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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, April 22, 2014

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. **"Greenlight Pinellas" Presentation - Brad Miller, PSTA**
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 20 minutes in total.
4. **Consent – None for this agenda**
5. **Action Items**
 - a. **BIG C Board Appointment**

- b. 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**

6. Ordinances

- a. Ordinance 2014-03, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida providing for amendment of subsection (o) 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 2014-04, adopting Rules and Procedure for City Commission meetings.**

8. Items for Discussion

- a. Donations and Event Sponsorships Discussion**
 - b. Review Fire Department Reorganization**

9. Audience Comments 2 - Comments shall be limited to 3 minutes per person to issues not on the agenda, 20 minutes in total.

10. City Manager, City Attorney and City Commission Reports

11. 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: 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: April 22, 2014

Prepared By: Michael 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. On June 26, 2012 the City Commission voted to rescind the Agreement. The minutes from these meetings are included in your packet along with recently received correspondence. The owner is requesting reinstatement of the previous agreement.

Requested Motion: “I move to approve 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: Indemnification and Hold Harmless Agreement
Correspondence from Swigwam
Site sketch
History of previous agreement
Correspondence

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT made this 22nd day of April 2014 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:

Name:

Rob Williams, Owner

Name:

FOR THE CITY OF ST. PETE BEACH

Michael P. Bonfield, City Manager

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by _____ who is personally known to me or who has produced _____ as identification.

PRINT, TYPED OR STAMPED NAME OF NOTARY

From: [Mike Bonfield](#)
To: [Colette Graston](#)
Subject: FW: Swigwam
Date: Friday, April 11, 2014 9:37:44 AM

ditto

From: swigrob2@aol.com [mailto:swigrob2@aol.com]
Sent: Thursday, April 10, 2014 3:21 PM
To: Mike Bonfield
Subject: Re: Swigwam

Hey Mike,

Please if you would, just change the dates from our original agreement and we can move forward from there. I still have the extra insurance in force and the hold harmless agreement. Thanks for your time.

Rob Williams
Swigwam Beach Bar
336 Corey Ave.
SPB,FL 33706
363-7944
385-7591 cell

-----Original Message-----

From: Mike Bonfield <MikeBonfield@stpetebeach.org>
To: swigrob2 <swigrob2@aol.com>
Sent: Wed, Apr 9, 2014 1:39 pm
Subject: Swigwam

At the request of Commissioner Finnerty we have an item on the 4/22 City Commission agenda concerning your use of the public right-of-way in front of the Swigwam. I'm not sure exactly what is being requested but need to have a formal request and agreement that can be acted on. I have the documents we used previously and can easily modify but need more specifics. If you send me the details I can get the documents modified and back to you for review. We really need to have this done by close of business this Friday in order to meet our deadlines.

Mike

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

727.363.7944

SWIGWAM BEALIT BAN
336 LODEN AVE
ST PETE BAY, FL

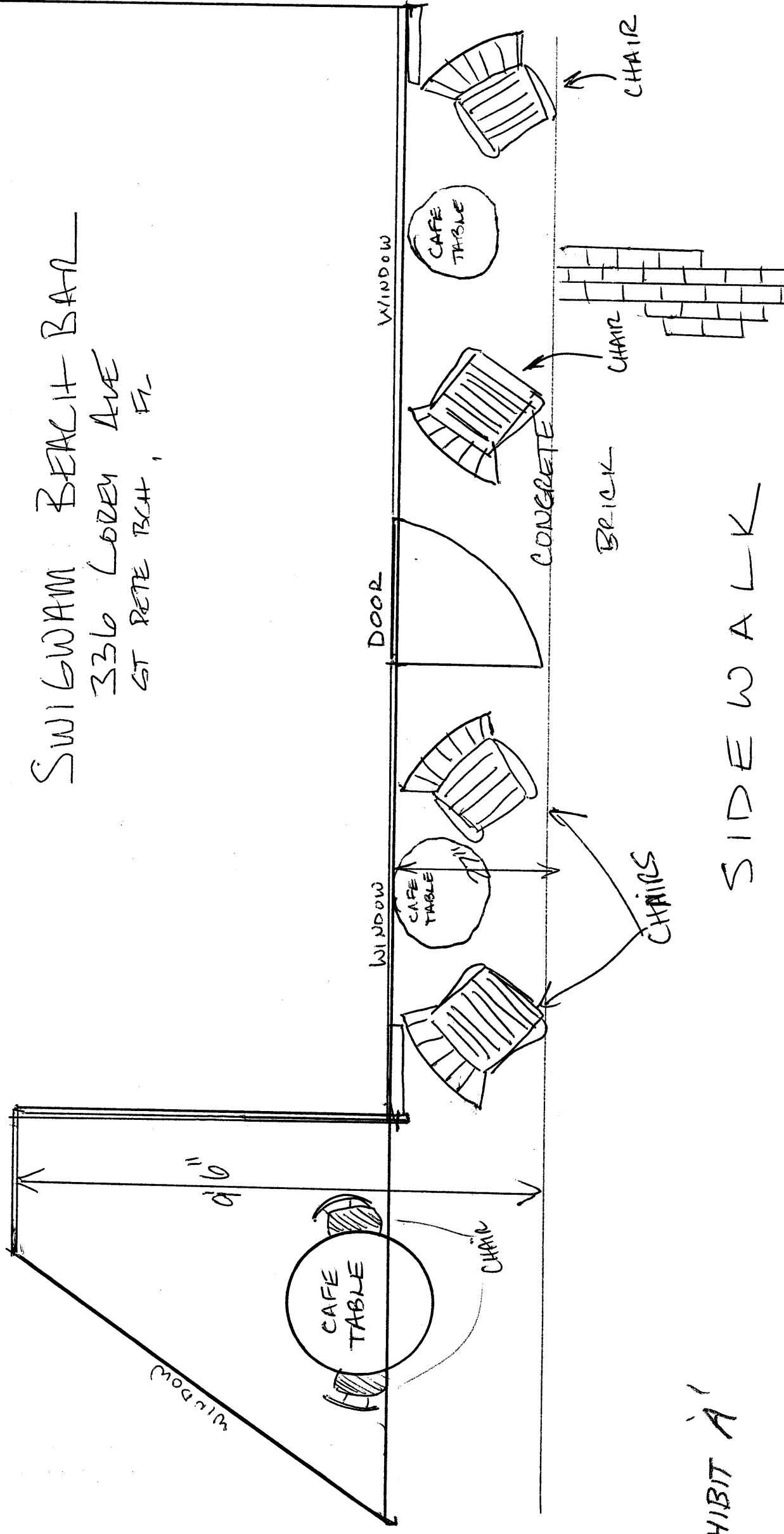


EXHIBIT A'

51 DE 3 A L V

**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

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.

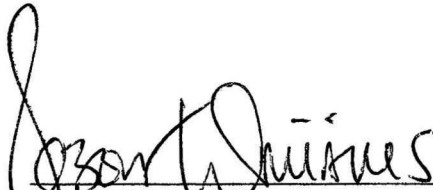
4. Term: This agreement shall remain in force for the period during which THE BAR is in continuous operation subject to unilateral termination of the agreement by either party with a minimum 30 days written notice.

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

WITNESSES:


JOHN R. PHILLIPS, JR.

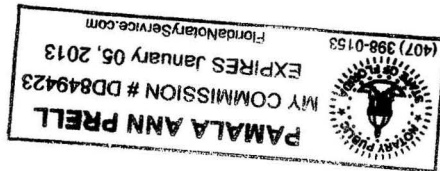

WILLIAM BINNIG

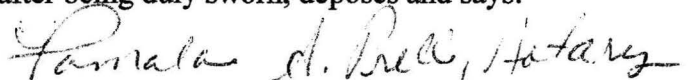

Rob Williams, Owner

STATE OF FLORIDA

COUNTY OF PINELLAS

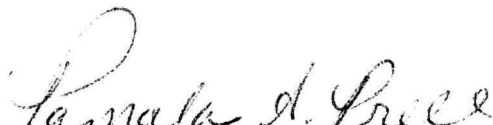
BEFORE ME, the undersigned authority, this date personally appeared Michael P. Bonfield, who is personally known to me or has produced _____ (type of identification) as identification and who did take an oath, and who after being duly sworn, deposes and says:




Pamela A. Price, Notary
CITY OF ST. PETE BEACH


Michael P. Bonfield, City Manager

ATTEST:


Pamela A. Price
City Clerk
City of St. Pete Beach

4. **Consent**

- a. Approval of the June 12, 2012 Regular Meeting Minutes

Vice Mayor Shavlan moved to approve the minutes of the regular meeting of June 12, 2012, as amended. The motion was seconded by Commissioner Parent and unanimously approved by roll call vote.

5. **Action Items**

- a. Rescind the Indemnification and Hold Harmless Agreement with the Swigam Beach Bar, LLC for outside seating and consumption of alcoholic beverages in the public right-of-way.

Commissioner Huhn moved to revoke the permit for the use of the public sidewalk and right-of-way for alcoholic beverages and the Indemnification Agreement. The motion was seconded by Commissioner Garnett.

Rob Williams, Swigam owner, addressed the Commission and requested that he be allowed to have the outdoor seating and alcohol consumption at his place of business.

The motion was approved by a 3-2 roll call vote, with Commissioner Parent and Vice Mayor Shavlan voting no.

Mayor McFarlin called for a recess at 8:00 p.m. The meeting reconvened at 8:10 p.m. with all members present.

- b. Authorize the City Manager to remove the sidewalk west of the private properties on Sunset Way between 29th and 30th Avenues.

Commissioner Huhn made a motion to authorize the City Manager to remove the sidewalk west of the private properties on Sunset Way between 29th and 30th Avenues. The motion was seconded by Commissioner Garnett.

The Commission held a general discussion regarding public access to the beach, public use of the sidewalk and the sidewalk's historical value.

Public Services Director Steve Hallock reported that the City has the authority to remove the sidewalk; if not removed, it should be repaired. Mr. Hallock cautioned that there is one retainer wall on private property which abuts the sidewalk that will eventually fall, regardless if the sidewalk is removed. He reported that replacement of the entire sidewalk would cost approximately \$35,000.

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. Ordinances

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.

Hurricane Storm Screen for the Police Department north elevation glass curtain wall.

- e. **Authorization for the City Manager to enter into an agreement with the Florida Department of Transportation to reimburse the City for \$150,000 in landscaping improvements on Gulf Blvd. and Blind Pass Road (699).**
- f. **Authorization for the city Manager to enter into an agreement with the Florida Department of Transportation to reimburse the City for \$100,000 in landscaping improvements on the Pinellas Bayway (SR 682).**

Mayor Finnerty called upon Mr. Bonfield to describe the items listed. Mr. Bonfield said there are six items listed. Teri McMaster pointed out that there was a change to the September 28th Minutes pertaining to reimbursement to Commissioner Garnett. It was reported that the motion was approved by unanimous vote when in fact, Commissioner Garnett abstained. That will be changed.

Mayor Finnerty pointed out that the City has been reimbursed \$150,000 for landscaping improvements on Gulf Boulevard and Blind Pass Road. The City has entered another agreement to obtain another grant in the amount of \$100,000 for the Pinellas Bayway.

Commissioner Halpern made a motion to approve the Consent agenda. The motion was seconded by Commissioner Garnett and unanimously approved.

7. ACTION ITEM

- c. **Case #20100037**, Request for Special Permit Approval under Section 6.5(f)(1) of the Municipal Code for Consumption of Alcoholic Beverages on the Public Sidewalk. Mr. Bonfield explained that this is an application from a business owner on Corey Avenue. They are requesting seating on the sidewalk outside of the "Swigwam Bar" to be used by their patrons. It's actually a public right-of-way use request and has nothing to do with the zoning of the property. Basically, it would simply be an agreement between the City and the property owner for use of the public right-of-way.

Robert Williams, owner of the property at 336 Corey Avenue, explained that he is just asking that his customers be allowed to have a drink in the Adirondack chairs

that sit outside his establishment. His is a new business having just opened in March of this year.

Commissioner Garnett asked if he would be doing this during all business hours, from the time they open until the time they close. Mr. Williams said yes but if there is major opposition, he wouldn't be opposed to changing that.

Commissioner Shavlan asked how much of his business is before 6:00 pm. Mr. Williams responded that a majority of his business is *after* 6:00 pm. Saturday and Sunday, during the day, he does a pretty good business. He only has four (4) chairs; most people stay inside. Most of the businesses on Corey close at 6:00 pm except on special occasions such as the last Friday of the month.

Vice Mayor Parent asked if there was a City bench out there that gets used as part of the seating and Mr. Williams responded that people do sit there. Vice Mayor Parent asked if there was an opportunity to have a smoking area out in the back and Mr. Williams stated that there is and right now it's just gravel and weeds and he has talked to Commissioner Halpern about maybe building a deck out there with picnic tables and an umbrella or two.

Commissioner Shavlan expressed his concern with people congregating on the sidewalk and how Mr. Williams would control the people. Mr. Williams agreed the he doesn't want to see people blocking the sidewalk but people on the street are a good thing.

Vice Mayor Parent expressed his concern that the agreement with the City would be open-ended. Mr. Davis said there were be a clause in the agreement that would set a time certain with a 30-day cancellation by the City.

Commissioner Shavlan asked if they were able to give approval on one business and not another. Mr. Davis said absolutely because it's the City's right-of-way. Each establishment would be individually judged.

Mayor Finnerty then asked for audience comments.

AUDIENCE COMMENTS:

Linda Beth Price, Treasure Island, who has frequented the "Swigwam", spoke in favor of the request and sees no problem.

Sally Adams, 6855 Bay Street, a merchant on Corey Avenue, thinks the chairs look great and wished they all had them in front of their places.

Jeff Jansen, President of "Point of View Interior Design, 343 Corey Avenue, who is directly across the street from the "Swigwam", has witnessed the activities across the street and has not seen a problem. Mr. Jensen said Mr. Williams is a great addition to Corey Avenue. He's all for it!

Paul Pfister, 8090 Gulf Boulevard, President of North Beach Civic Association, stated that his members who go to the theatre don't feel comfortable at night but when they see people down there, they are a little more unafraid that there's someone around in case something does happen. This is good and something they need.

Mr. Hanson, shop owner on Corey Avenue, is concerned about people sitting out there drunk or passing out. Not a good thing for Corey Avenue.

Steve Taylor, 7141 Bay Street, Proprietor of the "Rip Tides" on Blind Pass Road, stated that it's the responsibility of any proprietor to manage their business in an appropriate and responsible manner. In his estimation, Mr. Williams has done this. He is in favor of granting the request.

Robbie Kahn, owner of "Simply Perfect", 339 Corey Avenue, across the street from the "Swigwam", admitted that she is one of the persons who complained because of some activity in front of the bar dealing with a homeless person and a person who "hangs out" on Corey Avenue. Maybe this is an opportunity to develop Corey Avenue a little more, maybe it's an opportunity to put out some more planters and make it look more like Dunedin Main Street and St. Armands Circle.

Mayor Finnerty asked for more audience comments; hearing none, the Meeting was closed to further comments.

Mayor Finnerty stated that they seem to agree in moving the bench and asked the Commissioners if they should suggest any change in time period as far as

when they may be able to use the front or do they want to go ahead and when the operation is open, let their patrons use the chairs.

Mr. Bonfield suggested that perhaps they should better define "*congregation*" on the sidewalk. He believes the intention is to allow outside seating. He wants the area in which the people congregate to be defined so that it can be enforced.

Mr. Williams was called before the Commission during this discussion and said that he is not opposed to a probationary period to see how this works out. If it's not working out, 30 days and it's done.

Vice Mayor Parent would like to limit the outside seating to after 6:00 pm and limit it to ten people, something like that.

Mayor Finnerty called on Mr. Jensen to speak.

Mr. Jensen stated that he is also President of the Corey Avenue Business Association and he is very aware of the three incidents that have taken place and unfortunately, he feels that there are one or two individuals who made it their business to anonymously call the police and exaggerate many of these so-called problems that have arisen. He has seen person after person come before the Commission and support this issue; he has not seen anyone come before you and discourage it. By micro-managing this, you are making it un-manageable.

Mr. Bonfield then stated to the Commission that in terms of the agreement, they will add the language that has the 30-day out provision and define the area as that in front of the business and we are *not* going to add anything about 6:00 pm.

A motion was made by Commissioner Halpern that the request be approved as described by Mr. Bonfield. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.

5. RESOLUTIONS

There were none placed on the Agenda.

6. ORDINANCES

a. Ordinance 2020-18, 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.

Mr. Bonfield called upon Senior Planner Catherine Hartley to give an overview and what is provided for with this Ordinance.

Ms. Hartley outlined the basics of the Ordinance and requested approval at First Reading.

After lengthy discussion, Mayor Finnerty opened the Meeting to audience comments.

From: [Mike Bonfield](#)
To: [Colette Graston](#)
Subject: FW: Discussion on special variance for consumption of alcohol on public right of way
Date: Wednesday, April 09, 2014 1:40:41 PM

For Swigwam backup.

From: Rebecca Haynes
Sent: Wednesday, April 09, 2014 1:14 PM
To: Mike Bonfield
Subject: FW: Discussion on special variance for consumption of alcohol on public right of way

FYI

From: jimpspb@gmail.com [<mailto:jimpspb@gmail.com>] **On Behalf Of** Jim Parent
Sent: Thursday, March 27, 2014 2:16 PM
To: Yvonne; Rebecca Haynes
Subject: Re: Discussion on special variance for consumption of alcohol on public right of way

Hi Yvonne,

Thank you for your thoughtful input (as always). I will make sure that the entire current commission receives this email, that a hardcopy is placed into each commissioner's mail slot near the City Clerk's office, and that the Commission's contact information (phone and email) is put on our website as soon as practical. I have also sent this reply back from my city email address so that you may capture it too. I don't care which one you use but I am very glad you reached out.

Rebecca, I am sure you are already working on the things I committed to above and I apologize for not checking with you first but I, as always, want to make sure people are heard and have access to the commission.

And Yvonne, I will, as I did before, come down and talk to as many people as I can.

Thanks again,

Jim

On Thu, Mar 27, 2014 at 1:54 PM, Yvonne <artexpogallery@tampabay.rr.com> wrote:
Greetings all, and welcome new Commission members and Mayor Lowe,

As a business and property owner on Corey Avenue, it is with concern for the realization of the improved downtown area we all envision that I write this.

As you all are aware, a special variance was granted in the past, allowing Swigwam patrons the right to drink on the sidewalk. That experiment failed and was rescinded for many reasons. One might argue that the owner of Swigwam runs a very clean and pleasant bar, which is **absolutely true**, and none of the business owners on Corey have any issue with the bar or with Rob (the owner). However, what makes his bar clean and pleasant is precisely the fact that he does NOT allow smoking – but would rather move the problems that arise with smoking and drinking **outside** – onto OUR public right of way. What occurred as a result was not just unpleasant, but a public safety issue as well. Couples with children, and elderly or wheelchair bound customers, hoping to visit a business further down the street, would cross the street twice to avoid the cloud of smoke and often large crowds of Swigwam clientele who at times exhibited those behaviors, or used language, normally associated with persons impaired by an overindulgence of alcohol. Surely this does not project the image we all hope to see for our improved downtown area – an area for the enjoyment of ALL.

Since that variance was rescinded, Swigwam's owner added a makeshift smoking area behind the bar – on his own property – and Corey Merchants have had a welcome reprieve from many of the unsavory issues we faced. Given the Baker Group recommends beautification of the alley behind the bar, many of us dare hope that such improvements will encourage Swigwam's owner to capitalize on the [future] new surroundings and further improve his property behind the bar, which accommodates far *more* than the six chairs in front of the establishment, rather than continue to ask for a variance that he understands affects his neighbors on the street adversely.

I would respectfully propose that since the contact information for the commission is not currently published on the city website, the vote on this subject be postponed to allow all those most concerned (especially those whose quality of life or livelihoods are affected – the nearby residents and business owners) to voice their opinions, and to allow the commission members their due diligence in researching this matter prior to a final vote.

I invite and encourage all members of the Commission to call or meet with me and ALL of the business owners here on Corey Avenue regarding this issue.

Commissioner Parent: If I have not 'guessed' correctly at the email addresses of the Commission – I would be very grateful if you would kindly forward.

Thank you all for your service to our fine city.

Respectfully submitted,

Yvonne Marcus
Art Expo Gallery
355 Corey Avenue
[\(727\) 360-2953](tel:(727)360-2953)

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: [Mike Bonfield](#)
To: [Colette Graston](#)
Subject: FW: Special variance for alcohol consumption on Corey Avenue public sidewalk
Date: Wednesday, April 09, 2014 1:40:54 PM

ditto

From: Rebecca Haynes
Sent: Wednesday, April 09, 2014 1:13 PM
To: Mike Bonfield
Subject: FW: Special variance for alcohol consumption on Corey Avenue public sidewalk

FYI

From: gonetothedogsboutique@verizon.net [<mailto:gonetothedogsboutique@verizon.net>]
Sent: Monday, March 31, 2014 3:30 PM
To: Maria Lowe; Terri Finnerty; Melinda Pletcher; Greg Premer; Jim Parent
Subject: Special variance for alcohol consumption on Corey Avenue public sidewalk

To: Mayor Lowe and St Pete Beach commissioners

I'm writing to you as a business owner on Corey Avenue. I was dismayed to hear that our new commissioner, Terri Finnerty, called for a vote during the March 25 commission meeting to allow drinking on the public sidewalk in front of the Swigwam. I'm concerned that with the many issues facing St Pete Beach and the promising outlook for the Corey area renovation she finds the most important thing to vote on is to allow drinking on the public sidewalk. It appears to me that her priorities are in the wrong place. I was at the Baker Group meeting the other night and one of the items that struck me as foundational for a retail environment is the call for a "walkable" district. Opening up the opportunity for a single business to block the "walkable" sidewalk goes against that philosophy. Retail 101 dictates that customers must be able to flow from one retail store to another without blockage. Why would a commissioner want to vote in favor of granting one business the right to block the public access to other businesses?

I can tell you that my business suffered losses during the time that the Swigwam was granted this right in the past. My business is located on the same side of the street as the Swigwam. What occurred as a result was not just unpleasant, but a public safety issue as well. What I witnessed were families with children, elderly or wheelchair bound customers crossing the street to avoid the drinking/smoking patrons outside the Swigwam. They did not want to walk through an extension of a bar in order to see what other businesses were open and ready to sell them products and services. My business saw double digit decreases in sales during the time the Swigwam was allowed to block the sidewalk. Also, you know as well as I that at times people that drink too much exhibit bad behaviors or use language you wouldn't want your parents, children or other loved ones to overhear. Surely this does not project the image we all hope to see for our improved downtown area – an area for the enjoyment of ALL.

For those of you that are new in your position you should be aware that a special variance was granted in the past, allowing Swigwam patrons the right to drink on the sidewalk. That experiment failed and was rescinded. After that variance was rescinded the owner of the Swigwam extended his business behind his bar adding more space for drinking and smoking. Why then give the owner the sidewalk too?

I encourage the mayor and commission group to find the time to solicit feedback from those of us that lived through the last Swigwam fiasco.

Respectfully submitted,
Greg Phillips
Gone to the Dogs Boutique
310 Corey Avenue
(727) 363-3200

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

Issue Considered: Final reading of Ordinance 2014-03, amending subsection (o) of Section 82-137 of Division 1 of Article III of Chapter 82, of the Code of Ordinances; as it relates to stopping, standing or parking of vehicles.

Date: April 22, 2014

Prepared By: Dan O'Connor, Administrative Services Supervisor

Through: Elaine Edmunds – Administrative Services Director

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

This amendment is in response to the requests of residents residing along 2nd. Street east between 60th. Avenue and Gulf Winds Drive and residents residing at the east end of 49th. Avenue seeking resolution of issues caused by vehicles parking upon each side of said streets that are presently unregulated.

Passage of Ordinance 2014-03 will provide for the following changes to the existing parking regulations.

Section 82-137:

Sub Section (o) Amendment – Will prohibit parking on each side of :

49th. Avenue;
2nd. St. East between 60th. Avenue and Gulf Winds Drive;

Parking Maps to be updated upon passage.

The City Attorney has reviewed Ordinance 2014-03 and has approved same to form.

Requested Motion: “I move for the adoption of Ordinance 2014-03. . . (read title).”

Attachments: Ordinance 2014-03

Reviewed By:
City Manager: MB

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF SUBSECTION (o) 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 (o) 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 to read as follows:

- (o) Parking on each side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

Pass-A-Grille Way between 13th Avenue and 32nd Avenue;
14th Avenue to 20th Avenue between Pass-A-Grille Way and the east end;
30th Avenue between Sunset Way and the beach;
31st Avenue between Sunset Way and Pass-A-Grille Way;
2nd Street West;
Cabrillo Avenue;
West Maritana Drive between Casablanca Avenue and Alahambra Street;
Belle Vista Drive between 44th Avenue and 41st Avenue;
44th Avenue between Gulf Boulevard and Moody Street;
45th Avenue between Gulf Boulevard and 2nd Street East;
49th. Avenue
Punta Vista Drive;
Boca Ciega Isle Drive between Plaza Way and 520 Boca Ciega Isle Drive;
52nd Avenue between Gulf Boulevard and the beach;
55th Avenue between Gulf Boulevard and Aloha Drive;
Aloha Drive;
59th Avenue between Gulf Boulevard and Bimini Way;
Gulf Winds Drive between 2nd St. East and Gulf Blvd.;
64th Avenue between 1st Palm Point Street and 425 64th Avenue;
64th Avenue between Gulf Blvd. and Gulf Winds Drive;
67th Avenue between Gulf Blvd. and Gulf Winds Drive;
Sunset Way between 70th Avenue and 71st Avenue;
1st Street East between Lido Drive and 45th Avenue;
2nd St. East between Lido Drive and 45th Avenue;
2nd. St. East between 60th. Avenue and Gulf Winds Drive;

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.

Maria Lowe, 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 _____, 2014.

Rebecca Haynes City Clerk

49th. Avenue East from Gulf Blvd.

Residents are requesting parking be prohibited on each side to resolve property access issues. Passage of Ordinance 2014-03 will prohibit parking on each side of 49th. Avenue.



Second Street East between 60th. Avenue and Gulf Winds Drive.

Residents are requesting parking on each side be prohibited to resolve issues caused when vehicles are parked at or near where the red X's indicate.

Passage of Ordinance 2014-03 will prohibit parking on each side of 2nd. Street East between 60th. Avenue and Gulf Winds Drive.



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

Issue Considered: Resolution 2014-04, adopting Rules and Procedure for City Commission meetings.

Date: April 22, 2014

Prepared By: Michael Bonfield, City Manager *MB*

Summary of Issue: This resolution has been drafted based on discussions from the April 8th City Commission meeting.

Requested Motion: “I move to approve Resolution 2014-04. . .read title.”

Attachment: Resolution 2014-04

RESOLUTION NO. 2014-04

A RESOLUTION OF THE CITY OF ST. PETE BEACH,
PINELLAS COUNTY, FLORIDA, PROVIDING FOR RULES
OF PROCEDURE FOR CITY COMMISSION MEETINGS

The Board of Commissioners of the City of St. Pete Beach, Pinellas County, Florida, in a regular meeting held on April 22, 2014, resolves as follows:

WHEREAS, The City Commission of the City of St. Pete Beach hereby adopts the Rules of Procedure for City Commission meetings as "Attachment A" provided herewith, and;

WHEREAS, this resolution supersedes all previously adopted resolutions of rules of procedure for City Commission meetings, including but not limited to resolutions 2002-32, 2009-12 and 2013-13, except for resolution 2010-11 governing quasi-judicial procedures, which is not superseded by this resolution.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA DOES RESOLVE to adopt the attachments labeled "Attachment A" as the Rules of Procedures for City Commission meetings.

INTRODUCED AND PASSED by the City Commission of the City of St. Pete Beach, Pinellas County, Florida on this 22nd day of April, 2014.

Maria Lowe, Mayor

ATTEST:

Rebecca Haynes, City Clerk

Attachment A
to Resolution No. 2014-04

SECTION ONE (1) REGULAR MEETINGS

TIME: The City Commission of the City of St. Pete Beach shall hold regular meetings on the second and fourth Tuesday of each month at the hour of 6:00 p.m., or other schedule consistent with the requirement of the Charter. When the day fixed for any regular meeting of the Commission falls on the date designated by law as a legal or national holiday or shall fall upon some commemorative day designed locally or upon a day of local emergency, such meetings shall be held at the same hour on the next succeeding business day.

PLACE: All meetings of the Commission shall be held in the City Hall located at 155 Corey Avenue, St. Pete Beach, Florida or in some other duly designated place.

SECTION TWO (2) SPECIAL MEETINGS.

Special meetings may be held upon the call of the Mayor-Commissioner upon no less than a twenty-four (24) hour notice to each member and by posting a notice of such meeting in the City Hall.

SECTION THREE (3) PRESIDING OFFICER-DUTIES.

The Presiding Officer of the Commission shall be the Mayor or in his/her absence the Vice Mayor. The Presiding Officer shall preserve strict order and decorum at all meetings of the Commission. He/she shall state every question coming before the Commission, announce the decision of the Commission on all subjects and decide all questions of order; subject, however, to an appeal to the Commission upon such questions in which a majority vote of the Commission shall conclusively govern and determine such question of order. He/she shall vote on all questions, his name being called last.

SECTION FOUR (4) QUORUM

A majority of the Commission shall constitute a quorum; but a small number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Commission. No action of the Commission shall be taken except as otherwise adopted by the affirmative vote of the majority of a quorum present.

SECTION FIVE (5) CALL TO ORDER- PRESIDING OFFICER

The Mayor or in his/her absence, the Vice Mayor, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Commission to order. In the absence of the Mayor and Vice Mayor, the City Clerk shall call the Commission to order, whereupon a Temporary Chairman shall be selected by the members of the Commission present. Upon arrival of the Mayor or Vice Mayor, the Temporary Chairman shall immediately relinquish the chair

upon the conclusion of the business immediately before the Commission.

SECTION SIX (6) ROLL CALL

Before proceeding with the business of the Commission, the City Clerk shall call the roll of the members and the names of those present shall be entered into the minutes.

SECTION SEVEN (7) ORDER OF BUSINESS

All meetings of the Commission shall be open to the public, except those that are exempt under Florida State Statute. Promptly at the hour set by law on the day of each meeting, the members of the Commission, the City Clerk, the City Attorney and the City Manager shall take their regular places and the business of the Commission shall be taken up for consideration and disposition in the following order.

1. Call to Order.
2. Pledge of Allegiance
3. Invocation
4. Presentations
5. Changes to the Agenda
6. Audience Comments
7. Regular Meeting
8. Audience Comments
9. Reports of Mayor and Commissioners, City Manager and City Attorney
10. Adjournment.

As an effective procedure to handle routine matters expeditiously, a consent agenda shall be used whenever possible. All items on the consent agenda will be enacted by one (1) motion at the regular meeting. Items may be removed from the consent agenda during "Changes to the Agenda" for further discussion, changes, and/or anticipation of a non-unanimous vote.

SECTION EIGHT (8) RULES OF DEBATE FOR CITY COMMISSION.

- a) DEBATE – Action on items before the Commission shall be commenced without necessity for an oral motion by any Commissioner. The item can be opened at any time by the Presiding Officer for discussion. At the conclusion of discussion, action shall be concluded by a roll call vote or voice vote. The Commissioner making or seconding the motion being voted on shall not be required to vote in favor of said motion.
- b) PRESIDING OFFICER – DEBATE AND MOTIONS - The Presiding Officer may vote, second and debate from the chair, subject only to any such limitation of debate as are imposed by these rules of all members and shall not be deprived of any of the rights and privileges on a Commissioner by reason of his acting as Presiding Officer.

- c) OBTAINING THE FLOOR – IMPROPER REFERENCE TO BE AVOIDED - Every member of the Commission desiring to speak shall address the Chair and upon recognition of the Presiding Officer shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.
- d) INTERRUPTIONS - A member of the Commission, once recognized, should not be interrupted when speaking unless it is to call him/her to order or as herein otherwise provided. If a member of the Commission, while speaking, is called to order he/she shall cease speaking until the question of order is determined; if in order, he/she shall be permitted to proceed.
- e) WITHDRAW OF MOTIONS - Any motion before the Commission may be withdrawn at any time prior to a vote being taken thereon by the Commissioner making the motion, upon agreement by the Commissioner seconding the motion to withdraw his/her second.
- f) AMENDING OF MOTIONS - At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Commission shall, at the conclusion of discussion, first vote on the amended motion and then upon the original motion as amended. An amending motion may be withdrawn in the same manner as set forth in sub-paragraph (e) above.
- g) MOTION TO RECONSIDER - A motion to reconsider any action taken by the Commission may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourning session thereof. Such motion must be made by one on the prevailing side, but may be made at any time and have precedence over all other motions or while a member of the Commission has the floor; it shall be debatable. Nothing herein contained shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.
- h) REMARKS OF COMMISSIONER, WHEN ENTERED IN MINUTES – A Commissioner may request through the presiding officer the privilege of having an abstract of his statement on any subject under consideration by the Commission entered into the minutes.
- i) VOTING CONFLICT - No member of the Commission who is present at any meeting of the Commission at which an official decision, ruling, or other official action is to be taken or adopted may abstain from voting in regard to such decision, ruling or act, and a vote shall be recorded or counted for each member present except when, with respect to such member, there is, or appears to be a possible conflict of interest under the provisions of Chapter 112, Florida Statutes. In such cases, such members shall comply with the disclosure requirement as governed by the Florida Statutes.

SECTION NINE (9) RULES FOR PUBLIC COMMENT AT COMMISSION MEETINGS.

These rules shall govern the conduct of persons attending all public meetings conducted by the City Commission. These rules shall not apply to employees or agents of the City who are present at the meeting for the purpose of reporting on an agenda item or other subject that the Presiding Officer or the Commission determines is appropriate.

- a) INTENT - These rules are intended in part to implement Section 218.0114, Florida Statutes, which requires that the parties be given a reasonable opportunity to be heard on a proposition before a board or commission.
- b) RECOGNITION - Only persons recognized by the Presiding Officer shall be permitted to address the Commission. No person shall be recognized to comment on an agenda item until the Presiding Officer opens the item to public comment.
- c) LOCATION - A person recognized by the Presiding Officer to address the Commission shall only do so from the lectern set up for that purpose. Comment from the public seating area shall be prohibited.
- d) INTRODUCTION - The person addressing the Commission shall first state his/her name and address.
- e) TIME LIMIT - A person is limited to three (3) minutes to address the Commission on any one agenda item. The Presiding Officer shall be responsible for tolling the time and advising the person when their time has run out. The Presiding Officer shall have the discretion to adjust the time limit as he/she deems appropriate. When the person's time is finished he/she shall leave the lectern. If requested by the presiding officer, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization and whether the person is being compensated by the organization.

No person other than the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No questions shall be asked except through the presiding officer.

- f) SIGNS, PLACARDS, BANNERS - For public safety purposes, no signs or placards mounted on sticks, posts or similar structures shall be allowed in the City Commission meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.
- g) CAMERAS - The City Commission reserves the right to designate the placement of video, still or phone cameras within the commission chamber to minimize disruptions at the public meeting. The use of cell phones in the Commission

Chamber is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings. Individuals, including those on the dais, must exit the Commission Chamber to answer incoming cell phone calls.

- h) MANNER OF ADDRESSING THE COMMISSION - All comments shall be directed to the entire Commission. Any questions to individual Commissioners, if appropriate, shall be directed to the Presiding Officer and he/she shall submit it to the Commissioner, City Manager or City Attorney for an answer. No person shall create a nuisance or engage in any act that disrupts the regular conduct of business.
- i) PENALTY - Any person determined by the Presiding Officer to be in violation of these rules, or engaging in acts that are deemed, by the Presiding Officer, to be a nuisance, statements or acts that constitute a personal attack on any member of the Commission, or to interfere with the orderly conduct of business at the meeting, then, in that event, the Presiding Officer may direct the person to leave the meeting or public building for the duration of the meeting. Any person who fails to obey an order of the Presiding Officer may be removed by a law enforcement officer appointed by the Presiding Officer.
- j) ENFORCEMENT - The Presiding Officer shall be responsible for the enforcement of these rules.

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

Issue Considered: Donations and Event Sponsorships Discussion

Date: April 22, 2014

Prepared By: Michael Bonfield, City Manager *MB*

Summary of Issue: At the April 8th City Commission meeting the Commission indicated their desire to discuss donations and event sponsorship by the City. The following is what we have budgeted for FY 2014.

Donations currently budgeted are: SPCA \$750, Gulf Beaches Historical Museum \$3,000, Neighborly Care Network \$8,000, Pinellas Safe Harbor \$5,000 and Tampa Bay Beaches Chamber of Commerce \$1,500. These are found in the City Commission budget – 001-5000-511-5349.

Events Sponsored by the City are: Beach Goes Pops - \$10,300 for stage, lights, sound and the band, plus the cost for City personnel both days and sheriff deputies on Saturday; St. Pete Beach Classic \$12,000; and approximately \$800 for deputies at Salute to Veterans event. This is the first year the city has paid the Salute to Veterans deputy cost.

Requested Motion: N/A