

9. <u>City Manager, City Attorney and City Commission Reports</u>

City Manager Bonfield reported that the Friday Dive-in Movies are back for the summer; Summer Camp is underway; there will be a Public Meeting regarding the Stormwater Plan on June 19, 2012 at 6 p.m. at the Community Center. He also outlined the items that will be on the June 26, 2012 agenda.

City Attorney Davis referenced a letter that the City sent to Attorney Ken Weiss proposing a settlement of the Anderson lawsuit, with a deadline of June 21, 2012 to accept or reject the offer. Mr. Davis explained the offer is to waive $311,000 for court costs that the City could seek, and that neither party would appeal the orders that have been entered so far, and the City agrees to adopt the current Comprehensive Plan through the expedited process set forth in the statutes.

Vice Mayor Shavlan announced the Belle Vista Civic Association Meeting on June 14, 2012 and a sea oat planting event hosted by the Sirata Beach Resort and the Chamber of Commerce on June 30, 2012, beginning at 9 a.m.

Commissioner Parent did not have a report.

Commissioner Huhn reported that the Sunday Corey Fresh Market will begin on June 17, 2012 and advised that the 2012 Hurricane Guides are available at City Hall, the Library and Police Department.

Mayor McFarlin reported that at a meeting with the Pinellas County Property Appraiser he was informed that the sale of waterfront homes has drastically increased.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:50 p.m.

______________________________	______________________________
Rebecca C. Haynes, City Clerk	Steve McFarlin, Mayor

Minutes approved on: ________________

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Rescind the Indemnification and Hold Harmless Agreement with the Swigwam Beach Bar, LLC for outside seating and consumption of alcoholic beverages in the public right-of-way.
Date:	June 26, 2012
Prepared By:	Michael P. Bonfield, City Manager MB
Summary of Issue:	On November 1, 2010 the City enter into an Indemnification and Hold Harmless Agreement with the Swigwam Beach Bar, LLC to allow outdoor seating and consumption of alcohol on the public right-of-way. At the last City Commission meeting, Commissioner Huhn asked to revoke the approval as provided for in the agreement.
Requested Motion:	"I move to rescind the Indemnification and Hold Harmless Agreement with the Swigwam Beach Bar, LLC. for outside seating and consumption of alcoholic beverages in the public right-of-way. "
Attachments:	Copy of Indemnification and Hold Harmless Agreement

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT made this 1st day of November 2010 between SWIGWAM BEACH BAR, LLC, hereinafter referred to as "THE BAR" and the CITY OF ST. PETE BEACH, hereinafter referred to as "CITY".

WHEREAS, THE BAR Operates the business located on the property at 336 Corey Avenue, Pinellas County Property Appraisers Parcel number 36/31/15/77994/054/0090; and

WHEREAS, said property is commercially used by THE BAR as a drinking establishment; and

WHEREAS, THE BAR desires to have an outdoor seating area in the public right-of-way that is used for beverage consumption; and

WHEREAS, THE BAR desires to allow alcoholic beverages to be consumed in this area, which approval is subject to THE BAR indemnifying and holding the CITY harmless from any liability or claim arising from the use of the public right-of-way; and

WHEREAS, the City Commission of the City of St. Pete Beach has authorized the City Manager to execute this agreement upon submission of all proper documentation;

NOW, IN CONSIDERATION THEREFORE, THE BAR agrees to the following:

1. That the area subject to this agreement shall be defined as the rectangle formed by the entire frontage of the property identified as 336 Corey Avenue to the depth of the outer edge of the Public sidewalk bordering the property.

2. Indemnification and Hold Harmless: Agrees to indemnify, hold harmless and defend the CITY of, from, and against all liability and expense including reasonable attorney's fees, in connection with any and all claims whatsoever caused or arising out of the construction and use of the fixtures, the use of the public right of way or consumption of alcoholic beverages on the subject property as contemplated by this agreement at or by the permit issued by the City for this use.

3. Insurance policy as security for agreement: At its expense, THE BAR shall keep in force during the term of this Agreement an insurance policy which names the CITY as an additional named insured, insuring the CITY against all claim for which THE BAR has indemnified the CITY. The CITY shall approve the policy and the policy shall provide coverage to the CITY in the amount of one million dollars ($1,000,000). Said insurance policy shall be effective at the time of the final inspection for the permit. THE BAR shall provide a certificate of insurance to the CITY specifying the CITY as requiring 30 days advance notice in writing of any change to the required insurance policy or cancellation thereof.

4. Term: This agreement shall remain in force for the period during which THE BAR is in continuous operation subject to unilateral termination of the agreement by either party with a minimum 30 days written notice.

5. Assignment: This agreement shall be binding upon THE BAR, its assignees and successors in interest.

WITNESSES:

____
JOHN R. PHILLIPS, JR

____
WILLIAM BINNIG

____
Rob Williams, Owner

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, this date personally appeared Michael P. Bonfield, who is personally known to me or has produced ________________ (type of identification) as identification and who did take an oath, and who after being duly sworn, deposes and says:

Pamala A. Prell, Notary

PAMALA ANN PRELL
MY COMMISSION # DD849423
EXPIRES January 05, 2013
(407) 398-0153 FloridaNotaryService.com

CITY OF ST. PETE BEACH

____
Michael P. Bonfield, City Manager

ATTEST:

____
City Clerk
City of St. Pete Beach

00483956v2

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Authorize the City Manager to remove the sidewalk west of the private properties on Sunset Way between 28^{th} and 30^{th} Avenues.
Date:	June 26, 2012
Prepared By:	Michael P. Bonfield, City Manager MB
Summary of Issue:	At the May 22^{nd} City Commission meeting staff was directed to research this item further. Staff has determined that there is no agreement made by previous Commission's in the record to remove the sidewalk. In addition, the City Attorney has determined there are no plat provisions or deed restrictions that require any action from the City to remove the sidewalk. The cost to maintain the sidewalk would be minimal and should the Commission decide to remove it, it would be done by staff.
Requested Motion:	"I move to authorize the City Manager to remove the sidewalk west of the private properties on Sunset Way between 28^{th} and 30^{th} Avenues."
Attachments:	N/A

St. Pete Beach City Commission
Agenda Report

Issue Considered: Final reading of Ordinance 2012-09, amending subsection (v) of Division 1, Article III, Chapter 82, Section 82-137 of the Code of Ordinances; as it relates to stopping, standing or parking of vehicles.

Date: June 26, 2012

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Finance Director

Summary of Issue: The attached ordinance amends subsection (v) of Division 1, Article III, Chapter 82, Section 82-137 of the Code of Ordinances; as it relates to stopping, standing or parking of vehicles.

This amendment is in response to the request of residents residing in the immediate area of 64th Avenue, and First thru Fourth Palm Point Streets in regards to weekend and holiday parking issues.

Passage of Ordinance 2012-09 will provide for the following changes to the existing parking regulations.

Section 82-137:

Sub Section (v) Addition – Will require display of a valid "B" permit **9am to 9pm** Saturdays – Sundays and Holidays on each side of :

64th Avenue between 425 64th Avenue and **the east end of 64th Avenue**
67th Avenue between Gulf Winds Drive and Bay St.
Bay St. between Gulf Winds Drive and 64th Avenue
<u>First thru Fourth Palm Point Streets;</u>

Parking Maps to be updated upon passage.

The City Attorney has reviewed Ordinance 2012-09 and has approved same to form.

Requested Motion: "I move for the adoption of Ordinance 2012-09. . . (read title)."

Attachments: Ordinance 2012-09

Reviewed By:
City Manager: MB

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF SUBSECTION (v) OF SECTION 82-137 OF DIVISION 1 OF ARTICLE III OF CHAPTER 82 OF THE CODE OF ORDINANCES, PERTAINING TO STOPPING, STANDING AND PARKING OF VEHICLES; PROVIDING FOR AMENDMENT OF THE CITY PARKING MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to improve the traffic and parking control regulations pertaining to city streets and city controlled parking areas within the city; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city;

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

SECTION 1. Subsection (v) of Section 82-137 of Division 1 of Article III of Chapter 82 of the Code of Ordinances, pertaining to stopping, standing and parking of vehicles, is hereby amended thereto as follows:

> (v) The following city streets shall require a "B" permit for parking from 9:00 a.m. to ~~5:00~~ **9:00** p.m. Saturdays, Sundays and Holidays on each side of the street, as designated on the city parking maps:
>
> 64th Avenue between 425 64th Avenue and ~~Third Palm Point~~ **the east end of 64th Avenue;**
> 67th Avenue between Gulf Winds Drive and Bay St.;
> Bay St. between Gulf Winds Drive and 64th Avenue;
> **First thru Fourth Palm Point Streets;**

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 immediately upon final passage 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 ____________________, 2012.

____
Rebecca Haynes City Clerk

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Resolution 2012-05 giving authorization to the Mayor of the City of St. Pete Beach, Florida to execute an interlocal agreement with the Pinellas County School System to facilitate County-Wide School Concurrency.
Date:	June 26, 2012
Prepared By:	George Kinney, AICP, Community Development Director
Summary of Issue:	The proposed resolution updates a 2006 interlocal agreement to participate in county-wide school concurrency.
Requested Motion:	**“**I move to approve Resolution 2012-05(read title)”
Attachments:	Copy of Resolution 2012-05
Reviewed by City Manager:	MB

RESOLUTION 2012-05

A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN THE INTERLOCAL AGREEMENT WITH PINELLAS COUNTY AND THE PINELLAS COUNTY SCHOOL BOARD FACILITATING THE COORDINATION AND IMPLEMENTATION OF THE COUNTY-WIDE SCHOOL CONCURRENCY PROCESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of St. Pete Beach executed an interlocal agreement with Pinellas County and the Pinellas County School Board in 2006 to facilitate county-wide school concurrency via Resolution number 2006-37 and;

WHEREAS, the City of St. Pete Beach amended its Comprehensive Plan in 2007 to include a Public School Facility Element via ordinance 2007-32; and

WHEREAS, the City of St. Pete Beach amended the Land Development Code in 2009 to provide a mechanism to coordinate school concurrency with Pinellas County; and

WHEREAS, Pinellas County has requested that each participating municipality update its interlocal agreement to continue facilitation of public school concurrency review.

Now therefore be it resolved by the City Commission of the City of St. Pete Beach, Florida;

Section 1: The Mayor of the City of St. Pete Beach is hereby authorized to execute the interlcoal agreement attached as “Exhibit A”;

Section 2: The City Manager shall ensure compliance with the attached agreement;

Section 3: This resolution shall become effective immediately upon adoption.

____

STEVE MCFARLIN, MAYOR

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Resolution was adopted in accordance with the provisions of applicable law this 26th day of June, 2012.

____

Rebecca Haynes, City Clerk

"Exhibit A"

PUBLIC SCHOOLS INTERLOCAL AGREEMENT

THIS AGREEMENT is made and entered into between Pinellas County, Florida (hereinafter referred to as "County"), the Municipalities of Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole, St. Petersburg, St. Pete Beach, and Tarpon Springs, Florida, (hereinafter referred to as "Municipalities"), and the School Board of Pinellas County, Florida, (hereinafter referred to as "School Board") (hereinafter individually, a "Party", or collectively, the "Parties").

WITNESSETH:

WHEREAS, the Legislature enacted Section 163.31777, F.S. (2002), requiring that each county and the non-exempt municipalities within that county enter into an interlocal agreement with the district school board to establish jointly the specific ways in which the plans and processes of the district school board and local governments are to be coordinated; and

WHEREAS, Section 163.31777(1)(d), F.S. (2002), provided that interlocal agreements between local governments and school boards adopted pursuant to Section 163.3177, F.S. before the effective date of Section 163.31777, F.S. (2002), must be updated and executed pursuant to the requirements of Section 163.31777, F.S. if necessary; and

WHEREAS, Section 163.31777, F.S., was amended in 2005, and required that the interlocal agreement between local governments and school boards also address the requirements in Section 163.3180(13)(g), F.S. regarding the implementation of school concurrency; and

WHEREAS, Section 163.31777, F.S., was subsequently amended in 2011 by the Community Planning Act, which rescinded the requirement for local governments to implement school concurrency; and

WHEREAS, recognizing the extensive coordination in place, and based on declining student enrollment, at their meeting on September 7, 2011, the Pinellas Schools Collaborative, recommended that the County and Municipalities ("Local Governments") rescind school concurrency; and

WHEREAS, the County, Municipalities and School Board recognize the benefits of ongoing intergovernmental coordination; and

WHEREAS, the Agreement acknowledges the School Board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders.

NOW THEREFORE, it is mutually agreed between the School Board, the County and the Municipalities that the definitions and procedures hereinafter set forth will be utilized and followed in coordinating land use and public school facilities planning, as required by Section 163.31777, F.S.:

1. **Definitions.** The following terms used in this Agreement are defined as follows:

Educational Plant Survey or the Five-Year Plant Survey – means the systematic study of educational and ancillary plants of the School Board conducted at least every five years to evaluate existing facilities and plan for future facilities to meet proposed program needs. (see Section 1013.35, F.S.)

Fall Student Enrollment Count – means annual student head count that is conducted by the Pinellas County School District in October.

Five-Year Facilities Work Program or the Five-Year Work Program – means the document created by the School District to assist it as it plans, proposes, and prioritizes its current and five-year capital outlay needs. (see Section 1013.35, F.S.)

FISH (Florida Inventory of School Houses) – means the inventory numbering system used by the Florida Department of Education for parcels, buildings, and rooms in public educational facilities.

FISH School Capacity – means the number of students that may be housed in a facility at any given time based on State Requirements of Educational Facilities 1999 (SREF).

Local Government or Local Governments – means the County and all the Municipalities.

Remodeling – as defined in the Florida Building Code, Chapter 4, Section 423.5., means the changing of existing facilities by rearrangement of space and/or change of use.

Renovations – as defined in the Florida Building Code, Chapter 4, Section 423.5., means the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment. The use and occupancy of the spaces remain the same.

Pinellas County School Board – means the seven member elected board that is responsible for the control, operation, organization, management and administration of schools in Pinellas County. Three members shall be elected at-large by the qualified voters of the entire school district. Four members shall be elected from single-member districts by the voters who reside in the single-member district.

School Planning Area – means the boundaries that the Pinellas County School District establishes to recognize a geographical area for capacity reporting purposes.

References to a Party, Parties, Local Government or named Parties shall be interpreted to be a reference to that Party's governing board or its staff administering this Agreement, whichever the context requires.

2. **Student Enrollment and Population Projections**. In fulfillment of their respective planning duties, the Parties agree to coordinate and base their plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment. The Metropolitan Planning Organization's Technical Coordinating Committee (TCC) will utilize established procedures to develop population growth projections for each Traffic Analysis Zone (TAZ) in the County, which will be provided to the Parties. The School District will use this data along with student enrollment, birth rates, Florida Department of Education projections, and other relevant data to project student enrollment. The preliminary student enrollment projections, and how they are developed, will be provided to the TCC and all Local Governments for review and comments at least thirty days prior to the establishment of final enrollment projections. Final enrollment projections will be provided to all Local Governments within ten days of being established. See Section 163.31777(2)(a), F.S.

3. **Coordinating and Sharing of Information.**
(a) The School Board will notify all Local Governments of all proposed school facility changes, such as new construction, remodeling, renovations, closures or change in type of school, as set forth herein. The School Board will notify each Local Government of the initiation of the Five-Year Plant Survey and of the initiation of the annual update of the Five-Year Facilities Work Program and request comments and recommendations for consideration in the development of the survey and work program at least thirty days prior to submittal to the School Board for approval. Each Local Government may provide comments and recommendations to assist in developing the final recommendations to be submitted to the School Board for approval. Each Local Government will be provided with a copy of the recommendations concerning the survey and work program at the time they are provided to the School Board. Each Local Government will be notified of the date and time of the meeting at which the School Board will take action to approve the survey and work program. The School Board will adopt the annual update to the Five-Year Work Program no later than October 1 of each year, and copies of the approved Five-Year Plant Survey and the Five-Year Work Program will be provided to each Local Government within ten days of approval. See Sections 163.31777(2)(b) and (f), F.S.

(b) Each Local Government will inform the School District in advance of the final approval of land use plan amendments or rezonings that change residential densities, and major infrastructure projects that may impact public schools with sufficient time for School District review and comment. Such notification, where appropriate, and if known, should include the proposed site plan that indicates the location, size, the number and types of units (number of bedrooms), price range of the units, any deed restrictions that may impact student population, the build-out timeframe, and other information as may be appropriate. Comments provided by the School District will identify how the School District will meet the anticipated public school demand associated with proposed approval or changes based on the Five-Year Facilities Work Program. See Section 163.31777(2)(b), F.S.

4. **School Site Selection, Significant Renovations, and Potential School Closures.** Participation by each affected Local Government with the School Board in the process of evaluating potential school closures, significant renovations to existing schools, and school site selection before land acquisition shall be in accordance with the existing Interlocal Agreements for Public Educational Facilities Siting that were entered into between the School Board, the County, and the Municipalities in 1996. In addition to the criteria included in these interlocal agreements, the School Board shall consider school site locations that encourage public schools in proximity to urban residential areas, and opportunities to collocate public schools with other public facilities such as parks, libraries, and community centers. The Parties shall amend these agreements as necessary to address proposed school closures and significant renovations to existing schools. See Section 163.31777(2)(c), F.S.

5. **Supporting Infrastructure.** In addition to the notification required in paragraph 3 (a) above, the School District will notify each Local Government of the need for on-site or off-site improvements to support new, proposed expansion, or redevelopment of existing schools

within the jurisdiction of that Local Government. Thereafter, representatives of the School District and the affected Local Government will meet and determine the responsibility for making such improvements and identify other agencies that should be involved. The Parties will then meet with the other agencies to coordinate the completion of the on-site and off-site improvements. See Sections 163.31777(2)(d) and 1013.36(1), F.S.

6. **School Capacity.** In conjunction with the Fall Student Enrollment Count, the School District will annually notify each Local Government of the FISH School Capacities of the schools within its jurisdiction and also by School Planning Area. The annual notification will indicate how many student seats are allocated to permanent capacity and how many are allocated to relocatable classrooms. See Section 163.31777(2)(e), F.S.

7. **Collocation and Shared Use of Facilities.** The collocation and shared use of facilities are important to the Parties. The Parties will look for opportunities to collocate or share the use of each Parties' facilities. Opportunities for collocation and shared use may include libraries, parks, recreational facilities, community centers, auditoriums, learning centers, museums, performing arts centers, stadiums, healthcare and social services, schools, and other uses and facilities such as emergency shelters and facilities, etc., as may be determined appropriate. An agreement will be developed for each instance of collocation and shared use to address legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation or shared use. See Section 163.31777(2)(g), F.S.

8. **Pinellas Schools Collaborative**. The Parties hereby create the Pinellas Schools Collaborative (the 'Collaborative'). The Collaborative shall oversee the implementation of this Agreement and may establish bylaws for its operation which are not inconsistent with this Agreement. The composition of the Collaborative shall consist of two appointed School Board members and one elected representative from each of the other Parties to this Agreement. Each member shall be appointed by their respective governing body and shall serve for a term of two years. Any vacancy in the membership of the Collaborative shall be filled for the unexpired term in the same manner as the initial appointment. An alternate elected representative may be designated by each respective governing body who may act as a member of the Collaborative when the appointed member is absent. Each Party will notify the Pinellas County Planning Department of their alternate appointee(s) to the Collaborative.

9. **Conflict Resolution**. If any Parties to this Agreement fail to resolve any conflicts related to issues covered in this Agreement, such dispute may be resolved in accordance with the governmental conflict resolution procedures specified in Chapters 164 and 186, Florida Statutes. See Section 163.31777(2)(h), F.S.

10. **Oversight Process and Public Participation.** The Collaborative and a staff representative from each of the Parties will meet to consider the implementation of this Agreement and propose amendments if deemed necessary. The County planning director or his or her designee, will schedule, coordinate and facilitate the meeting. The public will be provided an opportunity to provide input at the meeting. Each of the Parties will be provided with a copy of any proposed amendments. If all Parties agree to the proposed amendment, a written amendment to this Interlocal Agreement shall be executed. See Section 163.31777(2)(i), F.S.

11. **School Board Participation in Local Planning Agency.** Each Local Government will include the School Board staff representative appointed by the School Board as a member of the Local

Planning Agency as a nonvoting member, and will notify the School Board staff representative of the time, place, and agenda of all meetings of the Local Planning Agency. The School Board staff representative can participate in any deliberations regarding comprehensive plan amendments and rezonings that would, if approved, increase residential density. See Section 163.3174(1), F.S.

12. **Term of Agreement**. This Agreement shall become effective as stated in paragraph 14 below and shall remain in full force and effect for five years from that date. This Agreement shall be automatically renewed for successive five year periods unless any Party notifies the other Parties, at least six months in advance, of its intent not to renew the Party's participation, in which case the Agreement shall terminate as to that Party only. At any time any Party is not statutorily required to be a Party to this Agreement, that Party may terminate their participation in the Agreement by providing sixty days notice thereof to all Parties. After termination, the terminating Party shall no longer be subject to any terms or conditions of the Agreement, but shall continue to be required to comply with all applicable laws.

13. **Reservation of Right**. Each Party hereto reserves any and all rights and remedies (at law and equity) not expressly waived by this Agreement, including but not limited to the right to challenge any determination or decision of the Collaborative, School Board, State or the Local Governments.

14. As required by Section 163.01(11), F.S., this Agreement shall be filed with the Clerk of the Circuit Court of Pinellas County, Florida, after the execution by the Parties, and shall become effective upon the date of filing.

15. Upon filing of this Agreement with the Clerk of the Circuit Court of Pinellas County, Florida, the Public Schools Interlocal Agreement entered into among the County, the Municipalities and the School Board dated April 24, 2007, is hereby terminated.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates indicated.

Pinellas County, Florida by and
through its Board of County Commissioners

By: ________________________
Chairman

Attest:
Kenneth Burke, Clerk

By: ________________________
Deputy Clerk

Approved as to Form:

By: ________________________
Office of County Attorney

CITY OF ST. PETE BEACH

Steve McFarlin, Mayor

Attest:

Rebecca Haines, City Clerk

Approved as to Form:

City Attorney

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Adoption of Resolution 2012-06 establishing a public hearing for September 11, 2012 to consider adoption of the annual stormwater assessment roll.
Date:	June 26, 2012
Prepared By:	Steven J. Hallock, Public Services Director
Summary of Issue:	Resolution 2012-06 simply establishes a public hearing for September 11, 2012 to consider adoption of the annual stormwater assessment roll (which will include both fixed and variable costs, and any payment delinquencies from the direct billing cycle). The City intends to use the TRIM notice this year to give mailed notice of the public hearing. The TRIM notice will not go out until August 20, 2012. We must allow at least twenty (20) days between mailing of the notice and the public hearing, so the public hearing can be no earlier than the September 11, 2012 City Commission meeting. September 15, 2012 is the deadline for adopting the assessment roll and certifying it to the tax collector for inclusion on the November 2012 tax bill.
Requested Motion:	"I move to adopt Resolution 2012-06 establishing a public hearing for September 11, 2012 to consider adoption of the annual stormwater assessment roll."
Attachments:	Resolution 2012-06
City Manager Reviewed:	MB

RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY OF ST. PETE BEACH, FLORIDA, DIRECTING THE PREPARATION OF A NON-AD VALOREM ASSESSMENT ROLL FOR STORMWATER MANAGEMENT SERVICES FOR FISCAL YEAR 2012-13; PROVIDING FOR A PUBLIC HEARING ON SUCH ASSESSMENT ROLL AND DIRECTING NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF ST. PETE BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the City of St. Pete Beach, Florida (the "City"), is adopted pursuant to City Ordinance No. 2009-30 (the "Assessment Ordinance"), City Resolution Nos. 2010-07 and 2010-08 (collectively, the "Initial Assessment Resolution"), City Resolution Nos. 2011-18 and 2011-19 (collectively, the "Supplemental Annual Assessment Resolution"), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Initial Assessment Resolution, the Supplemental Annual Assessment Resolution and the Assessment Ordinance.

SECTION 3. FINDINGS. It is hereby ascertained, determined, and declared as follows:

(A) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution imposing special assessments to provide for the funding of certain fixed costs associated with Stormwater Management Services, and providing for collection thereof by the tax bill collection method in accordance with the Uniform Assessment Collection Act.

(B) Pursuant to the Assessment Ordinance, the City adopted the Supplemental Annual Assessment Resolution imposing special assessments to provide for the funding of certain variable costs associated with Stormwater Management Services, and providing for collection thereof initially by the direct billing method set forth in Section 3.02 of the Assessment Ordinance, and by the tax bill collection method commencing in November, 2012.

The Supplemental Annual Assessment Resolution set forth the Commission's direction and intent that starting in November, 2012, and continuing each year thereafter, Stormwater Service Assessments imposed to fund both fixed costs and variable costs will be collected on the annual property tax bill in accordance with the Uniform Assessment Collection Act, and further provided that any delinquencies in payment of the Assessments imposed thereunder for Fiscal Year 2011-12 may be included in the amount of the Stormwater Service Assessment imposed for Fiscal Year 2012-13.

(C) The Assessment Ordinance provides for the adoption of an Annual Assessment Resolution for each Fiscal Year confirming or amending the non-ad valorem Assessment Roll for Stormwater Service Assessments.

(D) The City desires to provide notice of its intent to consider and adopt the Annual Assessment Resolution for the Fiscal Year commencing October 1, 2012.

SECTION 4. FISCAL YEAR 2012-13 STORMWATER ASSESSMENT ROLL. The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary stormwater Assessment Roll for the fiscal year commencing October 1, 2012, in the manner provided in Section 2.04 of the Assessment Ordinance. The preliminary stormwater Assessment Roll shall include the amount of the Fiscal Year 2012-13 Stormwater Service Assessment for both fixed and variable costs for each individual Tax Parcel within the City and shall exclude any Tax Parcel otherwise exempted from payment of the Stormwater Service Assessments under the Initial Assessment Resolution or Supplemental Annual Assessment Resolution. As contemplated by the Supplemental Annual Assessment Resolution, any delinquencies in payment of the Assessments imposed thereunder for Fiscal Year 2012-12 shall be included in the amount of the Stormwater Service Assessment imposed for Fiscal Year 2012-13, in accordance with Section 3.02 of the Assessment Ordinance. The City Manager shall apportion the estimated Stormwater Management Service Cost to be recovered through Stormwater Service Assessments in the manner set forth in the Initial Assessment Resolution and Supplemental Annual Assessment Resolution. Assessments shall include a pro rata share of administration and collection costs associated with the Stormwater Service Assessments (including but not limited to fees imposed by the property appraiser and tax collector) and shall be increased as necessary to account for the maximum discount for early payment of non-ad valorem assessments on the same bill as ad valorem taxes. The preliminary Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Stormwater Service Assessment for each parcel of property can be determined by the use of a computer terminal or internet access available to the public.

SECTION 5. PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on September 11, 2012 at City Hall, City Commission Chambers, 155 Cory Avenue, St. Pete Beach, Florida, at which time the Commission will receive and consider any comments on the imposition of Assessments to fund fixed and variable costs associated with Stormwater Management Services from the public and affected property owners, and will consider imposing Stormwater Service Assessments and collection thereof pursuant to the Uniform Assessment Collection Act, as authorized by Section 3.01 of the Assessment Ordinance.

SECTION 6. NOTICE. The City Manager shall direct notice of the public hearing established herein in accordance with the Uniform Assessment Collection Act and the Assessment Ordinance. Such notice may be given in any manner authorized by law, including inclusion of the Assessment on the notice provided for in Section 200.069, Florida Statutes, if applicable.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 26th day of June, 2012.

CITY COMMISSION OF ST. PETE BEACH, FLORIDA

By: ______________________________
Steve McFarlin, Mayor

(SEAL)

Attest:

By: ______________________________
Rebecca C. Haynes, City Clerk